

## COUNCIL MEETING

JANUARY 10, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, January 10, 2018 at 8:47 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Mason K. Chock  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami (*present at 9:51 a.m.*)  
Honorable JoAnn A. Yukimura  
Honorable Mel Rapozo

### APPROVAL OF AGENDA.

Councilmember Kaneshiro moved for approval of the agenda as circulated, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

(*Councilmember Yukimura was noted as not present.*)

### MINUTES of the following meeting of the Council:

December 14, 2017 Special Council Meeting

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Chock.

Council Chair Rapozo:                    Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

INTERVIEW:

BOARD OF ETHICS:

- Dean A. Toyofuku – Term ending 12/31/2020

Council Chair Rapozo: Thank you. With that, Mr. Toyofuku. The rules will be suspended.

There being no objections, the rules were suspended.

Council Chair Rapozo: I believe this is your first time here...

DEAN A. TOYOFUKU: Yes.

Council Chair Rapozo: ...or have you served on a Commission before?  
Is this your first time?

Mr. Toyofuku: Yes.

Council Chair Rapozo: Okay. I will give you a couple of minutes to give us an overview of yourself, and every Member has your application. Go ahead and tell us a little bit about yourself and then we will open it up for questions.

Mr. Toyofuku: Okay. I was born and raised here on Kaua'i. I am too old to say how old I am. I have a family. I have two (2) boys, married, and have a wonderful wife. I have one (1) girl, my dog Maxine. She is the only one that listens to me. I own Mokihana Insurance Agency. I am one of the lucky few to be able to come back to Kaua'i, make a living, and raise a family.

Council Chair Rapozo: Thank you very much. Are there any questions for Mr. Toyofuku? If there are no questions, thank you very much. Oh, go ahead.

Councilmember Kagawa: I just wanted to thank Dean for stepping up. I think it is difficult a lot of times for Paula and the Mayor to find capable people out there in the public that want to serve because it takes time and unnecessary stress. I think people tend to not want to get into the political scene and whatnot, but I just want to thank you for stepping forward. I am glad that we found a really strong person out in the business community. I know we have several attorneys on the Board of Ethics, but I think a strong body like the Board of Ethics, needs to have balance and not only from the law sector, but also from the business sector. Thank you.

Mr. Toyofuku: Thank you.

Council Chair Rapozo: Anyone else? If not, thank you, Dean. Again, thank you for volunteering to serve. I know it is tough. I know you are a busy person and you are very active in the community. I appreciate your willingness to serve. We will vote on this next week.

Mr. Toyofuku: Okay.

Council Chair Rapozo: Two (2) weeks, I am sorry. The next Council Meeting.

Mr. Toyofuku: Okay.

Council Chair Rapozo: You will be notified at that time.

Mr. Toyofuku: Thank you.

Council Chair Rapozo: Thank you, Dean. I will call meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follow:

Council Chair Rapozo: With that, next item, please.

#### CONSENT CALENDAR:

C 2018-01 Communication (12/18/2017) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2017; pursuant to Kaua'i County Charter Section 19.14.

C 2018-02 Communication (12/19/2017) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 7, 2017.

C 2018-03 Communication (12/20/2017) from the Mayor, transmitting for Council consideration and confirmation, the reappointment of Marissa L. Sandblom to the Charter Review Commission – Term ending 12/31/2020.

Councilmember Kaneshiro moved to receive C 2018-01, C 2018-02 and C 2018-03 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-01, C 2018-02 and C 2018-03 for the record was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Kawakami was excused.*)

Council Chair Rapozo: Motion carried. Next item, please.

COMMUNICATIONS:

C 2018-04 Communication (12/01/2017) from the Fire Chief, requesting Council approval of the indemnification language contained in the Site Plan Approval (SPA) KA-18-25, to release and indemnify the State of Hawai'i, Department of Land and Natural Resources (DLNR) to install a new lifeguard tower at Po'ipū Beach Park within the Conservation District Protective Subzone in the Kōloa District, County of Kaua'i: Councilmember Chock moved to approve C 2018-04, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony? Go ahead.

Councilmember Kagawa: Just a quick question as to if they can give us a brief description of what is happening and how it is going to help the community.

Council Chair Rapozo: Thank you. With that, I will suspend the rules and if we could have someone from the Fire Department, Ocean Safety, or maybe...

There being no objections, the rules were suspended.

Councilmember Kagawa: Just a quick overview of where the new lifeguard tower will be and how it will help the beach park be safer or whatever the rationale is. Thank you.

ROBERT F. WESTERMAN, Fire Chief: Good morning, Council. Happy New Year.

Council Chair Rapozo: Happy New Year, Chief.

Mr. Westerman: Fire Chief, Robert Westerman. I think I will leave that to the real expert, Kalani here, and let him explain kind of what we have done and also, so you know, this is also made possible through the great support of Kaua'i Lifeguard Association (KLA) and Dr. Monty Downs. I want to thank them for that.

*(Councilmember Yukimura was noted as present.)*

D. KALANI VIERRA, Water Safety Officer V: Good morning, Kalani Vierra, Ocean Safety Bureau. Our plan is we already have an existing lifeguard tower

at Po'ipū Beach Park. As you know, I think Waiohai Beach is one of the most dangerous beaches on the island now because of the drownings we have had in the last ten (10) years. It is not a very high surf area, but we have been having a lot of incidents at that particular beach. Right now where the tower is located, you cannot really see around the point looking into the Waiohai Bay. So with the partnership with the Kaua'i Lifeguard Association, we wanted to put a temporary tower that is movable, depending on the high tide, storms, or the erosion of the beach, we can move the tower pretty quickly. We were planning on putting the tower on the west end of the Po'ipū Beach Park, and it is kind of more on the sand area so you can really see around the corner and see more down the coast. The response times will definitely be cut down a lot and the visual will be much greater than where the tower is right now. So I think it will really serve the community and the visitors much better with this relocation of the new tower.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: What are they going to do with existing tower?

Mr. Vierra: Well, we have a couple of little plans right now. I am not sure if you folks have been to Po'ipū Beach Park lately, but where the existing lifeguard tower is now, erosion is slowly coming close to the tower as it is now. We are having a meeting on Friday and we are kind of looking into moving that tower to where the "kiddie" pond is now. I do not know if you folks are familiar with Po'ipū, but with the "kiddie" pond, we were planning on moving the tower from the existing location and putting it close to the "kiddie" pond so now you can actually see Brennecke's Beach better and you can actually see more down the coastline towards the west end. Right now, if we leave the tower there, we are going to probably have some erosion issues. It is kind of getting close to our existing stairs as we speak right now. So, we are going to have a meeting on Friday and see what would be the possibilities of moving that tower and spreading the two (2) towers out a little bit away from each other so we can have better public safety service at Po'ipū Beach Park.

Councilmember Kaneshiro: Is that going to require us to have more bodies at Po'ipū Beach or is the one (1) lifeguard stand that had two (2) people going to split and have one (1) and one (1)?

Mr. Vierra: That will need more bodies. We are working it in our next fiscal budget to see if we can get a couple of bodies in there to help staff both towers.

Councilmember Kaneshiro: Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I recall several years ago talking about Brennecke's Beach and the problem of covering Brennecke's Beach with your present

situation. It sounds good to me, that you are thinking of moving the existing tower in a way that you can have more coverage of that end.

Mr. Vierra: Yes.

Councilmember Yukimura: With respect to this new proposal, I think it is incumbent on us to know what the budget would be for it, so I would like to ask for that because this sets up the commitment to that. Then, when you say that it is actually the most critical site right now, are you judging by the number of incidents?

Mr. Vierra: The number of drownings at that particular beach.

Councilmember Yukimura: And of those drownings, how many were due to lack of coverage versus tourists getting heart attacks and that sort of thing in the water? I mean, because the problem...

Council Chair Rapozo: I saw the attorney jump up, so I think it might be a—Mauna Kea, why do you not just go on the microphone, yes.

Councilmember Yukimura: Well, I mean, I think we need to know statistics. That is all I am asking for.

Council Chair Rapozo: Yes, but I think when you use the term “lack of coverage,” that kind of puts some exposure on the County.

Councilmember Yukimura: That is true.

Council Chair Rapozo: I think that is why Mauna Kea jumped out of his pants.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask County Attorney. We have the best lifeguards in the world and they go above and beyond any kind of legal obligations they would have in order to protect life and safety down there. I have worked some cases involving drownings at Waiohai and it seems that the majority of the drownings are, and Kalani can correct me if I am wrong, your average drowning is a male between his mid to late fifties to mid to late sixties, exercises about three (3) times a day, swims at the Young Men’s Christian Association (YMCA), and comes over here. Snorkeling is one of the most dangerous activities right now. If you suck in water and you do not know how to breathe it out, you panic, and you can drown. You can have cardiac arrest and all of those related things. The issue here is really, our beach park is Po’ipū Beach Park proper. We do not own Waiohai. That is a private property behind it, but nonetheless, our lifeguards patrol that side of the beach. They want to be present in order to do their job, which is not looking at what your Office of the County Attorney would look at, but it is really saving lives. So for the record, none of these drownings are caused by negligence, but it is really just...

Councilmember Yukimura: I am not asking that question.

Mr. Trask: Well, I just want to make that clear then.

Councilmember Yukimura: My question is more how you determine need for a lifeguard stand and who is responsible for it. So if the criticalness of the location is due to numbers, just plain numbers, the more people that are using the ocean there, the more likely they will be—across any percentage of population, there is a certain percentage that will get into trouble or whatever. Then I know, for example, Dr. Downs is so committed to preventing drownings and some seem not caused by lack of prevention efforts, but because people are of a certain demographic and they get heart attacks, or strokes, or whatever. My question is about how we statistically analyze what our obligation or need for more coverage is.

Mr. Trask: It seems to be the latter. Waiohai Bay is not a high-surf zone if you stay on the inside, right? There is just a lot of drownings at Waiohai and there are a lot of people down at Po'ipū Beach Park. The interesting thing is if you look at the tower logs, our lifeguards do not just respond to the water, they respond to the parking lot. People will drink all day, get dehydrated, and start cramping. They respond to that. Kids skateboarding the parking lot, you slip and hit a car, they respond to that. One of the main things is the "kiddie" pond. Lifeguards will often see a child floating at his mother's ankles before the mother even sees it. So that is what we are...

Councilmember Yukimura: I would appreciate it if maybe I can ask the Ocean Safety people for the questions and you can answer the legal questions.

Mr. Trask: Sure.

Councilmember Yukimura: Do we do something like number of drownings per population in the water? I am just curious about that, because the more people you have in the water, the more likely that you will have more drownings.

Mr. Vierra: And that is kind of the big reason why we want to get a better coverage at Waiohai because if you look at Po'ipū Beach Park, the location right in front of the tower is fairly shallow. So a lot of the snorkelers are going to the Waiohai Bay area because it is much deeper and easier to get in and out. The majority of peopling coming for our beaches are usually going into the Waiohai Bay whether they are surfing, snorkeling, or swimming laps because it is easier to swim. It is kind of hard to swim laps right in front of the tower because it is probably two (2) feet deep and would be getting scraped up. It is more for the kiddies mostly. By putting the tower in this location, a lot of the parking lot on the Waiohai side, people are coming into the beach park and going through our beach park away from our lifeguard tower that goes into the Waiohai Bay. By us putting our tower there, we can be doing a lot of prevention and education when people are coming into the beach park and going into Waiohai Bay. The numbers are growing. Our statistics show that Po'ipū has only a few sand beaches. You have Shipwrecks, you have Po'ipū Beach Park, and you have some at Lāwa'i Beach Resort. The majority of people are coming to Po'ipū Beach Park. So, the high volume of people that are coming to our beaches are all migrating to the Waiohai side. That is why we kind of want to beef up our service a little better than what we have now, because it will to give you a

better reason to educate people by going into the Waiohai Bay, it will be a quicker response, and you have better visual so you can be on the public address (PA) system and you can be warning people before things even happen. Those are the big reasons why.

Councilmember Yukimura: So that is the whole issue we are dealing with in the General Plan in terms of amount of growth and who pays the costs for the growth. I mean, I remember when Kukui'ula came in for approval, one thousand five hundred (1,500) units was the approval. Then, the question was where would they go for beach parks? So there was that issue around Kukui'ula, right? They did give us some parkland over there, but most people, whether it is the Grand Hyatt Kaua'i Resort & Spa or Kukui'ula, all of that kind of funnels into Po'ipū Beach Park. So, that seems like a perfect cost to pay with tourist tax money to offset the impacts of visitor use and growth.

Council Chair Rapozo: I am going to stop it there because this agenda item is indemnification of the State and not about funding.

*(Councilmember Kagawa was noted as not present.)*

Council Chair Rapozo: We have questions, and I will tell you that I do have questions about the funding, who is going to pay for the tower and who is going to pay. I think the fact that we approved the indemnification does not automatically approve a new tower and staffing. That needs to be made clear because I do think we need to get that clarified as well. How much is this going to cost, what is this package going cost, or do we just decommission the old tower and put the new one on the Department of Land and Natural Resources' (DLNR) property? I want to make it clear that the fact that we approve an indemnification agreement does not automatically approve the purchase and staffing of a second tower in Po'ipū.

*(Councilmember Kagawa was noted as present.)*

Councilmember Yukimura: Well, Council Chair Rapozo, so we do have a choice to not approve the indemnification until there is a completely thought-out package and we know how the costs are going to be paid for, because why approve an indemnification if you have not figured out that part?

Council Chair Rapozo: Because the whole tower has to be relocated.

Mr. Westerman: If I may?

Council Chair Rapozo: The old tower has to be relocated because of erosion. That is what I heard today, right?

Mr. Westerman: No. If I may? Councilmember Yukimura, you kind of answered your own question when you talked about Brennecke's Beach. The problem is we do not just say, "There are ten thousand (10,000) more tourists, so we need one (1) more lifeguard." We do not work that way. It is more holistic. I would love to work that way because if you set a number the way the tourism is growing, I

could double, triple, or quadruple my staffing simply based on the amount of people that show up. But that is not the right way to do it. That is not what the most efficient, effective, and what is best for the island and our tourists. But in this particular location, we know we have this issue of the location of our tower, so we were able to get funding and the tower is bought by the way, not by County funds. It is on wheels so it can sit right there at the Kōloa station until we get permission to put the tower in place, and the intent is to staff it with the current staffing. Eventually, it might require more, but the intent is to staff it with the current staffing where one (1) person from the big tower goes over and staffs that and they rotate through the day. The other issue is, as we said, putting this tower here, we can see the bay. If you can picture Hanalei Bay, we have two (2) towers there, but we have one (1) big open bay for the two (2) towers. In here, we actually have three (3) separate bays that are all part of the County beach park. Well, two (2) of them are part of the County beach park and it is difficult to see. It is kind of like looking backwards. The first tower, the small tower, is the intent to better visualize where our heavy drowning is right now. Relocating the second tower, actually, we have no intention of relocating the big tower until now. We have such drastic erosion going on in front of the tower that we are going to be forced to move it anyway. If you want to call it fate, kismet, or whatever, it just so happens, we are going to have to move the big tower anyway. So, let us look at Brenneke's if we can by moving the tower. Let us more directly look at the "kiddie" pond, and then have someone over here that can look at Waiohai. So that is really why we have decided that this might be the best place to go because you are right, people come to us all the time. 'Anini Beach. Why do we not have lifeguards at 'Anini Beach? Why do we not have lifeguards down at Hanakāpī'ai or down at Queen's Bath? We could put lifeguards everywhere if we had the funding for it, but it is not realistic. That is what the Roving Patrol program is all about, to be able to get those more secluded beaches with the Roving Patrol. In this particular beach, we are trying to solve this South Shore issue with the increase in population that we have seen attending the beach and our increase in drownings. You are right, no matter how much education we can do, we are not going to completely get to zero (0) in our drowning rate. But hopefully, we can slow the growth in the south.

Councilmember Yukimura: If I can continue my questions?

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: This is an application from us to DLNR, it is not DLNR asking? They are asking for indemnification in order to approve our plan to move the existing tower?

Mr. Westerman: No, to put in the new tower.

Councilmember Yukimura: Okay, but the new tower is necessitated by moving the old tower?

Mr. Westerman: No.

Councilmember Yukimura: Okay. So you can move the old tower and you have to move the old tower because of erosion?

Mr. Westerman: Yes.

Councilmember Yukimura: Does that need DLNR's approval?

Mr. Westerman: No.

Councilmember Yukimura: Okay.

Mr. Westerman: But the meeting on Friday is working with Parks and they have a master plan that they are working for Po'ipū Beach Park. But we might move faster than what the plan is simply because we have to move it. It is like Kekaha. We had to move the tower. There was no choice because of the erosion on the beach.

Councilmember Yukimura: Right, but the new tower is not dependent on moving the old tower.

Mr. Westerman: Yes.

Councilmember Yukimura: You can move that anyway.

Mr. Westerman: Yes.

Councilmember Yukimura: The question is, the advisability of a new tower, which I think everybody agrees is a good idea, the question is who pays for it. The tower itself, you said, is not being paid with County money, but the staffing is something that is going to come in the next budget?

Mr. Westerman: It may come in the next budget.

Councilmember Yukimura: It may?

Mr. Westerman: We have staffing requests in the next budget, but it is all not necessarily just because of Po'ipū Beach Park.

Councilmember Yukimura: Okay. I guess my question as related to this issue on the agenda, is what will be the cost that we are going to incur by putting a new tower?

Council Chair Rapozo: He already answered that. He said, "Without no additional expense." That is what he said.

Mr. Westerman: Our intent is to do this with the existing staffing.

Council Chair Rapozo: They are going to use existing staffing to do this. I heard him say that.

Councilmember Yukimura: I also heard that there is something forthcoming in the related to the new budget related to this.

Mr. Vierra: My comment was that we are going to look at conversion of part-time positions to full-time to possible help assist with the coverage.

Councilmember Yukimura: So there might be some costs related to this?

Mr. Westerman: Yes.

Councilmember Yukimura: County costs.

Mr. Vierra: If approved, but...

Councilmember Yukimura: So what are those,...

Mr. Vierra: Again, it was just a proposal to help with the coverage. We are thinking of keeping the costs minimal by converting part-time to full-time.

Councilmember Yukimura: Okay. To me, it is just good budgetary practice to have what the full costs could be before we approve anything.

Council Chair Rapozo: That is your opinion. I heard him say we can...

Councilmember Yukimura: It is only my opinion. That is what I said.

Council Chair Rapozo: Yes, and we can man this with existing staff. Like I said earlier, the fact we are approving this today does not mean that we are going to approve the additional staffing when we get to the budget. At that point, we will see our financial situation, we will see our budget, our available funds, and then we will weigh it at that point. But today, we want to approve this agreement so we can get that tower up so we can save some lives. At the end of the day, when budget time comes, we make that decision. Councilmember Chock.

Councilmember Chock: Chief Westerman, when do you expect this new lifeguard station up if this moves forward today?

Mr. Vierra: Well, the tower is being purchased as we speak, and I believe the delivery date is in February this year.

Councilmember Chock: As early as March, you will have that up, is that the plan?

Mr. Vierra: As soon as we can.

- Councilmember Chock: Okay.
- Council Chair Rapozo: I am sorry.
- Councilmember Chock: No, no. This is really related to the question, I think Councilmember Yukimura has, which I do not need an answer now, but I do have interest in sort of that holistic viewpoint of how it is we make decisions for those sites that we are talking about. It is just more informational for me. Thank you.
- Council Chair Rapozo: Has the tower been donated already?
- Mr. Westerman: Yes.
- Mr. Vierra: Yes.
- Council Chair Rapozo: And I do not remember, but did it come here?
- Mr. Westerman: No, the tower is not here yet.
- Council Chair Rapozo: No, no.
- Mr. Vierra: Yes, it has been approved.
- Council Chair Rapozo: Did it come to the Council?
- Mr. Vierra: Yes, as a donation.
- Council Chair Rapozo: Okay. I kind of vaguely remember.  
Councilmember Yukimura.
- Councilmember Yukimura: If you start in March, you are planning to use existing staff until a new program is proposed and approved?
- Mr. Vierra: Yes.
- Councilmember Yukimura: I see some maps here, unless I missed it. Can you show where the tower will be?
- Mr. Vierra: With the map that you have?
- Councilmember Yukimura: Yes. Is it possible to put it on the overhead?
- Mr. Westerman: How about I give you a different map?
- Councilmember Yukimura: Yes, if you have a better map.
- Mr. Westerman: How many do you need?

Councilmember Yukimura: If we just is have...maybe you can show that one?

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: He explained it is the west end of Po'ipū Beach Park encroaching onto the State property.

Mr. Vierra: Yes, on the sand.

Councilmember Kagawa: On the State side. On the sand of State property on the west end of Po'ipū Beach Park.

Mr. Vierra: Yes.

Councilmember Yukimura: So it is on DLNR property. It is not on...

Councilmember Kagawa: I do not think a map is going to tell us or the public exactly when they walk to the beach, where exactly to pinpoint that spot. But generally, I think that description tells us where it is going to be.

Mr. Vierra: I have a different map here and it kind of has a red dot of the location on the map.

Councilmember Yukimura: Okay.

Council Chair Rapozo: That one would work up on the screen.

Councilmember Yukimura: Is that going to be on the sand and not on private property?

Mr. Vierra: On the sand.

Mr. Westerman: On the sand.

Councilmember Yukimura: Is there a problem with erosion there?

Mr. Vierra: Well, that is why the tower is going to be mobile.

Mr. Westerman: It is on wheels.

Mr. Vierra: So if there is erosion, we can move the tower back, no problem.

Councilmember Yukimura: Is that what you are doing with the existing tower, too?

Mr. Vierra: No. Right now, the existing tower is pretty much bolted down to a big cement slab. It is not much of a mobile tower. The tower that we are getting for the Waiohai side is half the size. It is a much smaller tower. It is easy to move and slide on the shore. It is easy to crank to make it level. It is much smaller. It is like a one-man tower, considering the big tower we have now, which four (4) people can fit inside.

Mr. Westerman: On your map, you will see where the current tower is, that is the big arrow. I know it is hard to see. There is a little *x* right there.

Mr. Vierra: This is the new tower we are talking about and this is our existing tower here. So you can catch all of the people coming into the beach park and as you can see the red dots here, this is where people have drowned. You can see the quicker response. Now you can see everything. You can be preventing these accidents from happening. As to the view from this existing tower, you cannot see around this corner here.

Councilmember Yukimura: Yes, this diagram really makes it clear how the new tower could help.

Mr. Westerman: Yes.

Councilmember Yukimura: I am aware that we are covering basically, property that is visitor property.

Mr. Vierra: Yes. Then, there is also a beach access trail here that comes through the parking lot and you can walk. There is a beach access trail that a lot of local surfers use right here. So there are a lot of locals that come and use this beach area because when it is windy, it is kind of protected on this side. A lot of people use this area here.

Councilmember Yukimura: Thankfully, the beach is public.

Mr. Vierra: Yes.

Councilmember Yukimura: So that is a public responsibility. Can I ask of those drownings, how many were visitors and how many were residents?

Mr. Westerman: We do not have that data with us today.

Councilmember Yukimura: Could you send that information?

Mr. Westerman: Yes.

Mr. Vierra: I am guessing eighty percent (80%) visitors, twenty percent (20%) local residents.

Councilmember Yukimura: Okay.

Mr. Vierra: Surfing is usually the activity that local residents are doing.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? Thank you. Is there any public testimony? Dr. Downs.

MONTY DOWNS, President, Kaua'i Lifeguard Association: Good morning. My name is Monty Downs, President of the Kaua'i Lifeguard Association. A couple of quick points, all five (5) drownings in the last five (5) years were visitors. The map shows very well how the current tower cannot see them. The lifeguards are very aware of this, that is a blind spot for them. They already spend a lot of time on that point in the sun getting sun exposure. So to me, a lot of the value of this proposed new tower is actually for the benefit of the lifeguards themselves. They will have a protected area where they can see the people. One other quick point is the tower is in front of the County beach park, but because it is on the sand, that is State property and that is where this whole State issue came up and indemnification. I testified at the DLNR land meeting on O'ahu a couple of months ago where they approved it to be on their land, but it came back with the stipulation of indemnification to them. They agree to have it on the beach, on their land, so long as the County indemnifies them for any adverse events that happen on the tower. Just one (1) other point, there are actually two (2) divisions of DLNR that are involved; one is the land management, and that is the proposal you are looking at today with the language for indemnification. There is a second division, the OCCL, Office of Coastal and Conservation Lands, which we also have to get approval from. It has almost identical language, in fact, I think it is word-for-word, just the signature pages are different. The Land Commission document requires Kalani Vierra to sign agreement to it, and Kalani, obviously, will not sign it until you all give him the go-ahead to. The OCCL document requires the Mayor to sign it and he obviously, will not sign it until you all give your permission. That second OCCL one is not before us today. We could not get it on the meeting at the same time, so actually, this may come up again at another meeting in a couple of weeks to have you look at the identical paperwork just with the different signature page. Thank you for considering it. I think it will be a huge improvement. You would not think it is a dangerous area compared to Hanakāpī'ai or Lumaha'i River Mouth, but we have actually had more drownings in that one (1) spot in the last five (5) years than we have had at any other single spot.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I think I agree with the County Attorney that evaluation of need does just turn on numbers, but also dangerous of the spot, right?

Mr. Downs: Right.

Councilmember Yukimura: So they sort of interacting factors.

Mr. Downs: Yes.

Councilmember Yukimura: The more people you have, the more need there will be; the more dangerous the site, the more need.

Mr. Downs: And the rougher it is, the more dangerous. The roughest beach in the world is somewhere in Antarctica, but there is zero (0) people there, so the danger is zero (0).

Councilmember Yukimura: Yes.

Mr. Downs: There are beaches that are flat and calm that have ten thousand (10,000) people. So, those are the two (2). If you have a lot of people and a little danger, then you have a pretty dangerous place.

Councilmember Yukimura: Yes.

Mr. Downs: If you have a lot of danger and no people, it is zero (0). It is kind of an equation.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you very much, Dr. Downs.

Mr. Downs: Thank you.

Councilmember Yukimura: Yes, thank you.

Council Chair Rapozo: Thank you to KLA for always supporting the lifeguards. Is there any other public testimony? Seeing none, call meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion?  
Councilmember Kaneshiro.

Councilmember Kaneshiro: I think it is a pretty simple vote on this one. There is no arguing that the new location is going to provide better service. It provides a better view plane for the lifeguards. They said it will make prevention easier because that is where a lot of people walk past and overall, it makes the beach safer. Again, I do not see any reason for us not to vote for this. As far as the cost goes, I think they made it very clear, and when the budget comes up, that is the time we decide whether we are going to allow them to add more employees to man both of those towers or just use this tower and maybe the other tower and keep the same staffing. But I think there is no arguing that having the tower there is much safer for that whole entire area than where it is now. I think it is a pretty easy vote as far as this indemnification.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Yes. I think it is very clear that the proposed new tower is a good site and I support that. I feel, however, that we need to know what the full budget is for optimum operations. I would prefer that when projects come before us, that they actually have the funding articulated so we know what we are buying into in it is totality. It is clear, to me, that this move is in support of the visitor industry in that particular location given the probable statistics on the drownings there. We are looking at a cost of supporting the visitor industry. The visitor industry is very important to us, but to me, the most important purpose of the Transient Accommodations Tax (TAT) is to offset visitor impacts. It is the most logical source of funding for things like this and the reason why it is so important that the County get a fair share of it. If we had that fair share and this was the cost, there would be no question at all. But when it is competing for other costs whether it is supporting our Police Department, or our Fire Department, or our Transportation Agency, or the affordable housing issue, that should be paid for County property taxes. We do not want to take from our revenue source from local residents to pay for costs of supporting the visitor industry. So to me, this just highlights the importance of the TAT. Given all of that, I am going to be a vote or a silent vote for this project because I think it is a good project and it is a worthy project, but I want to signal that as a decision-maker, I would like to have the full cost brought before us whenever a project is proposed and the source to fund that project.

Council Chair Rapozo: Are there any other comments?  
Councilmember Kagawa.

Councilmember Kagawa: I am going to support it. I think this move helps two (2) dangerous popular surf spots, Brennecke's and Waiohai. I have been surfing there since the 1970s and it is all locals that surf at the Waiohai spot. We are helping the residents, not just tourists. I agree with Councilmember Yukimura, we would like to get more help, but I think we have been barking up that tree for a while. Anyway, I just want to make sure that going forward, that when we do the move of the actual slab, make sure that we work with Parks and make sure we put it in a proper location. I know there is no perfect location. Sometimes they go out and it is too close to the beach area or it is a threat from erosion; however, the number one always has to be safety. That has to be the prime spot to save as much lives as possible. I know it is always a tricky spot, but I just want to encourage you folks to work with Parks on the Master Plan. I think Po'ipū Beach Park needs to be planned out properly because it is so heavily used. Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Are there any other comments?  
Councilmember Chock.

Councilmember Chock: I, too, am very supportive of this move and request. I really like the idea of it being movable as long as it is there in the morning and we can keep track of it. I think the ability to find the right spot because vantage point for your job is so important. I truly support it. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I just want to clarify that my decision to vote for this is based on knowing that it is not going to cost us any more at this moment to relocate the tower. The tower was paid for by a grant. They are not adding any staffing. If they do add staffing, then it is going to become our responsibility during the budget to decide whether we want it for not. So I have more than enough information to make the decision now, knowing that it is not going to cost us any more and we are going to get a tower in a much better place, much safer area, much safer place for the whole entire beach.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to say that I have long been concerned about coverage at Brennecke's and so I am glad that the existing tower will be moved for a better vantage point for that, and I heard that that move is happening independent of this other tower. So I do not think my concerns about the other tower are affecting my concerns about Brennecke's. Thank you.

Council Chair Rapozo: Dr. Downs.

There being no objections, the rules were suspended to take public testimony.

Mr. Downs: One (1) last quick comment. This tower was actually paid for by the visitor industry. We got donations from the hotels and charity walks, and that is the way that KLA was able to buy that tower. So the visitor industry does step up and take responsibility. Thank you.

Council Chair Rapozo: Thank you for that clarification. I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Okay. Anyone else? I just want so say thank you to the Fire Department and Ocean Safety for pursuing this, and of course, to KLA, for their generous ongoing support of our ocean safety program, and of course to DLNR. This is a Conservation district. It is a protected zone that unfortunately, we have to go through all of these hassles just to put a lifeguard tower that is going to save/protect their beach. Even though we have to indemnify them because they do not want to get sued, even though they have removed every single protection from our lifeguards, that is our State, we still have to go through this nonsense, but that is fine. We will go through the nonsense because I think it is definitely needed. This chart shows thirteen (13) drownings, but do you know what this does not show and I keep saying this because I think we overlook the most important thing our lifeguards do is, how many people have you saved that never made it into the water? How many people have you told, "Hey, it is not a good idea to go into water today," and they did not go in? Had they gone in, they could have drowned. We do not know. Thirteen

(13) drownings seems like, "Wow," since 1970. How many people have we saved by not allowing them to go into the water? I think that is critical. We focus on the drownings and how did this person drown, but the reality is you folks have saved more people that we never hear about and not just that, the jellyfish stings and all of these things that you all do on the beaches, to me, I think have to play a role as far as where we are going to staff these guard towers. I think when we get to the budget, it is vital that you provide us with the statistics to let this body know, "Hey, it is definitely justified to have two (2) towers there." That is the time we do that. We supported the donation from KLA months ago. We said, "Yes, we want to take the tower." Did we think that we were just going to put it up in the locker room? We knew. We are taking the tower because at some point, we are going to use that tower, and now you folks have determined where the best use of that tower is. I have to trust your judgment that that is the place. So I just wanted to make that point, really, that the work you folks do out there is not just picking up the people that drown. It is preventing the people from drowning and we will never know that number, but I have to believe it is a lot more than thirteen (13) since 1970. Of course, to Dr. Downs and KLA, thank you very much for your ongoing support like I said earlier. With that, the motion is to approve.

The motion to approve C 2018-04 was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent, but shall be recorded as an affirmative for the motion; Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. If there are no objections, I would like to take C 2018-09, which is another Fire Department matter so we can get them out of here.

There being no objections, C 2018-09 was taken out of order.

C 2018-09 Communication (12/20/2017) from the Fire Chief, requesting Council approval, to apply for, receive, and expend Federal funds, in the amount of \$21,800.00, from the Federal Emergency Management Agency, Assistance to Firefighters Grants (AFG), to be used by the Kaua'i Fire Department (KFD) for Fire Prevention and Safety to purchase 800 Smoke Detectors and 200 Educational Brochures: Councilmember Chock moved to approve C 2018-09, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-09 was then put, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Thank you. With that, we can resume to the agenda.

C 2018-05 Communication (12/08/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$40,670.00, and indemnify the Hawai'i Tourism Authority, to provide greetings for most ships docking at Nāwiliwili Harbor Pier II during February through December 2018.

*(Councilmember Brun was noted as not present.)*

Councilmember Chock moved to approve C 2018-05, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Yukimura has a question. I will suspend the rules with no objection.

There being no objections, the rules were suspended.

NALANI BRUN, Specialist IV – Tourism: Good morning.

Council Chair Rapozo: Good morning.

Ms. Brun: Nalani Brun, Office of Economic Development.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Good morning, Nalani.

Ms. Brun: Good morning.

Councilmember Yukimura: Is this program the one that has the seniors...

Ms. Brun: Yes.

Councilmember Yukimura: ...singing and doing the greetings?

Ms. Brun: Yes. Just quickly, they had been doing harbor greetings kind of a long time ago. We used to bring in about fifty thousand dollars (\$50,000) a year and then that stopped over time. When it re-picked up again, it was for a lot less, so we had to kind of be really creative with how we do it. The

same time we did it, we also knew that the *kūpuna* had lost their location when they get together on Thursdays, which at that time, had been at Waimea Plantation Cottages. We just happened to hit it at the same time, where we both had the need, and they agreed to go down to the harbor. They love it. Honestly, this year I said I did not want it. I do not want to do it anymore. I am struggling to make it with twenty thousand dollars (\$20,000), which is what they were giving us. It was just kind of a hassle, but the *kūpuna* really love it and Hawai'i Tourism Authority (HTA) was willing to double the money so that we could get them off of our transportation system and go out and use a regular private entity to get them down there.

Councilmember Yukimura: So included in this grant is moneys to bring the *kūpuna* to...

Ms. Brun: Yes, down to the pier.

Councilmember Yukimura: To the site.

Ms. Brun: Yes.

Councilmember Yukimura: From all indications, the visitors love it too.

Ms. Brun: Oh, yes.

Councilmember Yukimura: To see the local *kūpuna* singing and playing *ukulele*.

Ms. Brun: A lot of the *kūpuna* are former entertainers, so they are down there and they kind of forgot for a while what it was like, and now they love it. It is their one (1) day when they go back down and do what they used to do in a fantastic way. The visitors really love it.

Councilmember Yukimura: Yes. It is a real win-win.

Ms. Brun: Oh, yes. Definitely.

Councilmember Yukimura: So we will not be using The Kaua'i Bus, but will be using private transportation?

Ms. Brun: Private transportation using HTA funds.

Councilmember Yukimura: Okay.

Ms. Brun: The only funds the County is putting in is, which we normally do anyway, is three thousand dollars (\$3,000) out of our promotional materials budget. We get those little "Kaua'i Loves You" stickers and that gives them things to pass out. They also go and get their own flowers and make *lei* down there and give them out. They do not sell them, but give them away. It is pretty much a fantastic program.

Councilmember Yukimura: Yes. Do the ships themselves put any money into this?

Ms. Brun: They do not, but they are very supportive of the *kūpuna*, especially. Each year, they try to sponsor an event to thank the *kūpuna*, which they love because they get to go on the ship.

Councilmember Yukimura: Alright. Thank you very much.

Ms. Brun: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you. Thank you, Nalani. It is a great program. Thank you for all you do for the *kūpuna*. Roughly how many visitors come in per year through the ship?

Ms. Brun: I do not have that. I can bring that. The ships are getting bigger. There is probably about one thousand three hundred (1,300) that come off, one thousand three hundred (1,300) to one thousand eight hundred (1,800) depending on how large that ship is. Some of them are as big as two thousand (2,000). The newer ships that they are making now are so big, they will not be able to come to Nāwiliwili. The scheduling is now all being done by HTA in a new application that they have. So they are using it statewide so that we can see what is happening and the timing of the ships, which is really helpful because before, sometimes we used miss the ships. They come in too early or come in too late, and we completely miss it.

Councilmember Kagawa: Okay. Maybe in a follow-up later.

Ms. Brun: I will. I would be happy to provide that.

Councilmember Kagawa: I will have staff send over the questions and you can provide a rough number of how many visitors are coming off of the ships.

Ms. Brun: It is quite a few.

Councilmember Kagawa: Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Brun.

Councilmember Brun: Hi, Nalani. Happy New Year. Do we have to contract private buses to bring them down?

Ms. Brun: Yes. So we have gone out and gotten some bids on who could actually afford and have the timing right. So far, Yamaguchi Bus Service Inc was the one that came up. They are going to kind of do it in between their schooling schedules.

Councilmember Brun: Are we talking about a big bus?

Ms. Brun: Yes, one (1) big orange bus. It is just easier because there is so much security down at the harbor. We try to big everybody in together because we have specialized badges and only so many of them it. The other ones have training, but not badges. So, we need to keep everybody in a unit as we bring them in.

Councilmember Brun: I mean, being that this is HTA funds, can we not bid for it as a County bus?

Ms. Brun: Oh, the County bus could, but I think they are overwhelmed. That is why we took them off of service.

Councilmember Brun: Okay.

Ms. Brun: They kind of asked us to look for other options, and we are happy to and we found one. So we are pretty grateful.

Councilmember Brun: This would help subsidize some of our things, do you know what I mean?

Ms. Brun: Oh, yes.

Councilmember Brun: Alright. Thank you.

Council Chair Rapozo: I just have a question on the application. If you look at the itemized budget, where you show—no. Okay, I got it.

Ms. Brun: Okay.

Council Chair Rapozo: Thank you. Are there any other questions for Nalani? If not, thank you very much.

Ms. Brun: Thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Is there anybody in the audience wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2018-05 was then put, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-06 Communication (12/14/2017) from the Chief of Police, requesting Council approval to receive and expend Federal funds for the Statewide Multi-Jurisdictional Drug Task Force (SMDTF), in the amount of \$46,375.00, which will be used to continue law enforcement efforts to reduce drug threats and drug related crimes through agency collaboration, and approval to indemnify the State of Hawai'i Department of Attorney General for the term commencing January 1, 2018 to December 31, 2018: Councilmember Chock moved to approve C 2018-06, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-06 was then put, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-07 Communication (12/19/2017) from the Emergency Management Administrator, requesting Council approval, to apply for, receive, and expend State funds, in the amount of \$75,000.00, from the Pre-Disaster Mitigation Grant funds from the United States Department of Homeland Security, via State of Hawai'i Emergency Management Agency, to be used for updating the Multi-Hazard Mitigation and Resilience Plan: Councilmember Chock moved to approve C 2018-07, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-07 was then put, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-08 Communication (12/19/2017) from the Emergency Management Administrator, requesting Council approval, to receive, and expend State funds, in the amount of \$745,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of State and local units of government to prevent, deter, respond to, and

recover from threats and incidents of terrorism, as well as “all hazards” catastrophic preparedness initiatives: Councilmember Chock moved to approve C 2018-08, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Is there any discussion? Elton, can you come up really quick? If you could just go over it. I have the Communication, but it does not really go into the specifics. This is seven hundred fifty thousand dollars (\$750,000), so if you could go over the different projects.

There being no objections, the rules were suspended.

Council Chair Rapozo: If you can start with the Hanalei Radio Site Integration.

ELTON S. USHIO, Emergency Management Administrator: Elton Ushio, Emergency Management Administrator. Do you want a description of these projects?

Council Chair Rapozo: Yes. Hanalei Radio Site Integration, I think that is kind of self-explanatory. I am assuming that is the Hanalei emergency radio system out there, which is shared by Police, Fire, and everybody else.

Mr. Ushio: So we have our Telecommunication Officer in the room, so David, correct me if I am wrong or interject.

Council Chair Rapozo: I do not need the specifics. I do not need the technical, just what is the plan?

Mr. Ushio: My understanding is that we currently have a standalone repeater there and this is to link it to the main network, so calls from there back to dispatch.

Council Chair Rapozo: Okay. Then, your Emergency Management Agency upgrades.

Mr. Ushio: The Emergency Operation Center (EOC) was equipped with our audio/visual systems back in 2004, so that equipment is aging.

Council Chair Rapozo: Okay.

Mr. Ushio: There is new technology, so we are going to be converting that and doing upgrades to various systems in the EOC itself.

Council Chair Rapozo: Can we have some of your old things?

Mr. Ushio: They do not make bulbs for the projectors anymore. It is up to you.

Council Chair Rapozo: Okay. The next one, which is the one that peaked my interest, Perimeter Security at Ka Hale Maka'i O Kaua'i. Where is Ka Hale Maka'i O Kaua'i?

Mr. Ushio: That is the public safety building, which houses Kaua'i Police Department, Office of the Prosecuting Attorney, and the Emergency Management Agency.

Council Chair Rapozo: Okay.

Mr. Ushio: Currently, if you notice, anyone can drive right up over the sidewalk and right up to the base of the stairs or right up against the building, so we will be putting in barricades.

Council Chair Rapozo: Okay, physical barriers?

Mr. Ushio: Things that look pretty nice like planters and things to restrict vehicular access.

Council Chair Rapozo: Okay. I thought it was security guards.

Mr. Ushio: No.

Council Chair Rapozo: Okay, so that makes sense. Then, obviously program and project support. Okay, I got it. Thank you very much. Councilmember Yukimura.

Councilmember Yukimura: Basically, the first two (2) items, Elton, are respecting our communication system. Can you explain the other part?

Mr. Ushio: The first item relates to our County 800 MHz radio system.

Councilmember Yukimura: Right.

Mr. Ushio: The second item is more specifically to the Emergency Operations Center itself. You have all been there. We have our reverse projection screens, three (3) of them, various types of interfaces with computer imagery plug-ins for old Video Home System (VHS), Compact Disc Read-Only Memory (CD-ROM) types of things, and now, we need to upgrade those to more reliable light-emitting diode (LED) based video wall and more current computer controls rather than all of the those racks in the back, which have connections that are all copper wire that we do not really understand.

Councilmember Yukimura: Okay.

Mr. Ushio: So we will be doing considerable upgrades to those systems.

Councilmember Yukimura: I find it really commendable that you are focusing this considerable amount of money on the infrastructure for response for any kind of emergency, whether it is a terrorist or natural hazards and that kind of thing. That is really good that we are creating a really strong infrastructure for response. That seems like that is what you are doing, is it not?

Mr. Ushio: Thank you. We are trying. It is normally a collaborative approach between us, Police, Fire, and the Administration as far as what projects we fund any given year. In general, Emergency Management has not focused on ourselves so much, so this time, we are trying to focus a significant amount only the Emergency Operations Center infrastructure.

Councilmember Yukimura: Which serves all of the...

Mr. Ushio: All hazards and all agencies.

Councilmember Yukimura: All responders.

Mr. Ushio: Yes.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I want to jump back to Council Chair Rapozo's question about the perimeter security. Did we have a consultant or something tell us that was a potential problem and that a vehicle would be able to drive up to the building area or something?

Mr. Ushio: I am not familiar with any study or engagement of a consultant, but we are privy to communications from the United States Department of Homeland Security, the Federal Bureau of Investigation (FBI), et cetera. There are various threats and attacks with vehicles, again, soft and hard targets like governmental infrastructure and police facilities, are a possibility and a vulnerability that we have identified and want to address.

Councilmember Kagawa: Very good. Thank you.

Council Chair Rapozo: Are there any other questions? I know that the Kaua'i Police Department (KPD) did a site security evaluation here, and the report that I saw was tremendous. I think they did a great job. I think they trained somebody to go get certified or whatever to create these recommendations, so you might just want to chat with them.

Mr. Ushio: Council Chair Rapozo, I think you are correct because even with the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation, they probably assess perimeter security and all of that.

Council Chair Rapozo: Yes. Are these funds for construction? Not a consultant, right? This money that you are requesting will be to actually build and put up those barriers, correct?

Mr. Ushio: Correct.

Council Chair Rapozo: Okay. Thank you very much.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Is there anyone in the audience wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion is to approve.

The motion to approve C 2018-08 was then put, and carried by a vote of 6:0:1 (*Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Again, to get Civil Defense out of here, or Emergency Management, I apologize. Can we take C 2018-16, the Legal Document, out of order?

There being no objections, C 2018-16 was taken out of order.

#### LEGAL DOCUMENT:

C 2018-16 Communication (12/19/2017) from the Emergency Management Administrator, recommending Council approval of a license agreement between the County of Kaua'i and Grove Farm Company, Incorporated, for the 800 MHz radio site located at Tax Map Key (TMK) No. (4) 3-8-002-005, Kalepa Ridge, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i.

- License Agreement

Councilmember Chock moved to approve C 2018-16, seconded by Councilmember Yukimura.

Council Chair Rapozo: Go ahead, Councilmember Kaneshiro.

Councilmember Kaneshiro: Council Chair Rapozo, I will be recusing myself.

(*Councilmember Kaneshiro was noted as recused.*)

Council Chair Rapozo: Thank you. The motion is to approve. Again, this is just the License Agreement to keep our tower up there at Kalepa for our communications system. Councilmember Kagawa.

Councilmember Kagawa: I just a question on the agreement.

Council Chair Rapozo: Okay. With that, I will suspend the rules.

There being on objections, the rules were suspended.

Councilmember Kagawa: I noticed that the cost is going up. What is the justification?

Mr. Ushio: The cost was negotiated between the County team and representatives from Grove Farm Company, Inc. My recollection from the negotiations was that it is based on a discounted rate of what they would be charging the private sector telecommunications industry. The team was myself, our Finance Director, and our Telecommunications Officer.

Councilmember Kagawa: Is that the reason for the increase?

Mr. Ushio: Well, I am sorry. The basis for the rate, I...

Councilmember Kagawa: The basis for this whole thing. I guess, they gave a discounted rate in the early years and it is gradually going up to closer to maybe what?

Mr. Ushio: My recollection from our negotiations, was closer to what would be charged at fair market value, but it is still less than what they are charging say, their cell carriers.

Councilmember Kagawa: And I guess we are kind of stuck because the tower is there already currently.

Mr. Ushio: The tower is already on-site on the mountain.

Councilmember Kagawa: So even if we were to look for an alternative deal, it would be is very costly because you would have to move the location?

Mr. Ushio: Per our Telecommunications Officer, it could be up to one million dollars (\$1,000,000) to move a tower site.

Councilmember Kagawa: Okay, sounds good. So, we are accepting this that will take us all the way to 2031?

Mr. Ushio: 2020, with the option of two (2) five (5) year extensions. So 2031, correct.

Councilmember Kagawa: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: What is the area of the land area that we are leasing?

Mr. Ushio: Are you looking at square footage?

Councilmember Yukimura: Yes.

Mr. Ushio: Hang on, let me check.

Councilmember Yukimura: Oh, I see here. It is four hundred (400) square feet of ground area. I mean, just like with we asked with the Kukuilono site, is it best practice elsewhere to consider the option of condemnation?

Mr. Ushio: The option of condemnation really is above our agency level, but I will say that we did discuss that internally, as an option should we not be able to reach agreement. In the case of Grove Farm Company, Inc., the rate that they were negotiating towards and the scale is significantly less than what we are paying at Kukuilono. So our position at the time, was that was not a route we would be pursuing. Moreover, there are additional County involvements, engagements, and partnerships with Grove Farm Company, Inc. outside of Emergency Management and the 800 MHz radio station.

Councilmember Yukimura: Okay. Anyway, we are getting a report from you folks about Kukuilono site, right?

*(Councilmember Kawakami was noted as present.)*

Mr. Ushio: Yes. You requested a cost-benefit analysis.

Councilmember Yukimura: Right. Okay, we will wait for that. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you for that information and clarifying that Kukuilono was the one that was significantly higher, so we are obviously getting a much discounted rate with the Grove Farm Company, Inc. deal. My recommendation, at least, is if we are going to look at condemnation, look at the Kukuilono one first because that would save the taxpayers the most, and then if that works out successfully, we can look at the other site for the next five (5) years. Thank you.

Council Chair Rapozo: Is there any other discussion or questions? Thank you very much. Anybody in the audience wishing to testify? Seeing none, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: We deal with this every time we get this Legal Document whether it is Kukuiolono, or Grove Farm Company, Inc., or whatever and I am not sure why we did not pursue condemnation. This is four hundred (400) square feet on the top of a mountain. I do not see too many opportunities or lands for sale in the newspaper or on Realtor.com for a four hundred (400) square foot parcel up on Kalepa Mountain. So, the market value is, to me, not going to be millions of dollars. It just will not be. Kukuiolono, same thing. I do not know. Again, I thought we were pursuing that a while back and I would suggest that the Administration seriously look at condemning all of these radio sites at with one (1) time, because the biggest part of condemnation is proving that community benefit, or County benefit, or public benefit. How are you going to dispute this public benefit? My God. It is a necessity and the moneys we are spending ever year to fund these sites, we could pay it off and buy these properties and own it for our Emergency Management Agency. I am not sure why it stopped. I am not sure why the Administration did not pursue it, but that is something that we have to look at. Kukuiolono is a lot of money. I would rather just determine the market value, pay them and own it. Then the County, I think, as far as revenue opportunities as well, leasing the tower space to cell phones and all these other entities that we could actually generate some revenue. I am hoping that we look at that. We will send something over again, I guess, to ask that that be looked at, but it makes no sense to me. In 2012, one thousand five hundred dollars (\$1,500) a year. In 2021, eighteen thousand dollars (\$18,000) a year. It went up eighteen (18) times. 2026, twenty thousand dollars (\$20,000). I understand Grove Farm Company, Inc. was giving us a discounted rate back then, but if you add all of that up, I think it might be cheaper to purchase that through a condemnation or through an agreement with them, saying, "We will pay you  $x$  amount of dollars." Anyway, we will send that across to have them explore that possibility. Is there any further discussion? Seeing none the motion is to approve.

The motion to approve C 2018-16 was then put, and carried by a vote of 6:0:0:1 (*Councilmember Kaneshiro was recused*).

Council Chair Rapozo: Motion carried. Thank you. With that, we can go back to the agenda.

C 2018-10 Communication (12/21/2017) from the Director of Finance and the Director of Parks & Recreation, transmitting for Council consideration, proposed amendments to:

- Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to fund improvements in various Parks & Recreation facilities; and
- Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund-CIP, to fund improvements in various Parks & Recreation facilities.

*(Councilmember Kaneshiro was noted as present.)*

Councilmember Kagawa moved to receive C 2018-10 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Is there any discussion? Is there any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-10 for the record was then put, and unanimously carried.

Councilmember Yukimura: Council Chair Rapozo?

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: This was to receive, can we ask questions?

Council Chair Rapozo: Correct. This is the Communication, so we have the Bill coming up later.

Councilmember Yukimura: Alright. As long as we can ask questions.

Council Chair Rapozo: You thought that we just approved it, right?

Councilmember Yukimura: No, I heard the motion to receive, but I just wanted to make sure. Thank you.

Council Chair Rapozo: Next item, please.

C 2018-11 Communication (12/22/2017) from the Director of Finance and the Acting County Engineer, transmitting for Council consideration, proposed amendments to:

- Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year (FY) 2017-2018, by revising the amounts estimated in the Highway Fund, to transfer available Highway Fund Equity/Fund Balance-Assigned, and the Department of Public Works, Roads Administration, Other Services funds to the Highway Fund-CIP; and

- Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Highway Fund-CIP, to fund improvements in the main collector roads of Maluhia, Kōloa, and Olohena, of which the sum of \$2,750,000.00 will be used as a County Match and is crucial to obtaining an additional \$7,000,000.00 in Statewide Transportation Improvement Program (STIP) funding for FY 2018.

Councilmember Chock moved to receive C 2018-11 for the record, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Will we have discussion when the Bill comes up?

Council Chair Rapozo: Yes.

Councilmember Yukimura: Okay.

The motion to receive C 2018-11 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-12 Communication (12/22/2017) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$49,475.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and to indemnify the State of Hawai'i, Department of the Attorney General: Councilmember Brun moved to approve C 2018-12, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?  
Councilmember Kagawa

Councilmember Kagawa: Just a quick question.

Council Chair Rapozo: Okay. I will suspend the rules.

There being no objections, the rules were suspended.

Councilmember Kagawa: I just wanted to know if this continuing and is this more or less than the prior year.

JAMIE OLIVAS, Grant Coordinator: Hi, Jamie Olivas with the Office of the Prosecuting Attorney. This is a formula grant and it is pretty much one thousand dollars (\$1,000) more than what we received last year.

Councilmember Kagawa: Thank you very much.

Council Chair Rapozo: Thank you very much. Are there any other questions? Seeing none, is there any public testimony?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2018-12 was then put, and unanimously carried.

SCOTT K. SATO, Deputy County Clerk: Council Chair Rapozo, the next three (3) items require an Executive Session, so we are on page 5. Committee Report from the Budget & Finance Committee, CR-BF 2018-01.

Council Chair Rapozo: Hang on, Scott, really quick. Before that, I just want to do this. I know we are going to go into Executive Session for C 2018-13, C 2018-14, and C 2018-15, but is there anyone in the audience here to testify? I see one (1) member of the public. Is there anyone interested in testifying on items C 2018-13, C 2018-14, or C 2018-15 on the Communication?

C 2018-13 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided to represent the interests of the County as Disclosure Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters.

C 2018-14 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.

C 2018-15 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued services provided to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: If not, thank you very much. Okay, Scott.

There being no objections, the Committee Report was taken out of order.

COMMITTEE REPORT:

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2018-01) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2676 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation/Renovation - \$140,000.00*),”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

RESOLUTION:

Resolution No. 2018-01 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Marissa L. Sandblom*): Councilmember Kaneshiro moved for adoption of Resolution No. 2018-01, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

Councilmember Yukimura: Um...

Council Chair Rapozo: I am sorry.

Councilmember Yukimura: Yes, please. Can I have discussion?

Council Chair Rapozo: Go ahead. Yes.

Councilmember Yukimura: Just a question for Councilmember Kaneshiro, did you get clearance from the Board of Ethics?

Councilmember Kaneshiro: I did go to the Board of Ethics and I did get cleared to vote on this.

Councilmember Yukimura: Okay, thank you. Then, I just want to say that people have expressed concerns about Ms. Sandblom's connection to Grove Farm Company, Inc. I just want to say that if the appointment would be to the Planning Commission, there would be some questions or even the Board of Water Supply. But in the case of the Charter Review Commission, I do not see any real conflict of interest. I think in the interview that we had with Ms. Sandblom, she stated that she would be voting independently based on her best judgment. I think we need to give credence to that unless there is evidence to show otherwise, so she has a chance to show her abilities and her ethics in voting on issues in the Charter Review Commission, and I think we need to give her that chance. So, I will be voting for her appointment.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: I just want to say that a lot of the criticism relating to Ms. Sandblom from Grove Farm Company, Inc. to the Charter Review Commission and creating a problem that exists was just really a lot of drama. When we start the school year and every time we start a new semester, we have introductions, and then we have the students state what their hopes are in the coming semester. For a lot of ones that I have, probably eighty percent (80%) say they want to have less drama going into the next semester. I think this is just a case of drama, just creating drama that does not exist, and I do not think it is good for the island. I think Bill No. 2491 was drama. It did not help the island. I think this is drama. I think we need to think carefully when we read things like Mr. Hooser's articles and what have you, because a lot of it just drama. If you want to do a better job, run and win. Creating drama does not help anything. It just creates more divisiveness and, to me, it is just very unfortunate. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Brun.

Councilmember Brun: Yes. Maybe I am not reading his blogs or his things because I never heard one (1) bad response of Marissa getting on the Charter Review Commission. I never had. I had plenty of people come up to me, but I never

heard one (1) bad thing about her being on this Commission. I am kind of amazed at all of the drama that is going on out there. She is a great person and we need to give her a chance as herself, not who she works for. Believe me, I went through all of that too, and still do.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I think we have to be really careful about labeling people’s different opinions as “drama.” I think we have to, like Reverend Jade said, respect everyone for their opinion. Conflict of interest is a real thing. It is something we need to avoid in government, because otherwise, it really affects the credibility of government to govern. It is an important issue. I have reviewed that issue, and I do not think that it is applicable in this case. But I think everyone has the right to express their opinions and concerns. We need to hear them out and respect their right to express themselves. Conflict of interest is an important issue, so we all need to review that as it relates to our decision-making.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: I reserve the right to call it like I see it.

Council Chair Rapozo: Anyone else? If not, the motion is to approve.  
Roll call.

The motion for adoption of Resolution No. 2018-01 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

**BILLS FOR FIRST READING:**

Proposed Draft Bill (No. 2682) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Parks & Recreation Improvements (Operating Budget)*): Councilmember Kaneshiro moved for passage of Proposed Draft Bill (No. 2682) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. With that, I know there are some questions, so we will suspend the rules.

There being on objections, the rules were suspended.

Council Chair Rapozo: I am not sure who is coming up. I guess Finance and Parks. Parks would be the one.

LEONARD A. RAPOZO, JR., Director of Parks and Recreation: Good morning. For the record, Director of Parks and Recreation, Lenny Rapozo.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Thank you. Good morning, Lenny.

Mr. Rapozo: Good morning.

Councilmember Yukimura: What is the total amount you are asking for?

Mr. Rapozo: Four million six hundred sixty-two thousand dollars (\$4,662,000).

Councilmember Yukimura: Four million six hundred twenty thousand dollars (\$4,620,000)?

Mr. Rapozo: Four million six hundred sixty-two thousand dollars (\$4,662,000).

Councilmember Yukimura: Four million six hundred sixty-two thousand dollars (\$4,662,000). This is coming out of...maybe you can...

Council Chair Rapozo: Reserve.

Councilmember Yukimura: Maybe you can just give us the whole background to this proposal.

Mr. Rapozo: In terms of where the money is coming from, I think that would be best explained from the Director of Finance. But as far as the projects and what the scope of the projects are, I am better able to respond to that. This is, as I understand it per the Director of Finance, is money that is over and above the Reserve or the target. Since one (1) of the priorities of this Administration has been to improve parks, I was asked by the Mayor to see what projects we could get out to bid by March and what projects we could get or at least go to construction by the end of this fiscal year. This proposal is that with whatever the over and above Reserve that came about. That portion, the financial part, I think Ken would be better suited to explain that portion. But the projects itself, I can, of course, explain to you.

Councilmember Yukimura: Okay. I will ask my questions about the projects and then we will ask Ken to come up.

Mr. Rapozo: Okay.

Councilmember Yukimura: So the Mayor asked you rather than you asked the Mayor?

Mr. Rapozo: Well, the Mayor says, "Lenny, if you had four million seven hundred thousand dollars (\$4,700,000), what projects could we get out by the end of fiscal year or by March," and so these projects that I am submitting for approval, are those that we have committed to over and above what we said we are going to do in this current budget year.

Councilmember Yukimura: Where are you on what you have slated for in the current year?

Mr. Rapozo: We are all moving. I believe every budget session we have come, all of our Capital Improvement Projects (CIP), we have shown that we have them in, at least in construction or going to construction.

Councilmember Yukimura: Can you submit the list of your current year's projects and where they are?

Mr. Rapozo: We could give an update on those.

Councilmember Yukimura: Can you do that as a follow-up then?

Mr. Rapozo: Sure.

Councilmember Yukimura: Okay, and you are scheduled to complete all of that or at least encumber all of those moneys by the end of this year?

Mr. Rapozo: Correct.

Councilmember Yukimura: What are the main projects slated for this year?

Mr. Rapozo: Do you want to talk about what I am asking for here or what we have working right now?

Councilmember Yukimura: No. I just wanted to make sure you are doing your...

Mr. Rapozo: Okay, sure.

Council Chair Rapozo: Today, we are talking about what is on the list.

Mr. Rapozo: Yes.

Council Chair Rapozo: We are not talking about your other projects.

Mr. Rapozo: Right.

Council Chair Rapozo: The agenda item is this Bill. We will talk about the projects that you have on this Bill.

Councilmember Yukimura: Okay, I can go there first.

Council Chair Rapozo: We can set another item in the Public Works/Parks & Recreation Committee if we want to discuss everything else. But today, we are discussing this Bill, this money bill.

Councilmember Yukimura: I think it is a legitimate question to ask.

Council Chair Rapozo: Well, I do not, so focus your questions on what is on the agenda.

Councilmember Yukimura: I can ask about those questions; however, I think it is a legitimate question to ask about where they are on their present plan so that we know that they are going to be able to do this new and additional work. It is a really tight schedule to encumber everything by the end of this fiscal year.

*(Councilmember Chock was noted as not present.)*

Council Chair Rapozo: Like I said, we can post another item for next week's Committee Meetings, which is before the public hearing, which we can have those questions answered before we have this back on the Committee. I am not going to have you discussing matters outside of this money bill today. I am just not.

Councilmember Yukimura: I do not see it as outside of the money bill, but I will ask about these questions or these projects. How do we relate to your overall repair and maintenance plan? By the way, I know you have told us it is completed, you programmed it, but I would like to see the documentation that shows what your priorities are and how you set it up. That is a follow-up, I guess, that I am asking for. But my question then is how does this relate—are these projects on your priority for your repair and maintenance plan?

Mr. Rapozo: These projects are. We went to every park on this island to note what the assets are looking like and the repairs that are needed.

*(Councilmember Kagawa was noted as not present.)*

Mr. Rapozo: The Bryan J. Baptiste (BJB) comfort station re-roofing, for example, if you look in our current budget, we had that one hundred thousand dollars (\$100,000) slated for that roofing as well as Kapahi roofing for one hundred thousand dollars (\$100,000). Since the visit and the ask, when we went out

to bid, nobody bid for that project. We went out three (3) times and nobody submitted a bid.

Councilmember Yukimura: This BJB project?

Mr. Rapozo: Yes. So you are asking why we are coming back for that. You asking me why this is part of our maintenance plan is. This is an example where when we went to every park that is similar in nature, BJB comfort station and Kapahi park comfort station, the roofs needed to be replaced. Kapahi was in more of a dire need than BJB, so we had determined that about one hundred thousand dollars (\$100,000) is needed to complete both repairs. At the time, that is what the current market costs appeared to be. When we went out to bid, nobody came in with a bid, three (3) times. We used an alternative process where we went to a contractor to see if they would be willing to do it, which they were, but at this time, they were willing to change the roof for almost one hundred thousand dollars (\$100,000). It was about ninety thousand dollars (\$90,000).

*(Councilmember Kagawa was noted as present.)*

Mr. Rapozo: So we determined to use that to do Kapahi Park first because that one was in worse shape than BJB. Coming to this ask, it is to help what we had determined earlier and what was in the budget currently, and we are following up to try to and finish some of the maintenance work. Waimea pool renovation is the same thing. We had vegetation growing out of the roof and we had Americans with Disabilities Act (ADA) issues there that we are not meeting code. It is an older facility. It has not been touched, I think, since it was constructed.

*(Councilmember Chock was noted as present.)*

Mr. Rapozo: We have some of those moneys in CIP, but some of those moneys are for the design, and now, we are asking for those moneys for construction. Po'ipū beach improvements is an ongoing project right now. We are redoing the restrooms and pavilions, but as we got into the project, we have uncovered some issues that we were not able to foresee once we got into it as we opened up fascia boards and walls to upgrade the plumbing, so since we are doing the work, we may as well do the upgrades and take care of these issues, too. That is the only one where it is additional to what we already are using for that project. Palani Park is a park in Hanamā'ulu, what we call Hanamā'ulu upside. It is on Palani Street across of the street from the low-income housing area. Now, if you grew up in Hanamā'ulu, you knew about this park. But apparently, the plantation used to take care of it from what I understand, maintain it, because they had the ditch down there and they would maintain it. In fact, it has a slide and a swing. I grew up in that area. For whatever reason when I became Director, the County never maintained it. If you look today, you have all of this overgrowth. It abuts the neighboring community or the housing there. So with this money, we feel that we are going to clean it, grass it, just put a fence around it, and then we can maintain it. Waimea/Kekaha ADA is self-explanatory. We need to continue to do those transitions in our parks. Backstops...

- Council Chair Rapozo: Stop right there, Lenny.
- Mr. Rapozo: Okay.
- Council Chair Rapozo: Because I want to do this thing in an orderly fashion.
- Mr. Rapozo: Okay.
- Council Chair Rapozo: Let us start with the specific projects on the top of the list. Are there any questions on that? Remember, we are going to go to Committee, so I do not want to spend too much time on this today. But if you have some burning questions about those five (5) projects that he just described or talked about. Go ahead.
- Councilmember Yukimura: Excuse my ignorance, what is BJB?
- Mr. Rapozo: Bryan J. Baptiste.
- Councilmember Yukimura: Oh, okay.
- Council Chair Rapozo: I think you were very clear in your explanation. Are there any more specific questions? If not, then we will go on to backstops, because if you look at the communication they sent over, the one million one hundred seventy-five thousand dollars (\$1,175,000) is broken down on the backstops schedule. He has every single project specified on that. If you have questions on that, that is for the one million one hundred seventy-five thousand dollars (\$1,175,000).
- Mr. Rapozo: The resurfacing. That was resurfacing, right?
- Council Chair Rapozo: Yes.
- Mr. Rapozo: Was that resurfacing?
- Council Chair Rapozo: I am sorry, resurfacing.
- Mr. Rapozo: Backstop was two hundred ten thousand dollars (\$210,000).
- Council Chair Rapozo: I am looking at the wrong one. Oh, yes, resurfacing. Are there any questions?
- Councilmember Yukimura: On the backstops?
- Council Chair Rapozo: No. I am sorry, resurfacing.
- Councilmember Yukimura: Yes, I do have questions.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: What about the parking lots of various parks, because I noticed everywhere, a lot of really deteriorating parking lots?

Mr. Rapozo: Yes.

Councilmember Yukimura: Are they on the schedule somewhere?

Mr. Rapozo: We have them listed and we made the determination that these are the projects that we wanted to do. It is not saying that we do not think that they need to be not fixed, yes they do, but these are the ones that we feel rises to the top in terms of community usage.

Councilmember Yukimura: What criteria do you use to set your priorities for resurfacing?

Mr. Rapozo: We looked at each facility to determine...and we wanted to try and touch as many communities as possible across the island.

Councilmember Yukimura: I mean, because when you look at parking lots whether it is Lydgate Beach Park or—I have not been to Po'ipū Beach Park lately, but Black Pot Beach Park. Everybody uses it to get to the beach.

Mr. Rapozo: Yes.

Councilmember Yukimura: Do you know what I mean? Everybody.

Mr. Rapozo: Yes.

Councilmember Yukimura: I do not know. Like with roads, if it gets beyond a certain place, the cost rises tremendously rather than just the resurfacing or some kind of preventative measure, then you have to go to reconstruction. Do you have a system like Public Works does in terms of some kind of program to evaluate need?

Mr. Rapozo: Well, for one thing, beach parking lots, none of them are pretty much paved with the exception to Lydgate. Po'ipū, along the coast, as you mentioned Black Pot, is not paved.

Councilmember Yukimura: Not just beach parking, park parking...

Mr. Rapozo: Park parking?

Councilmember Yukimura: ...like Līhu'e Neighborhood Center.

Mr. Rapozo: We have a listing. We have determined what we feel the priorities would be and we looked at the facilities more so in terms of what people use because these projects, if you noticed, it is technically resurfacing like a

parking lot, an asphalt-based. They put paint on it to demark lines and whatever. So, they are kind of similar.

Councilmember Yukimura: Oh, yes, that is why I am asking about parking lots in this section.

Mr. Rapozo: But we determined that these were the ones that we wanted to repair.

Councilmember Yukimura: In Committee, can you give us a list of your priorities that are part of your repair and maintenance plan so we can see how they match?

Mr. Rapozo: For each one of these?

Councilmember Yukimura: For everything.

Mr. Rapozo: Sure.

Councilmember Yukimura: Because I am assuming that your repair and maintenance program has all of these assets included.

Mr. Rapozo: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Lenny, is one (1) week enough time to put something like that together?

Mr. Rapozo: If I could get the Committee Meeting.

Council Chair Rapozo: The next Committee after that?

Mr. Rapozo: Would that hold back this thing?

Council Chair Rapozo: No, because what will happen is it still has to go to public hearing in February and then it will be scheduled for...it may show up at the same Committee Meeting, but nonetheless.

Mr. Rapozo: Council Chair Rapozo, the reason the separation with the top five (5) is these are things that we have bid documents already in the process, but we never had it funded, and that is how we kind of work in our Department. So we have committed to get these five (5) out in March, but if it is going to delay the money bill...

Council Chair Rapozo: No, I do not think it will delay. I can only speak for myself.

Mr. Rapozo: Yes.

Council Chair Rapozo: Your explanation in what you sent over is sufficient for me.

Mr. Rapozo: Okay.

Council Chair Rapozo: But I am not going to deny the other Members the opportunity to ask questions. I am just saying that I understand. The parking lots, to me, well you know, we have sent over communications about parking lots. But I understand the need for the basketball and tennis courts because we have been asking for that for a long time, too. To me, it is sufficient, but again, I want to make sure that the Members have an opportunity.

Mr. Rapozo: If I have to stay late, then I would like to move it to next week because I really want the Bill to move so that we can meet the deadline because I have committed to that top five (5) by March.

Council Chair Rapozo: Yes, and again, I do not think...

Mr. Rapozo: And the rest was by...

Council Chair Rapozo: You can get a feeling by rest of the Members today, but for me, no. I am prepared to support this.

Mr. Rapozo: Okay.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: This item will not go to the Committee, but a report on my questions will then, right?

Council Chair Rapozo: I am sorry.

Councilmember Yukimura: I mean, because we have already, or in the motion right now, it is...

Council Chair Rapozo: Going to public hearing.

Councilmember Yukimura: And then go to Committee. So if we are having some preliminary report out on these questions in Committee in the next or the next next Committee Meeting, then it will not be this particular item.

Council Chair Rapozo: No. It would be the request that we are asking for a separate item in the Public Works/Parks & Recreation Committee would be on the same day as this Bill comes up for Committee. So you would have the briefing from Parks in the morning because the bills are always at the end, and it would be in the beginning in the Public Works/Parks & Recreation Committee, and then later that day, we would vote or not vote. At this point, you could...

Councilmember Yukimura: But is there going to be at least five (5) weeks before the public hearing?

Council Chair Rapozo: No. The public hearing has to be ten (10) days. I am assuming it is probably...well we said it, February 7<sup>th</sup>, if I remember correctly. Yes.

Councilmember Yukimura: February 7<sup>th</sup>, and do we not have any time to get some report out so we can at least digest the information?

Council Chair Rapozo: Well, that is why I asked Mr. Rapozo. My plan was to with first set of questions that you asked, I think he could have gotten that done by next week. We could have it in Committee next week, but when you added on the others with the whole program, that is not fair to just give him one (1) week. It is just not fair to give him one (1) week.

Councilmember Yukimura: Well, my understanding from the report out at our budget session last spring was that there was a repair and maintenance program in place.

Mr. Rapozo: I can give you a listing of what needs to be done and our priorities.

Councilmember Yukimura: So that does not need time, right?

Mr. Rapozo: I am not sure what details you want, but I do have a listing, similar to what I have presented here. How much more do you want? I am not sure.

Councilmember Yukimura: Well, it is just your totality of all County parks projects. I hope it is all parks projects. You are now in charge of maintenance of the entire County, so I hope you have two (2) separate lists. We are just talking parks.

Council Chair Rapozo: This is what we will do. We will post it, we will send over what the Councilmembers have questions on, and if you are not prepared, we will defer it.

Mr. Rapozo: Okay.

Council Chair Rapozo: It is that simple.

Mr. Rapozo: That is good.

Council Chair Rapozo: If she is just asking for an update on your Master Plan, then I think you could probably pull that up.

Mr. Rapozo: Right.

Council Chair Rapozo: But again, we have to respect your time as well and not keep adding questions. So we will do it that way. Scott, we will post for next week's Public Works/Parks & Recreation Committee. If the requests come across and you are simply not able to do it, we will just defer it.

Mr. Rapozo: Okay, perfect.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I do not think, for me, this Bill would require me to gain an understanding of every single repair that our parks has. I think my understanding is that they are the Administration, they manage the parks, and they manage this County. This is the priority for them. That is why it is in front of our face. I think we can answer whatever questions we need in the Committee; however, this is not going to prevent—I mean, those answers are not going to affect my support of this Bill. These are needed improvements. You folks talk about “kicking the can down the road” on roads and bridges, this is the same thing. We are going to “kick the can down the road” on these park repairs. A lot of these neighborhood centers and things that need repair, were up from the 1970s. It is like a regular house, forty (40) something years or fifty (50) years. You have to repaint. You have to fix it. Even tennis courts. You folks hear it just as much as everybody or more. We get the calls. “Hey, this tennis court is in bad shape. There are all cracks. We need to resurface. The ball bounces crooked when it hits the court because it is hitting the cracks.” This is a no-brainer and for a lot of us, we are kind of thinking, “Wow, it is a lot at one time,” but if we have the money, we have to protect our investments. It is also risk management. I mean, we have been to Kaumakani Park. When it rains, it is leaking. The bathrooms are insufficient. We have senior citizens using it weekly. It is risk management. Council Chair Furfaro used to always talk about it. Would we rather spend one million dollars (\$1,000,000) now to fix it or would we rather have a one million dollar (\$1,000,000) lawsuit against us because we have not fixed it? I think it is a no-brainer and this requires our support. I think a lot of questions are budgetary matters for the next budget. Sure, we can be on the legislative end and second guess what the Administration is doing and say, “Why are we not adding this as well?” Those are great questions, Councilmember Yukimura. We hear it from the public too, about what needs to be fixed. I think for now, let us not make this be a wedge from doing our jobs and stop kicking this can down the road regarding parks. For me, I will do whatever. I want it to speed it up. My preference is next week, if Councilmember Yukimura has questions, I want her to support this Bill. I want to have those questions answered next week, and if it is not all the answers that she gets, then we can go to the next week. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I want to make it clear, by asking these questions does not mean I am going to vote against this.

Councilmember Kagawa: I did not say that.

Councilmember Yukimura: I know you did not. I am just trying to do my due diligence as a decision-maker. I want to know how it fits into the overall process because we know that is best management way. We know that not repaving certain things because the politicians are asking for this park or that park. That is the same thing in roads. We did not want this to be a political process. We wanted this to be a management process that does go to the worse projects or the ones where you can do the preventative maintenance so that you do not get a worse project down the line. We have been working with the Administration, asking them just like we have asked for roads, for that kind of systematic process so we know that it is making the best use of our moneys, and that is why I am asking these questions. I appreciate the support for Committee work on it to get some answers.

Council Chair Rapozo: Are there any more questions? Yes.

Councilmember Kawakami: Thank you, Council Chair Rapozo. Thank you, Director. For my own personal edification, for these five (5) projects, was it Council that removed it or was it just not put on the budget on the Administration side, just for my personal knowledge?

Mr. Rapozo: It was from our side.

Councilmember Kawakami: From your side?

Mr. Rapozo: Yes.

Councilmember Kawakami: Okay. So we have a little extra, so we are going to fund these projects now?

Mr. Rapozo: A little what?

Councilmember Kawakami: We have a little extra, so we are going to fund them now?

Mr. Rapozo: Yes, a lot of extra.

Councilmember Kawakami: Okay. Palani Park was always kind of in the budget, but just never made it to...

Mr. Rapozo: We were aware of it, but with all the things that we have to try to maintain, what do we do here? What is the priority? With the amount of money that we were asked to look at to come up with projects, maybe now the time. Fifty thousand dollars (\$50,000), which, to me, is pretty small in the terms of four million six hundred sixty-two thousand dollars (\$6,662,000) that maybe we can just do that small project as well.

Councilmember Kawakami: Okay. I just wanted to make sure that it was not Council removing these line items.

Mr. Rapozo: No, not at all.

Councilmember Kawakami: Thank you.

Mr. Rapozo: This Council has been very good with our asks, and we try to be good in completing the projects every fiscal year that we ask.

Council Chair Rapozo: Are there any other questions regarding...we are on the parks, the resurfacing program, one million one hundred seventy thousand dollars (\$1,170,000)? I am just following the communication. Next is your playground equipment upgrades, two hundred thirty thousand dollars (\$230,000), which is on your budget program list. Again, that is the repairing of all the playground equipment throughout the stated parks. I trust that you have prioritized them based on need.

Councilmember Chock: I have a question.

Council Chair Rapozo: Go ahead, Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. If this is a long answer, then we can move it to the bigger discussion that we are going to have. I know we talked about the Anahola Village Park. You folks removed that playground equipment and it was talking about ninety thousand dollars (\$90,000) to replace that. Where are we with that? Did we move that to the back?

Mr. Rapozo: It should be completed in February.

Councilmember Chock: In February?

Mr. Rapozo: Yes.

Councilmember Chock: So it is on the front list?

Mr. Rapozo: No, it is not front list. We are waiting for the contractor and we got input. I even got input from this awesome six (6) year old boy named Caspin who came to my office to talk to me about the park.

Councilmember Chock: Okay.

Mr. Rapozo: I got his input of what he thinks it should be.

Councilmember Chock: Okay.

Mr. Rapozo: So we did our community outreach and we should be done in February.

Councilmember Chock: Okay, good. In regards to this list, I just wanted to make sure that it was taken care of.

Mr. Rapozo: Yes.

Councilmember Chock: We can talk about that later.

Mr. Rapozo: Okay.

Councilmember Chock: My second question is really in the scope of the cost of playground equipment and fifteen thousand dollars (\$15,000) per park. I am supportive of all these locations, but is that enough money to get the work done that you need?

Mr. Rapozo: We looked at what the repairs were needed for each park here, and we believe it is whether it is replacing steps, slides, or brackets that look like they are corrosive. When we did our park-to-park thing and the follow-up with our Planning and Development Division, they actually went back and took pictures of different things that need to be replaced. I will give you a "for instance." On this list is Oma'o Park, Oma'o Park and Puhī Park were the first parks that we tested the AstroTurf type. These parks were, I think, completed in 2010/2011. This is six (6) or seven (7) years now, and we already have to do some repair on it. So we looked at all of them and the needs of them. We have addressed some of these parks in the past already, but it is ongoing. So we believe the moneys that we have here is going to care of what we have there now.

Councilmember Chock: Okay. So it is mostly just replacement things?

Mr. Rapozo: Yes, repair and maintenance kinds of things that are corroding.

Council Chair Rapozo: With that, it is 10:30 a.m. I know we started late, but had our captioner standing by from 8:30 a.m. So we are going to take a ten (10) minute caption break right now. We will be back in ten (10) minutes.

There being no objections, the meeting recessed at 10:31 a.m.

The meeting reconvened at 10:46 a.m., and proceeded as follows:

*(Councilmembers Chock and Kawakami were noted as not present.)*

Council Chair Rapozo: I think Councilmember Chock had the floor. I think he was done. Does anyone else have questions regarding the playground equipment? If not, we will move on to repainting, which is the one million one hundred two thousand dollars (\$1,102,000). This is broken down by district; Kapa'a, Kaumakani, and Kekaha. Is neighborhood centers?

Mr. Rapozo: Neighborhood centers.

Council Chair Rapozo: Okay.

Councilmember Yukimura: Where are we at?

Council Chair Rapozo: The repainting program. I am just following their communication. This is repainting. The outside of Kekaha Neighborhood Center was just repainted by the community, right?

Mr. Rapozo: That was just the patio area.

Council Chair Rapozo: Oh, okay.

Mr. Rapozo: Oh, you are right.

Council Chair Rapozo: The exterior.

Mr. Rapozo: Yes, but this is going to cover the inside.

Council Chair Rapozo: Okay.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Are these the neighborhood centers?

Mr. Rapozo: Yes.

Councilmember Yukimura: Okay. It would be helpful if we had maybe "NC" or something like that. Are these internal paint jobs?

Mr. Rapozo: Kapa'a will be outside. As Council Chair Rapozo had noted, Kekaha would be inside since the community had done the outside.

*(Councilmember Chock was noted as present.)*

Mr. Rapozo: They provided the labor and Parks provided the materials. Kaumakani would be outside.

Councilmember Yukimura: Is this part of a repainting program schedule that you have for all park facilities?

Mr. Rapozo: That is being established, yes.

Councilmember Yukimura: Okay, and are these the top priorities?

*(Councilmember Kawakami was noted as present.)*

Mr. Rapozo: Yes.

Councilmember Kagawa: I have a question.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Can we use the color of the red dirt for the paint for the Kaumakani Neighborhood Center?

Mr. Rapozo: Leave the color? Mix it in?

Councilmember Kagawa: Yes, just red dirt paint because then that way, it will match.

Council Chair Rapozo: Okay. Then, we will go to backstops, the two hundred ten thousand dollars (\$210,000). That is quite clear. Bryan J. Baptiste, Wailua Homesteads, Kōloa, and Kalawai Parks.

*(Councilmember Kagawa was noted as not present.)*

Councilmember Yukimura: May I?

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Are they the top priorities of our backstop replacement program?

*(Councilmember Kagawa was noted as present.)*

Mr. Rapozo: Yes.

Councilmember Yukimura: And we have a schedule for all of our backstops?

Mr. Rapozo: By how bad shape that they are. These are the worse.

Councilmember Yukimura: Okay. When you submit your repair and maintenance program, will we see the list of all backstops and how they have been prioritized?

Mr. Rapozo: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Are there any other questions for Lenny as it relates to...

Mr. Rapozo: Can I say one (1) thing?

Council Chair Rapozo: Sure.

Mr. Rapozo: With respect to Councilmember Yukimura's question, if you look on the backstop page, there is a section that says, "Priority." There is a column "Priority" right after "Type." We have Priorities A, B, and C for

backstops, and this is the "A" that has risen up. Again, we are trying to spread it out to get the worst, but at least try to touch every community as much as possible.

Councilmember Yukimura: Thank you for pointing that out. Then, you have also columns like for your resurfacing program, which shows the funding source.

Mr. Rapozo: Yes. We wanted to be very clear as to other sources of moneys that we are using. So that the Council is aware, it is not just General Fund moneys that Parks tries to leverage, but we try to use different sources as much as possible.

Councilmember Yukimura: Okay. The resurfacing program, for example, does that include all of the parking lots at parks?

Mr. Rapozo: We have parking lots on the resurfacing program as well, yes.

Councilmember Yukimura: Okay. And these resurfacing programs that you have identified, are they the top priority?

Mr. Rapozo: Yes. We made the choice, yes.

Councilmember Yukimura: Okay. So there is no park parking lot that is in the top priority, or does it take a different kind of contractor to resurface a basketball court versus a parking lot?

Mr. Rapozo: No, the contractor is the same.

Councilmember Yukimura: Okay.

Mr. Rapozo: I guess the example I want to use is Lydgate. In order to resurface Lydgate, it takes several hundred thousands of dollars to do that. Do we spend all of this money at Lydgate or do we try to break up the cost and try to accomplish other playing courts? We made the decision that we want to address more playing courts.

Councilmember Yukimura: Well at some point, you are going to have to do Lydgate, so it is going to become a big bill.

Mr. Rapozo: I understand that, but I would rather want to take care of playing surfaces first and if we take care of all of that, then maybe we can then spend the money at Lydgate.

Councilmember Yukimura: Well, I would rather see you do it according to the condition of the surface.

Mr. Rapozo: I think if you visited these parks with these surfaces, I think you would say that they could use resurfacing as well.

Councilmember Yukimura: Okay. Well, as long as you are articulating the way you are prioritizing in your repair and maintenance plan, that is the kind of transparency we need.

Council Chair Rapozo: Are there any other questions for Lenny as it relates to this Bill? If not, I have a question for Finance. Thank you, Lenny.

Mr. Rapozo: Thank you.

KEN S. SHIMONISHI, Director of Finance: Ken Shimonishi, Director of Finance.

Council Chair Rapozo: Ken, we have a few bills today. This one is specifically transferring funds from our Unassigned Fund Balance and then the others are internal transfers between different funds, correct?

Mr. Shimonishi: Correct.

Council Chair Rapozo: But this is the only Bill that addresses the surplus or the reserve, Unassigned Fund Balance.

Mr. Shimonishi: That is correct. As you know, over the past few years the County has, I think, really changed its perspective on how we do our budgets. We adopted the structurally balanced budget Resolution as well as the reserve policy. So the results of which, in this past fiscal year, have paid off where we met the reserve target in the General Fund and these funds are over and above that thirty percent (30%) that we set as what we would hold towards our reserve. So now that we have this, I guess if anything, a surplus over and above our reserve target, that one (1) of the allowed uses is to attend to deferred maintenance items, and thus, we have presented this Bill for Council's approval.

Council Chair Rapozo: Have we replenished the reserve to the thirty percent (30%)?

Mr. Shimonishi: The reserve, we have met the thirty percent (30%) and we have...

Council Chair Rapozo: So we do not have separate line item, thirty percent (30%)? It is just the practice is to maintain a thirty percent (30%) amount in the reserve?

Mr. Shimonishi: That is correct. Again, the Resolution and the policy basically says thirty percent (30%) of the prior year's General Fund revenues shall be.

Council Chair Rapozo: Okay.

Mr. Shimonishi: So we have met that.

Council Chair Rapozo: After we transfer four million six hundred sixty-two thousand dollars (\$4,662,000) out, how much do we have?

Mr. Shimonishi: I believe it is roughly forty-two million dollars (\$42,000,000), which is the thirty percent (30%). So this is above the thirty percent (30%).

Council Chair Rapozo: I understand that, but how much more do we have is what I am saying. Is this it? Is this taking us to reserve?

Mr. Shimonishi: No. The reserve...I apologize. The reserve is calculated at forty-three million four hundred fifty-four thousand dollars (\$43,454,000).

Council Chair Rapozo: Is that the thirty percent (30%)?

Mr. Shimonishi: That is the thirty percent (30%).

Council Chair Rapozo: Okay. How much do we have right now?

Mr. Shimonishi: Right now, we are calculating that we have forty-eight million two hundred twenty-four thousand dollars (\$48,224,000).

Council Chair Rapozo: And is that prior to us removing this four million six hundred thousand dollars (\$4,600,000)?

Mr. Shimonishi: Right. So the difference between those two (2) is four million seven hundred sixty-nine thousand dollars (\$4,769,000).

Council Chair Rapozo: Four million seven hundred sixty-nine thousand dollars (\$4,769,000)?

Mr. Shimonishi: Right. We sent over a communication back in February, Council Chair Rapozo, on how the reserve is calculated and the excess, if you will.

Council Chair Rapozo: Okay. So we are planning to take pretty much everything over and above the reserve amount for this Bill?

Mr. Shimonishi: That is correct.

Council Chair Rapozo: So there will be no more from now until June?

Mr. Shimonishi: There will be no more excess...

Council Chair Rapozo: Right.

Mr. Shimonishi: ...from now until June, but we still have a reserve.

Council Chair Rapozo: Right, but we can only use the reserve for so many things.

Mr. Shimonishi: Correct.

Council Chair Rapozo: For certain purposes.

Mr. Shimonishi: Right.

Council Chair Rapozo: Not fixing a roof or not fixing a basketball court, correct?

Mr. Shimonishi: Right.

Council Chair Rapozo: So for all intents and purposes, we are done transferring funds from the Unassigned Fund Balance?

Mr. Shimonishi: Until we do our budget again or if we went through—I guess until we do the next year's budget to identify funding and projects and so on, or we want to revise the current budget in some fashion as we have done previously.

Council Chair Rapozo: Okay. Are there any questions for Ken as it relates to the transfer? Okay, Ken, thank you. Anyone in the audience wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? Go ahead.

Councilmember Kagawa: One of the things I like is that this could open up the possibility of getting some cost-savings in going out to bid. As we are resurfacing multiple parks, we could get a better cost per resurfacing. So that is going to be the nice part about bunching up so much of the parks and you all see it. A lot the basketball courts and tennis courts, because of the weather and I think the soil conditions in a lot of areas where there is a lot of clay, you have a lot of cracks that have gotten pretty bad. But the thing is it with was pretty good for a while. It is just that we have not done it for such a long time and also, with the painting, we have multiple projects. So I am hoping that Purchasing can take advantage of that aspect and perhaps get the taxpayers a better price and hopefully, maybe it will lead to some savings where we are projecting more than we actually do spend. I am hoping some of that comes about. Other than that, we will wait until the public hearing and wait for the questions. But at this point, I am very supportive of trying to fix our parks, protecting our investments, and most of all, when we are talking about areas like Kaumakani where we needed the bathroom upgrades and what have you for so long being with that seniors are the primary users, protecting the County as far as risk management and making sure that we do not have bad accidents that could cost us more in the long-term. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Is there any other discussion?  
Councilmember Yukimura.

Councilmember Yukimura: I think it is a good move to repair our parks. We know that there is a dire need. I support, in concept, the effort here. I just hope that we are doing it in the most cost-effective way so that, again like Council Vice Chair Kagawa said, we are getting the most for our tax money.

Council Chair Rapozo: Is there any other discussion? I will just say that last year at the budget, this Council voted to rather than raise property taxes, to take one million five hundred thousand dollars (\$1,500,000) from the reserve account or from the Unassigned Fund Balance account. We were criticized quite strongly, for violating our own policy. This Council was criticized publicly that, "Hey, you folks are violating the policy and we need to raise taxes. You should not be touching the reserve." My response to that was, we know that at the end of the year, we have a surplus that we would replace the surplus and we would still have money. We do not have to raise taxes. So, I know we are coming towards the end of the fiscal year and I realize that we have a lot of projects that be done, but I just want you to know that I thought that it was pretty unfair to criticize this body for making the decision that was going to prevent the property taxes from being increased by using these funds that we knew would come at the end of the year. I want to make that point because like I said, I do not think that criticism was fair. We have this Unassigned Fund Balance at the end of every year, which is the trend. At the end of the day, the pressure for this body to raise property taxes, I think, was not necessary. I just want the public to understand that this Council worked very hard to try to stop any increases in property tax and we were successful by transferring one million five hundred thousand dollars (\$1,500,000). Look today, all this money, four million six hundred thousand dollars (\$4,600,000) that we can transfer today, and that is over and above the one million five hundred thousand dollars (\$1,500,000) that we transferred. I think as we go forward in the next budget, we really have to take into account the trends that we see every year, and that it is not necessary to jump to raising taxes just because we can. This is the proof, the living proof, that was totally unnecessary. These projects that are on this list, I support simply because it is long overdue. I hope we can make this happen in the next year. I really do. I know it is not easy to get all of these contracts out, contractors, bids, and all of that, but at least with the funds available, half the battle is won. With that, Councilmember Yukimura, go ahead.

Councilmember Yukimura: The reason why we are able to move this reserve is because we have twenty-five million dollars (\$25,000,000) in excise tax revenues that is going to be able to cover our roads, otherwise, we would have had to use this reserve money and far more to take care of our roads from the General Fund, which would have raised the taxes, probably the real property taxes, at a tremendous rate. I mean, we can say in Monday morning quarterbacking, that we would always have this reserve to deal with, but I do not think that is true because at the time we made the decision, we did not have the General Excise Tax revenues to rely on. It is only because we have that leeway now, that we are able to see that these extra moneys can be used for parks because we have taken care of a huge road repair budget through the General Excise Tax.

Council Chair Rapozo: Thank you. With that, the motion is to approve on first reading and set the public hearing. Roll call.

The motion for passage of Proposed Draft Bill (No. 2682) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2683) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND-CIP (*Parks & Recreation Improvements (CIP Budget)*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2683) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for passage of Proposed Draft Bill (No. 2683) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Proposed Draft Bill (No. 2684) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Maluhia, Kōloa, and Olohena Collector Roads (Operating Budget)*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2684) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion?  
Councilmember Kagawa.

Councilmember Kagawa: Just a quick question

Council Chair Rapozo: Okay. With that, I will suspend the rules.

There being no objections, the rules were suspended.

Councilmember Kagawa: Basically, we saw the communication. Is this going to be part of matching?

MICHAEL TRESLER, Acting Deputy County Engineer: Michael Tresler, Public Works, for the record. Yes, this is money being requested to add to matching funds for the collector roads that are on the Statewide Transportation Improvement Program (STIP) and also move—I believe we had carved out one million dollars (\$1,000,000) in the Operating Budget and moving it CIP.

Councilmember Kagawa: About how much would the total project costs for those three (3) roads, including the matching?

Mr. Tresler: Total cost, we are estimating the first part to be about eight million seven hundred fifty thousand dollars (\$8,750,000). Olohena is probably about the same amount or more. It is possible that we will need...it depends once the bids go out, and the design is done, that we may need more funding.

Councilmember Kagawa: Is it two (2) phases?

Mr. Tresler: Well, it is actually three (3) roads. There are a lot more roads, but the three (3) major priority roads are Kōloa Road, Maluhia, and Olohena. We are already starting to do the surveying for Kōloa Road and Maluhia.

Councilmember Kagawa: If everything goes as planned and we rub our crystal ball, when would we hope to see construction start?

Mr. Tresler: The improvements for Kōloa Road, I believe, would be in this calendar year.

Councilmember Kagawa: I know it is hard to just say a date and I do not want to tie you in. I am just saying that if we had a goal set in mind, what would that goal be?

LYLE TABATA, Acting County Engineer: Lyle Tabata, Acting County Engineer. For Maluhia and Kōloa, as Mike stated, those are slated to begin within this calendar year and Olohena in 2019.

Councilmember Kagawa: Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I just want to thank Roads, the Administration, and you two (2) gentlemen for staying on top of this. I think these roads have gotten the most complaints of any roads on the island and we are very relieved that we have now put money and are able to put money into these roads to repair, because our people are paying right now by fixing their cars. Good job and let us get it done. Thank you.

Mr. Tabata: Thank you.

Mr. Tresler: Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you very much.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? Go ahead.

Councilmember Yukimura: Council Chair Rapozo, I want to say that I am really happy to vote for this. It has been a long time coming, it is long overdue, and it is going to will feel so good to have those roads repaved, and repaved in a way that is of increasing quality and value because I know that Public Works has really improved their repaving process so we are not going to see those high drop-offs. We are going to see proper percentages of the undersurface and we are going to have roads that last a long time. Thank you.

Council Chair Rapozo: Thank you. Anybody else? Seeing none, roll call.

The motion for passage of Proposed Draft Bill (No. 2684) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2685) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND-CIP (*Maluhia, Kōloa, and Olohena Collector Roads (CIP Budget)*): Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2685) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. This is a companion Bill to complete the transfer, so I do not know if there is any—I mean, it is the same item. Councilmember Kagawa.

Councilmember Kagawa: I want to clarify because on the outset when we discussed the Parks' items, I do not know if we may have come across to the public as though we are improving the parks by four million six hundred thousand dollars (\$4,600,000), but actually, you have to minus one million nine hundred thousand dollars (\$1,900,000) because one million nine hundred thousand dollars (\$1,900,000) is going towards the roads. So there is a difference there. We are putting what? What is four million six hundred thousand dollars (\$4,600,000) minus one million nine hundred thousand dollars (\$1,900,000)? You are talking two million seven hundred thousand dollars (\$2,700,000) that is actually going towards the parks and one million nine hundred thousand dollars (\$1,900,000) is going towards...it is going to the swimming pool.

Council Chair Rapozo: Yes, it is.

Councilmember Kagawa: Oh, it is all to the parks?

Council Chair Rapozo: Yes.

Councilmember Kagawa: Oh, okay. I am sorry.

Council Chair Rapozo: Now you are confusing me.

Councilmember Kagawa: No. I thought this portion was part of the...

Council Chair Rapozo: No, no. This is completely separate. This is coming from our Unassigned Fund Balance, and then the other two (2) Bills are from the Highway Fund to the General Fund to the CIP.

Councilmember Kagawa: Sorry.

Council Chair Rapozo: Okay. No problem.

Councilmember Kagawa: I missed that one. Swing and a miss. Strike 1.

Council Chair Rapozo: Okay. Is there any further discussion? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 2685) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 7, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item.

**BILL FOR SECOND READING:**

Bill No. 2676 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation/Renovation - \$140,000.00*): Councilmember Chock moved to approve Bill No. 2676 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion?  
Councilmember Kagawa.

Councilmember Kagawa: I just wanted to see if the Administration had a response yet or still deciding so far as what the plan is to use the portion that they are vacating. Are you still unsure?

Council Chair Rapozo: I have a question, Ken, as far as the account. I know I brought it up.

Councilmember Kagawa: Not that it affects my vote on this Bill. I support the move. I just wanted to know if we had any plans to use that, to me, a valuable space that could possibly fill an important need.

Council Chair Rapozo: And we are having that discussion update on the space plan coming up, I believe, next week.

Councilmember Kagawa: Oh, okay. I do not need the answer now then.

Council Chair Rapozo: But I am not sure they can answer it today, but I know that we sent over a request for have it on the agenda to discuss that plan.

Councilmember Kagawa: Okay. Sorry.

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Managing Director: Wally Rezentes, Managing Director. With regard to the space that Information Technology (IT) will vacate once they consolidate down at IT, I do not know what you call it. Kapule basement. Once they are able to do that, the intent would be to move our Wastewater Division into the IT space. Right now, the Wastewater Division occupies a conference room that is actually an external conference room in Kapule and there is still a pretty consistent demand from the public, nonprofits, and community groups to use our conference space. The good thing about Pi'ikoi A and B as well as this Kapule location that Wastewater will vacate, is that both of them will be external. You can externally access the building versus when they use the one in Housing or Liquor, we would have to open it up to the public. It is more of a security issue. So the intent, at least, is to move them out. They were told years ago, "Temporarily, we are going to put you in the conference room," and now, we are going to have a more suitable space for the Wastewater folks.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Wally, how many external conference rooms do we have with Wastewater vacating?

Mr. Rezentes: How many? Two (2).

Council Chair Rapozo: You called it an external conference room, meaning that the public could access that for meetings.

Mr. Rezentos: Yes. So it would be that one, Kapule, and then the...what is it called? Mo'ikeha 2A and 2B, which is where the Planning Commission meets most often.

Council Chair Rapozo: Oh, okay.

Mr. Rezentos: So those two (2) would be external and less demand would be on the internal ones, which is where Liquor is as well as Pi'ikoi A and B, which is by Housing, right?

Council Chair Rapozo: Inside, right.

Mr. Rezentos: So if we have to open that up after hours, we open up the whole corridor to the public, and we do not like to do that if we can avoid it.

Council Chair Rapozo: Are these two (2) external conference rooms are available to the public for nonprofits if they want to have a meeting in the evening?

Mr. Rezentos: Community groups, yes.

Council Chair Rapozo: Okay. Who manages those reservations? I was not aware.

Mr. Rezentos: I think Kauai Tanaka does it through the Office of the Mayor.

Council Chair Rapozo: So the Office of the Mayor?

Mr. Rezentos: Yes.

Council Chair Rapozo: We often get requests where and I was not aware that these spaces were available after hours, so that is good to know. Thank you.

Mr. Rezentos: Yes.

Council Chair Rapozo: Thank you very much. Is there anybody in the audience wishing to testify? Oh, I had a question for Ken, real quick, on the Claims and Judgments Account. I know I had asked some questions at last meeting. How much are we left after this transfer of one hundred forty thousand dollars (\$140,000)? How much remains in that account?

Mr. Shimonishi: I believe currently, that would probably bring the unencumbered balance at about one million dollars (\$1,000,000).

Council Chair Rapozo: In the Claims and Judgments Account?

Mr. Shimonishi: Correct.

Council Chair Rapozo: Historically, what do we spend out of that account?

Mr. Shimonishi: Well obviously, it varies.

Council Chair Rapozo: Yes. Let us say in the last five (5) years?

Mr. Shimonishi: It could be five hundred thousand dollars (\$500,000). I think if you look over the most recent years, it was, at one time, budgeted at over two million dollars (\$2,000,000). It came down to, I think, one million five hundred thousand dollars (\$1,500,000) and then the most recent budget was one million two hundred thousand dollars (\$1,200,000). But we will look towards bringing it back down with the next budget submission as well.

Council Chair Rapozo: Okay. Are we safe as far as that goes in that we have money in there in case?

Mr. Shimonishi: Right. Currently, there is.

Council Chair Rapozo: Okay. Thank you. Are there any other questions or public testimony? Seeing none, I will call the meet back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? The motion is to approve on final reading. Roll call.

The motion to approve Bill No. 2676 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: With that, we have three (3) Executive Sessions that we need to get to before we can wrap up the three (3) open items. Can you read off the items, please?

EXECUTIVE SESSION:

ES-935 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the interests of the County as Disclosure Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-936 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-937 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Can I get a motion, please?

Councilmember Yukimura moved to convene into Executive Session for ES-935, ES-936, and ES-937, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I just have a question for Mauna Kea on ES-936. My question is this because it has been brought to me and of course I cannot discuss the Shibuya case, but the suggestion was how do we evaluate the status of our judgments? I know the initial case was handled by the previous County Attorney, I believe an offer was made to settle, and the decision was made to go forward because we felt that we were better off fighting the case. Now, how do we go back and evaluate all of our previous decisions and see whether we have been successful or not? In this case, what was the original offer to settle and then how much has it cost us in attorney's fees, because we keep hearing, "Oh, this is the final amount that should take us to the end," and now we have another amount and it keeps adding. I am just wondering, at the end of the day of all of these cases, how do we evaluate whether we made good, solid financial decisions knowing what we know at the time for our taxpayers to make sure that we are not just randomly deciding which people we want

to settle with and which people we want to fight with. For me, I want to know if we have a list that shows our past performance. If a taxpayer asks, "Are you folks making solid decisions on these cases," we can say, "These are results now that it is settled." Initially, in whatever year there was an offer to settle the case for this much and it costed us this much and we won. So this was a good decision, or in hindsight, well, we went over what was the amount to settle and even lost the case and then we had to pay. So it was far beyond what the initial offer was. I am not saying that court cases are black and white where we have all of the facts where we know where the decision is made, but at some point, you have to look at the facts and say, "Well, we make this decision and this was the results. We were plus on this case and minus on this case." Do we have anything like that going back?

There being no objections, the rules were suspended.

Mr. Trask: For the record, Mauna Kea Trask, County Attorney. We have all of those records and I can give them to you. I do want to limit our discussion on this on the floor because it is a pending case.

Councilmember Kagawa: Of course. I understand.

Mr. Trask: I think that under the Charter, under the Special Counsel Section 8.06, "The council may, by vote of five members, authorize the employment of special counsel for any special matter necessitating such employment." So there is always an economic opportunity cost that you have to do as the purse strings and there are also other factors. Like in this case, you said this case was initiated in about 2011 and I think again in 2013, the same case. At that time, the Office of the County Attorney had limited litigators and so we came in. The co-defendant in this case was Mark Begley when he was the Assistant Chief. We could litigate the two (2), both Darryl Perry and Mark Begley, individually in-house and we had to contract for Special Counsel for the County, in general. Subsequent to the filing the Begley case now, I would have it liked to take in-house, the appeal, but the conflicts just exist. For that reason, because of the ethical prohibitions, we cannot take this case on, and that applies to a lot of different matters. I can talk more in the back about that, but this case is more about the conflicts and our inability to take it in-house at this point.

Councilmember Kagawa: Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Are there any other questions for the attorney? If not, thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? Go ahead.

Councilmember Kagawa: It is a concern. When we make a decision, we are accountable, right? Same thing. When we are given recommendations and we

take it, and when it turns out perhaps to be a bad decision, how do we get better going forward? I think having that knowledge of our past and present performance is important. I hope going forward, that this Council and future Councils can have more information so far as what our performance is because I have no clue and I have with been here five and a half (5½) years. What is our performance? What is our track record? Not pinning on this Administration because a lot of cases came up before the current County Attorney, but I just want to make sure that there is a way that we can self-reflect and improve because I am sure that we want to make sure that we are settling cases that we should settle and we are fighting cases that we should fight. I know it is not always black and white, as I said, because you never know how it is going to end up in court; however, I think looking at our past history, it will teach us where we are going wrong and where we are going right, at least financially. I think it is important. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Is there any other discussion? Seeing none, roll call.

The motion to convene into Executive Session for ES-935, ES-936, and ES-937 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: With that, we will recess. I am hoping we can get through these cases in fifteen (15) minutes, possibly, fifteen (15) to thirty (30). We will take a recess. Please reconvene in Executive Session. Thank you.

There being no objections, the meeting recessed at 11:25 a.m.

The meeting reconvened at 12:00 p.m., and proceeded as follows:

*(Councilmember Kagawa was noted as not present.)*

Council Chair Rapozo: Scott, if you can resume the agenda, please.

C 2018-13 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel’s continued services provided to represent the interests of the County as Disclosure Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters: Councilmember Kaneshiro moved to approve C 2018-13, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-13 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-14 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters: Councilmember Kaneshiro moved to approve C 2018-14, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-14 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item.

C 2018-15 Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued services provided to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series for the County, and related matters: Councilmember Kaneshiro moved to approve C 2018-15, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

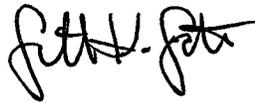
The motion to approve C 2018-15 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. With that, that concludes today's agenda. If there are no objections, I will adjourn the meeting. We have a public hearing at 1:30 p.m.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:02 p.m.

Respectfully submitted,



SCOTT K. SATO  
Deputy County Clerk

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