

COUNCIL MEETING

MARCH 25, 2020

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, March 25, 2020 at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock (*via remote technology*)
Honorable Felicia Cowden
Honorable Luke A. Evslin (*via remote technology*)
Honorable Ross Kagawa (*present at 8:45 a.m.*)
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*

Council Chair Kaneshiro: Please note that we will run today's Council Meeting and Public Hearings pursuant to the Governor's Supplementary Emergency Proclamation dated March 16, 2020.

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: There is no one in the audience.

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: Any discussion from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2* (*Councilmember Brun and Councilmember Kagawa were excused*).

Council Chair Kaneshiro: The motion is carried. Clerk, please read the next item.

CONSENT CALENDAR:

C 2020-81 Communication (02/10/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Helen A. Cox (Environmental) to the Planning Commission – Term ending 12/31/2020.

C 2020-82 Communication (02/19/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Francis Paul DeGracia, Jr. (Labor) to the Planning Commission – Term ending 12/31/2022.

C 2020-83 Communication (02/28/2020) from the Director of Finance, transmitting for Council information, the 2020 Real Property Assessment List of the County of Kaua'i, pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended.

C 2020-84 Communication (03/02/2020) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of December 31, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

C 2020-85 Communication (03/03/2020) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2020 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended.

C 2020-86 Communication (03/04/2020) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2020 Action Plan (HOME Investment Partnership Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended.

C 2020-87 Communication (03/04/2020) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 7, 2019.

C 2020-88 Communication (03/11/2020) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2020-73, regarding the Property Adjustment Agreements for the clearing of debris and dredged material from the Waihohonu Stream, as he is employed with Grove Farm, Incorporated.

C 2020-89 Communication (03/12/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution Amending Resolution No. 2019-03 Relating To The Appointment Of The Chairpersons, Vice Chairpersons, And Members Of The Several Standing Committees Of The Council Of The County Of Kaua'i.

C 2020-90 Communication (03/13/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution Amending Resolution No. 2019-02, Relating To The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business.

C 2020-91 Communication (03/13/2020) from the Director of Human Resources, transmitting for Council information, the March 15, 2020 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

C 2020-92 Communication (03/13/2020) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit and Very Low Income tax relief measures enacted by the Kaua'i County Council, factored with the existing real property tax rates, and based on the Real Property Assessment Certification for Fiscal Year 2021.

Councilmember Kualii moved to receive C 2020-81, C 2020-82, C 2020-83, C 2020-84, C 2020-85, C 2020-86, C 2020-87, C 2020-88, C 2020-89, C 2020-90, C 2020-91, and C 2020-92 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members? We did not receive any written testimony.

(No written testimony was received on these agenda items.)

Council Chair Kaneshiro: Are there any questions or comments from the members?

The motion to receive C 2020-81, C 2020-82, C 2020-83, C 2020-84, C 2020-85, C 2020-86, C 2020-87, C 2020-88, C 2020-89, C 2020-90, C 2020-91, and C 2020-92 for the record was then put, and carried by a vote of 5:0:2* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: The motion is carried. Next item please.

COMMUNICATIONS:

C 2020-93 Communication (02/20/2020) from Elliott K. Ke, Captain, Office of the Chief of Police, requesting Council approval of the indemnification provision in the End User License Agreement (EULA) and Terms and Conditions for the Kaua'i Police Department's small Unmanned Aircraft System (sUAS), to allow the Kaua'i Police Department (KPD) to procure the software license for the Pix4D mapping software to produce high quality visual and measurement images through the use of the Department's sUAS program: Councilmember Kualii moved to approve C 2020-93, seconded by Councilmember Cowden.

Council Chair Kaneshiro: The Chief of Police is available for questions. Does anyone have preset questions that you wanted to ask? I am not sure if the Chief is prepared to answer questions on this item.

Councilmember Cowden: I had asked some questions to Captain Ke. He responded. I could read them or reference them. I think they are important in terms of what the community might feel. I was very happy with these answers. I am not sure if the Chief would prefer to answer them. My first question was regarding drones... "Are there illegal search and seizure limitations to be associated with the drones?" Captain Ke responded that, "The Kaua'i Police Department (KPD) has three (3) sworn employees who are certified as remote pilots by the Federal Aviation

Administration (FAA). These pilots are trained and very knowledgeable about the Fourth Amendment and the protections afforded to individuals with reference to unreasonable searches and seizures and people's right to privacy. These pilots have also received training on current case law and how that law applies to the aircraft missions. Further, KPD policy is clear that all small unmanned aerial systems missions will be in line and comply with local, state, and federal laws always taking into consideration individual civil rights and the reasonable expectation to privacy." Chief, I was confident that that would be case, but I think it is very important for it to be stated. Do you have any further comments on that?

There being no objections, the rules were suspended.

TODD G. RAYBUCK, Chief of Police (*via remote technology*): No. Thank you for asking the question. That is a common question that comes up in the community regarding police use of drones. I will just submit Captain Ke's testimony for the record in that response.

Councilmember Cowden: Okay. I had one other question that I felt he did a very good job answering. "Can you provide examples for the intended use of the drones?" Captain Ke responded, "The Kaua'i Police Department received a Certificate of Authorization (COA) from the FAA on June 26, 2018. The COA provides specific terms and provisions which KPD must adhere to when performing Public Aircraft Operations. KPD is required to document and report sUAS operations to the FAA through an online reporting system. Currently, missions authorized by KPD policy include but are not limited to: disaster response and recovery, post-incident crime scene preservation and documentation, response to hazardous material spills, search and rescue missions, and public safety and life-preservation missions. The Pix4D software will allow KPD to take the images captured from a crime scene or other approved mission and combine those images to create a measureable 2D map in the field or in the office. The software will also allow for a more accurate assessment of areas that may have been affected by natural disasters like floods, hurricanes, volcanic eruptions, and earthquakes, by using the captured data to create real-time maps to be used for identifying damage in areas like critical infrastructure and the environment. Investigators will be able to identify and measure points of interest, mark and evaluate maps to get rapid and reliable situational awareness for making tactical decisions, and improving safety for responding to evolving situations." I felt that that was a very good response and one that gives me confidence that we will be more effective in police actions that we are taking now. It will be good for the safety and well-being of our citizens, the police, and our island in general. Chief, do you have anything that you would like to add?

Chief Raybuck: Captain Ke's response is very well presented to the Council and I appreciate that. The use of drones in policing has really allowed us to increase our ability to observe dangerous situations, where we would not have to risk police officers going into the situation to obtain critical information, whether that is a search and rescue mission, a body recovery, or a physical situation such as the helicopter crash that we had, where we cannot get personnel on the ground and flying in a helicopter may not be an optimal decision—one of the other benefits, as Captain Ke alluded to in his response, is that we often use these in those types of

incidents. The last thing that I will add is that the value in reducing the budget of the County by use of drones...to use a helicopter in a similar situation costs about seven hundred twenty-five dollars (\$725) an hour of flight time. Add into that the helicopter flight by its very nature can be very dangerous and there are people that could be placed at risk. The drones allow us to obtain the same type of data from a safe location on the ground and be able to put that into real time to the individuals that need that the most. Thank you again for asking that question. I appreciate that and submit that for the record.

Councilmember Cowden: Thank you. No more questions.

Council Chair Kaneshiro: Any questions from the other members?

(No written testimony was received on this agenda item.)

The meeting was called back to order, and proceeded as follows:

The motion to approve C 2020-93 was then put, and carried by a vote of 5:0:2* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: The motion is carried. Next item.

C 2020-94 Communication (02/26/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Section 8-2.4, Kaua'i County Code 1987, as amended, relating to the Table of Uses: Councilmember Chock moved to receive C 2020-94 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or comments from the members? We are going to see it as a Proposed Draft Bill, it will go to public hearing and committee. Any discussion from the members?

(No written testimony was received on this agenda item.)

The motion to receive C 2020-94 for the record was then put and carried by a vote of 5:0:2* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: Clerk, can we skip C 2020-95 until Councilmember Kagawa is present?

There being no objections, C 2020-96 was taken out of order.

C 2020-96 Communication (03/03/2020) from the Housing Director, requesting Council approval to receive and expend the Reversion of Capital Improvement Project (CIP) Funds from the State Department of Land and Natural Resources (DLNR) in the amount of \$195,081.48 to the County of Kaua'i, for the Spark Matsunaga Memorial at Kealaula located on the Pua Loke project: Councilmember Kualii moved to approve C 2020-96, seconded by Councilmember Chock.

Council Chair Kaneshiro: I will mention when we actually have testimony for or against an item, but we did not receive any testimony on this item.

Councilmember Cowden: I would just like to say I think it is a really nice gesture that we are honoring him there.

Council Chair Kaneshiro: Any final discussion from the members?

(No written testimony was received on this agenda item.)

The motion to approve C 2020-96 was then put, and carried by a vote of 5:0:2* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-97 Communication (03/04/2020) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, a Fiscal Year 2020 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$2,550,000.00, and to indemnify the FTA. This Section 5339(c) grant will provide eighty-five percent (85%) of the cost to replace three (3) diesel-powered buses exceeding their useful service lives with three (3) electric-powered buses, and provide for the design and construction of depot charger ports required for electric bus charging: Councilmember Cowden moved to approve C 2020-97, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Any comments or discussion from the members? Councilmember Kualii.

Councilmember Kualii: I am just assuming that the Transportation Agency is budgeting for the fifteen percent (15%) difference that is the County's share; I am pretty sure they are.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: The questions I have been asking are about how well they fit into the existing infrastructure for improving the buildings, that they feel they can adapt to make that work.

Council Chair Kaneshiro: Yes, and I did ask questions to the Transportation Agency also, but again, this is not a guaranteed grant that they are going to get. They are just applying for it. It is a large program and it is a competitive program. We are just giving them the approval to apply for it.

Councilmember Cowden: Okay. Thank you.

Council Chair Kaneshiro: Is there anyone else?

(No written testimony was received on this agenda item.)

The motion to approve C 2020-97 was then put, and carried by a vote of 5:0:2*
(Councilmember Brun and Councilmember Kagawa were excused).

Council Chair Kaneshiro: Next item.

C 2020-98 Communication (03/05/2020) from the Acting County Engineer, requesting Council approval to use existing budgeted funds to reprioritize the purchase of a backhoe to an unbudgeted excavator at a cost of \$130,000.00, which will be utilized at the Hanalei Refuse Transfer Station: Councilmember Kualii moved to approve C 2020-98, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any discussion from the members?

Councilmember Cowden: I wanted to comment that it was made clear from the Department of Public Works that an excavator would do a better job than a backhoe, and that is the main reason why we made the change.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

The motion to approve C 2020-98 was then put, and carried by a vote of 5:0:2*
(Councilmember Brun and Councilmember Kagawa were excused).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-99 Communication (03/09/2020) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval:

- a. To enter into a Letter of Agreement (LOA) reimbursement program with the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ), to provide as well as receive assistance from other Police Departments, State and Federal Agencies in the fight against drug, gun, and persons related crimes;
- b. To receive \$42,000.00 as payment for overtime, vehicle and aircraft rentals, training, replacement of old equipment, and purchase of new technology; and
- c. Of the indemnification provisions contained in Agreement Number 2020-59.

Councilmember Kualii moved to approve C 2020-99, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will suspend the rules. Are there any questions from the members on this item while we have Chief Raybuck here?
Councilmember Cowden.

There being no objections, the rules were suspended.

Councilmember Cowden: I had an exchange with Assistant Chief Ponce and he answered my questions sufficiently. They provided a little background on it, but those were good answers.

Council Chair Kaneshiro: Is there anyone else? If not, I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the members?

(No written testimony was received on this agenda item.)

The motion to approve C 2020-99 was then put, and carried by a vote of 5:0:2* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-100 Communication (03/11/2020) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 4 for period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 4.

(Councilmember Kagawa was noted as present.)

Councilmember Kualii moved to receive C 2020-100 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this? We do not have the Department of Human Resources (HR) present.

Councilmember Cowden: When it comes time to do the Bill, I have some answers that I received ahead of time.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

The motion to receive C 2020-100 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Next item.

C 2020-101 Communication (03/11/2020) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$284,784.00, and approval to indemnify the State of Hawai'i, Department of Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 18-V2-03 for the period of July 1, 2020 through June 30, 2021: Councilmember Cowden moved to approve C 2020-101, seconded by Councilmember Kualii.

Council Chair Kaneshiro: We did request everyone to ask the questions ahead of time and if we needed the Administration here, we would have them on and we not have them present, so I am going to assume that we do not have questions for the rest of the other items. Is there any discussion from members before we vote? Councilmember Kualii.

Councilmember Kualii: I know that this is money that we go after every year for important work in the community; the VOCA funds.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

The motion to approve C 2020-101 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Motion carried. Clerk, can we go back to C 2020-95, on page 3?

C 2020-95 Communication (02/28/2020) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's Resolution No. 2020-1 and Resolution No. 2020-2, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its January 23, 2020 meeting.

- Salary Commission Resolution No. 2020-1
- Salary Commission Resolution No. 2020-2

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Salary Commission Resolution No. 2020-1, which is relating to the Office of the County Attorney, and Salary Commission Resolution No. 2020-1, from Kaua'i Police Department (KPD).

Councilmember Cowden moved to take C 2020-95 Ad Seriatim, seconded by Councilmember Chock, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Clerk, let us start with the Salary Commission Resolution No. 2020-1. This is the resolution regarding a six hundred dollar (\$600) payment for the Office of the County Attorney to help pay off student loans. Let me make this clear on the motion. If you want to reject, the motion would be "to reject in its entirety" and it will take five (5) votes to reject. This is a weird situation where it is a salary resolution, so it is a little different. If the members are

okay with it, then we would make a motion “to receive for the record” and that takes four (4) votes, and it will automatically be received. I am not sure how people feel about it, but we will take a motion now. We can discuss it and then we can rescind the motion or do a new motion on it.

Councilmember Kagawa moved to reject Salary Commission Resolution No. 2020-1 in its entirety, seconded by Councilmember Kualii.

Council Chair Kaneshiro: We have a motion on the floor. Are there any questions on this? Councilmember Cowden.

Councilmember Cowden: Matt, when I hear six hundred dollars (\$600), that does not sound very much, but this is...it says, “WHEREAS, the average law school graduate with an average student loan debt of one thousand forty-five five hundred fifty dollars (\$145,550),” and the “average loan payment for that amount of debt would be one thousand six hundred fifty-six (\$1,656) a month.” Where do I see that six hundred dollars (\$600)?

MATTHEW M. BRACKEN, County Attorney: The six hundred dollars (\$600) was selected by me. Those are the national averages. I actually did a poll in my office to see what the average student loan amount was, as well. Seventy-seven percent (77%) of my attorneys have student loans and the average student loan payment in my office is over nine hundred dollars (\$900), so six hundred dollars (\$600) is to be used like a partial payment for some.

Councilmember Cowden: Okay, I see six hundred dollars (\$600) per month. I was thinking six hundred dollars (\$600) is nothing.

Mr. Bracken: That is correct.

Councilmember Cowden: Okay. Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: My comment is that it will be good to pass it to perhaps attract more attorneys, however, where does it end? In any type of profession today, everyone has student loans. There are very few people that can pay all of their schooling off. Even at the University of Hawai'i (UH), twenty thousand dollars (\$20,000) per year. Who can pay that cash? Also, the cost to live in Honolulu. If you go to the mainland, it is like forty thousand dollars (\$40,000) per year. Our entire County would like that ability to pay off student loans. We are opening up a can of worms. I am very surprised that the Salary Commission would even propose something like this. I think they need to go back and reevaluate the purpose of their job; it is not to propose ridiculous things that clearly will have both sides to something. This is clearly going beyond what the Salary Commission should be doing. Propose reasonable things, not unreasonable things. If you want to attract more attorneys, then just make the salaries higher and propose something like that. Do not propose something where there are a lot of other people that will be left out. Again, the whole thing about going to college, getting grants, getting college

assistance, it varies too. If you are divorced or still together but technically divorced, you have a big break and you can get more student loans than a regular married couple in the middle class. If you are on the lower end of the income, you can get much more college grants. If you have Hawaiian blood, you can get higher grants. For the County to look at just giving one department student loan aid is really, for me, a bad precedent. I hope we do not go down that type of road because like I said, there are many people deserving of help and many departments that could get better people if we had that type of help. I hope we do not even go in this direction. I am voting a strong motion to reject.

Council Chair Kaneshiro: Do we have any questions from the members for Matt, while he is here? Councilmember Chock and then Councilmember Evslin.

Councilmember Chock: My goal would be to see how it is we can support the Office of the County Attorney. It is apparent that this particular proposal is not sitting well with the Council. My suggestion would be if we do not have the votes to support them with this proposal, perhaps there is a different way that we can that is more along the lines of the Salary Commission's purview that we have seen in the past. I am open to suggestions on what that would look like from the County Attorney and of course from the members.

Councilmember Evslin: I have a question for Matt. Is there something unique about the Office of the County Attorney as opposed to the Office of the Prosecuting Attorney or those with, say, a Masters of Engineering that you folks should have this or do you think all those other departments should also?

Mr. Bracken: The Salary Commission considered this because I asked for it specifically. I brought this before the Salary Commission when I had four (4) vacancies; I currently have one-and-a-half (1.5) vacancies—I have a part-time attorney and a full-time attorney position. I anticipate another vacancy in 2020. The only reason they considered it for my office is because I asked and the reason why it would fall under their purview is these sorts of payments are considered "salary" by the Internal Revenue Service (IRS), so it was something the Salary Commission could consider. They had the same reservations as you all did, they wanted to look at the other departments as well. I asked them to consider, just because I have a huge problem with attracting people...

Council Chair Kaneshiro: Matt. Sorry to interrupt, but maybe if you can speak a little slower or closer to the microphone. It is coming in a little patchy on our side.

Councilmember Cowden: Or speak directly into the microphone.

Mr. Bracken: The Salary Commission considered this for my office because I requested it. They were apprehensive as you all were, just considering one department. They were willing to do it, though, because of the huge problem I had with hiring people. I originally approached them when I had four (4) vacancies. I currently have one and one half (1.5) vacancies. I have a part-time and a full-time position and I have an anticipated vacancy here in 2020, within the next

few months. So they were willing to consider it for my office because I requested it, but there is not anything that stops them from doing it for other departments as well. Of course they would have to bring it before the Council for your consideration.

Council Chair Kaneshiro: Councilmember Evslin, you can continue with your questions.

Councilmember Evslin: Certainly I imagine this was worked on before the crisis that we are facing right now. Do you think potential drastic revenue shortfalls in the next budget, would that change your consideration of the calculus here at all? Maybe waiting until next year or something like that.

Mr. Bracken: It was proposed originally in January or February. It took a little while to get it to you all. The thing is, the budgetary impacts of this resolution are not in the current budget proposal that was submitted and nor will it be. The way I discussed it with the Salary Commission is that I would essentially use funds left over from vacant positions to fund this proposal. Therefore, if I have an attorney vacancy for one (1) month, that is enough to offer student loan payments for one position. The thought was to use current vacancies to fund resolution itself. It is not in the current budget and nor will it be in the current budget. I just intend to use vacant position salaries to fund it.

Councilmember Evslin: Would that be the hope going forward forever is that it would never be budgeted to your salaries, but you would always use extra vacant funds to use to fund it with what was available?

Mr. Bracken: I think if I have the vacancies like our office has always had, that it could always be done. My hope is that is not the case. I would hope that at some point I could have a full office with all the positions filled. I intend, if it was to pass, to have a contractual agreement with the attorney who would be receiving it, to state something along the lines of "there is not guarantee this will be for more than one (1) year."

Councilmember Evslin: It was a little hard to understand that last part. Could you just repeat that?

Mr. Bracken: I would have the attorney and our office execute a contract along the lines of "there is no guarantee"... I am using leftover funds from salaries to fund it, but at some point in time if there were no funds for it, then they would not be entitled to it. So, it would be subject to Council's approval in the future.

Councilmember Evslin: So as it goes right now...

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: ...for that position, you fill a position, the funding is not there, and you do not give it to them, right?

Mr. Bracken: That is correct. It is subject to Council approval in the future. It will have to be a subject line item, a different line item in the future, but again, it is not this current budget, so you will not see it.

Councilmember Evslin: And would that money be prioritized towards trying to find someone new that would come in at a higher effective salary than people who are on staff now or would you give it to current attorneys on salary?

Mr. Bracken: There is no budget to give to the current attorneys. It would just be offering to new.

Councilmember Evslin: Okay.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: The way it is written, though, would the person you hire understand that they are going to get that six hundred dollars (\$600) per month every month for as long as they work with us, for as long as they have the loan. That is what the resolution sounds like.

Mr. Bracken: All the salary resolutions are just enabling, so this will allow my office to take action. With all of these, there will have to have a separate agreement, and I plan on doing a separate agreement. Because, one, I would have them provide proof of what the loan payment is, which would need to be verified by my office. Then I would do a separate agreement saying, "It is not indefinite. It is subject to Council appropriation."

Councilmember Kualii: But the way that it is written is primarily to give additional compensation, so I agree with Councilmember Kagawa in that you should just work with the Salary Commission on increasing the salary. This seems to be like they are trying to be creative, but an increase in salary is an increase in salary.

Mr. Bracken: The Salary Commission had voted not to pass any salary increases for the year. I came in after they voted on that, I came in with this additional proposal...

Councilmember Kualii: I think they have something called a "hiring bonus," have you given any thought to that? There are ways with positions that are hard to fill that they have some other type of incentive to try and help fill those positions. Have you looked at that?

Mr. Bracken: That can be done for civil servants, but it cannot be done with appointed positions. An appointed position requires a salary resolution.

Councilmember Kualii: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: The six hundred dollars (\$600) per month does not go directly to the financial institution holding the loan, it just gets paid out to the staff member, the attorneys?

Mr. Bracken: That is correct.

Councilmember Cowden: Okay. So it is basically a salary increase and nothing more than that, essentially, right, because there is not tax deferral or any kind of thing like that gives the extra benefit.

Mr. Bracken: The IRS views it as salary, so, yes, but it is something we can use in the advertising for the vacant position.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Matt, do you think it is fair that we would allow to pay off student loan debts just for our attorneys and no one else in the entire County? Is this a bad precedent to start going down? We have attorneys that are in different departments also that have student loans, are we going to start expanding it to them? I bet a majority of our employees at the County have gone to college, have student debt, are we going to start paying everyone's student debt? It is hard for us to know what the precedent is.

Mr. Bracken: In the end it would be a policy decision on how far you want to take it. I do think, for my office, I need a way to attract attorneys. At this point, this was a way to do that. If it is something that could be used by other department having difficulty filing vacant positions, I think it is a great idea. I think it can help bring in a diverse work group.

Council Chair Kaneshiro: I believe attorneys already get some type of benefit as far as professional dues being paid by the County, right?

Mr. Bracken: The County does pay our annual dues, which is about five hundred dollars (\$500) per attorney.

Council Chair Kaneshiro: So we would pay that and then we would be paying off student loans when we have engineers, we have Certified Public Accountants (CPAs) that need to keep their certification that the County does not pay. We really have to think about where this is heading by doing something like this.

Councilmember Kagawa: A lot of the comments I had about the Salary Commission is, and my memory is very fresh because twice we had three (3) votes for it and four (4) against it, and it passed. The Charter is written very beautifully. The Charter has functioned for many years, but the Salary Commission, the way that operates where you can pass something with three (3) votes on this body—that legislates money—is ridiculous. We need to relook at doing that portion, because if you have a proposal that something like this and you can get three (3) votes at this Council table, you can get it passed. That is very dangerous. That is why I said, the Salary Commission, I would hope that they would focus on something that really does

not take advantage of the fact that they can pass something with three (3) votes. That is just absurd. We really need to go back. I am not going be here and see in the next two (2) years the crazy things that the Salary Commission may do, but I do think we need to protect the County, amend the Charter, so that the Salary Commission's proposals need at least four (4) votes, not three (3). I do not see any sports competition or any other type of competition where you get less points than the winner and you win. Tell me where? Where you have three (3), the other person has four (4), and you win.

Council Chair Kaneshiro: Any further questions? In this situation, it is even more different, because it actually only needs two (2) people to be in favor to pass, because you need five (5) votes to reject it. Just something to think about. Councilmember Evslin.

Councilmember Evslin: We have been using money from your vacant positions to fund special counsel when needed. Would that impact the availability of those funds going forward?

Mr. Bracken: The Office of the County Attorney's yearly budget has using those funds for special counsel, this last fiscal year, there was two hundred ninety thousand dollars (\$290,000) appropriated for special counsel, which have all been expended. Two hundred thousand dollars (\$200,000) from vacant positions continue to fund special counsel. If I can get fully staffed, the special account will be available. If I had positions, I probably would not have had to come for the extra two hundred thousand dollars (\$200,000) or even use all of the two hundred ninety thousand dollars (\$290,000).

Council Chair Kaneshiro: Are there any further questions from the members?

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: We will do final discussion. Again, I want to remind the Councilmembers, it is going to take five (5) votes to reject, so it only takes two (2) people to not vote for it in this particular instance, because we are one (1) Councilmember down. Councilmember Cowden.

Councilmember Cowden: I am going to vote to reject. It is really important to me that the integrity of government is high and that what we are saying we are doing, we are doing. I do not have a problem that the attorneys might need to get paid more than they do to be able to attract them, but that should be in the salary. If we are saying this is money going to student loan reduction, to me, what would be honest is that it would be really a student loan reduction and that it was absolutely directly applied to it. I am in agreement with Councilmember Kagawa and others that are looking at the fact that not only our attorneys need it, but so do our Planners and Engineers and many different people who have student loans. Especially when it is not directly going towards that payment. It is just a hidden way to give people a higher salary and that is not comfortable for me.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I am having a hard time with this as well. I think normally I do have an instinct to defer to the Salary Commission and I also strongly support doing what we can to ensure that the Office of the County Attorney is fully staffed, because we are wasting...I believe we spend two or three times the amount per hour for special counsel, as what it would cost us if we could do it internally. We are wasting money when we are not fully staffed. One the other hand, I would rather see this included in their actual salary and I think whatever happens with the Office of the County Attorney should also certainly happen for the Office of the Prosecuting Attorney. I think it sets a precedent, as others are saying, that might be hard for us to follow in the future. I am also wary that at this moment we are facing pretty dire times coming up for the next year, two years, or even more. For me, the burden for any type of extra expenditures has to be pretty high at the moment and so I will be voting to reject today. But I hope in the future we can reconsider it or have something that works to ensure that these folks can be fully staffed, but I just do not think that this proposal at this moment, in my opinion, is the right one.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I support Matt, because I know what he has been doing, but it is just the wrong mechanism. It should come during the budget and it should have the Mayor's support in proposing whatever he thinks needs to be the appropriate salary to help Matt attract good attorneys. We have had many bad attorneys, too, Matt, remember that. I think the Coronavirus crisis, it may open up some positions. There are people who may want to come out of retirement and help their families out, so there may be opportunities there. Our economy is going to struggle for a few years after this crisis. There may be some attorneys who may take the salary as-is, we may get lucky in that area, but we are going to be very unlucky in other areas. For now, I would hope that this Council can hold strong and know that this proposal does not set good precedent for the future and you are talking about our *keiki* and everyone else. The Salary Commission item was proposed as a charter amendment. The voters did it, but I do not think they really knew what they were voting for when they voted to allow something to win with three (3) votes out of seven (7). I do not think the voters knew that fact, and that was a terrible charter amendment, I believe. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I am inclined to follow suit with my fellow Councilmembers on this particular vote. I want to acknowledge Matt Bracken thinking outside-of-the-box in trying to solve a really tough issue. I think all of us in the room understand and have experienced the challenges that his office is faced with on retaining good counsel, so if I could see this happen in a different framework, then it would not set the precedent that I see. I like the idea, I just think that the timing is probably not right for it. I would strongly suggest, and I think if it came from the Salary Commission within the framework that they currently work in, in terms of increasing salaries or even supporting additional ways, you would have my vote on this. It is back to the drawing board, but let us not stop, because it is very apparent that what we need is to secure and sustain our county attorneys.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I am voting for the rejection. The only other thing I would put forward, Matt, is maybe...you did tell me that the hiring bonus mechanism that is currently in place with HR is only for civil service positions, but maybe you can look into creating some other mechanism that would apply for these positions. I would think it would have to be very restrictive, only in the most dire situations when you have x amount of vacancies and you are literally not able to get the job of the County done. In your case, you can show how you are having to rely more and more on special counsel and what have you, but maybe there is a way to create something.

Council Chair Kaneshiro: I will be voting to reject also. I think it sets a bad precedent. We start going down a slippery slope. Once other employees start finding out that we are willing to give money to forgive their student loans, everyone will say, "What about us?" Obviously, there might be some attorneys who have paid off their entire student loan already and then there are others coming in that have high debt that are going to get this benefit. There is not much equality to it, I guess, in this situation. As Councilmember Evslin has mentioned, we will be coming into dire straits. Maybe not so much this budget. I know we are probably going to have to "ramp down" a lot of things in this budget, with general excise tax (GET) money probably going to be way smaller, probably federal and state grants are going to be a lot less, but definitely the next budget, next year, we will probably be hurting pretty hard. To allow this and the type of payments that are going to be made, I think we will be taking the wrong step right now. With that, I will be voting to reject also. Councilmember Chock.

Councilmember Chock: I think with the presentation that Matt shared with us, it is quite apparent that we will end up paying more forthcoming, because of our inability to fill these positions. It behooves us to continue to look for solutions, but I really hope that this does not hinder that and that it will continue the conversation of looking for different opportunities.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: The better way of eliminating this need that we have for so many attorneys is that we had recurring problems that have happened. I think our Chief of Police has greatly reduced the ones coming from KPD, thank you Chief, but even our management needs to improve, so we get less of these ridiculous things that need County Attorneys' attention. We have seen HR not do their job in having corrective measures and I hope this new HR Director will help on that end. If we make a mistake, "How can we improve?" not if we make a mistake, "How do we pay for the lawsuit and it happens again?" That is kicking the can down the road.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I was remiss in not expressing appreciation to the Office of the County Attorney for the work that they have done. I think Matt has, I believe something like half of his positions were open as of a few months ago, they were doing heroic work to ensure, I think we, on this side, never felt those vacancies and that is because of the work he and his staff were doing over and beyond. And then the tremendous work that he has done to try and fill those vacancies, I really appreciate the efforts of his office and the work that they have all done here. I hope that in the future we can figure out some way to ensure that they can be fully staffed.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I do also want to express gratitude to the attorneys and just to acknowledge the people who are paid a professional salary. It is usually enough that it brings them to a point where they do not get the benefits of a lot of other things like reduced tuition for their children and the ability to take advantage of workforce housing or any of that, so they are just over that cusp of not making enough to get help. The amount that they earn extra is often just taken in the wash in terms of how much they struggle in terms of the next person, so I do have gratitude for them, it is not that I do not have the desire to help our attorneys and to help your office, Matt. Thank you, but this is the wrong method.

Council Chair Kaneshiro: Anyone else? It is not to discredit the Office of the County Attorney. I think everyone is having a difficult time hiring. We are in dire need of engineers at the County, and again, sometimes we have to make do with what we have, but I do think doing it this way sets a bad precedent. I can see everyone asking, "What about my student loans?" If we offer the higher salary, it is what it is. It will come through the Salary Commission, there is no guarantee that will pass. There are times when we have seen that the salary was needed and it has been rejected, because it is just not the right time in the budget, but those are all the factors that influence the decisions that we have to make. With that, let me just reiterate the motion on the floor is to reject in its entirety, so an "aye" vote is in agreement to reject. Five (5) votes are needed to reject this proposal.

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: With that, roll call vote.

The motion to reject Salary Commission Resolution No. 2020-1 in its entirety was then put, and carried by the following vote:

FOR MOTION:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Salary Commission Resolution No. 2020-1 is rejected in its entirety.

Council Chair Kaneshiro: Next item is the Salary Commission Resolution No. 2020-2.

Ms. Fountain-Tanigawa: This involves the Kaua'i Police Department.

Council Chair Kaneshiro: I will suspend the rules. Do we have any questions for the Chief of Police on this Resolution? May I have a motion for this item?

Councilmember Kualii moved to receive Salary Commission Resolution No. 2020-2 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Councilmember Cowden, did you have a question?

Councilmember Cowden: I appreciate all the information that we have gotten. Chief Raybuck, can you explain to the citizens who are watching this what this deals with? Do you want to explain to the citizens that are watching essentially what this idea is and why you are asking for it? This was your request, correct?

There being no objections, the rules were suspended.

Chief Raybuck: Chief Raybuck, for the record. Thank you very much, Councilmember Cowden. To briefly explain why this Salary Resolution was requested—it is my goal to promote the most qualified person that is best suited for the positions within KPD. One of those promotions is the appointment to Deputy Chief. The Chief of Police and Deputy Chief's salaries are set by the Salary Commission. The salaries of my Assistant Chiefs and below are according to the collective bargaining agreement through the union, the State of Hawai'i Organization of Police Officers (SHOPO). That is created much like it has all across the County is that there is a significant salary inversion between lower ranks and those who are the top leaders within the organization. In my organization, we are a paramilitary hierarchical organization, which has sequential promotions that lead to higher ranks assuming more responsibility. You do not skip a rank along the way, you gain rank and increase your ability to lead the organization. Because of the salary inversion, the proper course of action would be able to draw from those qualified, the best suited person for the position, and typically that would be among the Assistant Chief rank, because that is an executive-level member of the police department, who has close dealings with the Chief's Office on a daily basis. They oversee a large portion of the organization. However, for an Assistant Chief to accept a promotion as an appointed Deputy Chief, because of the salary inversion, it is a decrease in salary between twenty thousand dollars (\$20,000) and forty thousand dollars (\$40,000) a year. That is a debilitating loss of income for accepting an overwhelmingly increased amount of responsibility; therefore, I went to the Salary Commission with a proposal. That proposal was to add it into the Salary Commission Resolution as an additional amendment or additional language for Article III that would allow the Chief of Police to appoint an alternative salary, meaning that if an employee who is currently a sworn officer of the Kaua'i Police Department, meaning that I could not appoint a Deputy Chief from outside the organization and pay him what his salary would be

outside the organization, this remains for in-house...because the goal is to promote people from within my organization first. Therefore, appointing that person "to the position of Deputy Chief of Police, a position subject to the Salary Commission, the Chief of Police may choose, in lieu of the salary in Article I," which is the maximum salary, "to compensate the employee as though the employee had remained continuously in the last civil service position in which the employee last held permanently before said appointment." In layman's terms, just as an example salary, if an Assistant Chief was currently making one hundred forty thousand dollars (\$140,000) per year and he was promoted or accepted the appointment to Deputy Chief, he would take approximately a twenty thousand dollar (\$20,000) cut in salary. Under this resolution, it would allow me to appoint an Assistant Chief to the Deputy Chief position and they would keep their current salary, meaning that it is not an increase in pay for the position, they are just simply keeping the salary that they already have. The concern is, "Well, would that increase the budget?" Yes, it could, however I proposed to the Salary Commission a way around that in order to make this budget-neutral. I recognize that our funds at the County, especially given the current situation, may be stressed in the upcoming years, so I wanted to proposed budget-neutral proposition. One of those ways is by reorganizing and reallocating positions within my department to make this more efficient and approve our services to the community. What I have done is with my current allotment of Assistant Chiefs, I have three (3) Assistant Chiefs that are budgeted. One of those Assistant Chiefs is retiring on April 1st. With his position, I will be reclassifying that to a civilian position, tentatively entitled "Business Manager," an EM-5 position. The difference in the budgeting salary for that Assistant Chief and the top salary for the EM-5 is a difference of about twenty-four thousand dollars (\$24,000) per year. Therefore, in budget terms, in Fiscal Year 2021 budget, with our current organizational structure, the Chief of Police, the Deputy Chief, three (3) Assistant Chiefs is seven hundred seventeen thousand eight hundred fifty-one dollars (\$717,851). Under this proposed resolution, or what my proposed reallocation and realignment would be to support a budget-neutral position with this Salary Resolution, the Chief of Police, the Deputy Chief of Police at his current salary and two (2) Assistant Chief positions, reallocating the third Assistant Chief position to Business Manager, the proposed budget is seven hundred seventeen thousand eight hundred forty-seven dollars (\$717,847) for my next year's budget, which is variance of minus four dollars (- \$4), which is why this is a budget-neutral solution to allow me to promote the best and most qualified person who is suited for the position at KPD today.

Councilmember Cowden: Thank you for that. Would I be correct, when I look at the new layout of how you would have that Deputy Chief taking on a lot of the responsibilities, that the likelihood of overtime in our positions of the police department is likely to go down, right? The overtime criteria, do you think that would lessen if you had a strong deputy? Right now you do not have a Deputy Chief of Police, is that correct?

Chief Raybuck: Correct. My Deputy Chief of Police has been unfilled since Deputy Chief of Police Contrades retired and that was the reason why I have been working on a solution to be able to put something like this forward to the Salary Commission and yourselves. To answer your question, "Would the Deputy Chief of Police reduce our overtime?" Theoretically, yes, because I would have

someone to assist me in the overall operations and direction of the organization. I am continuously looking at ways that we can reduce our overtime budget. As you know our staffing issues that we have had for years have required us to pay overtime, so that we could provide essential services the community needs, however, we have been implementing strategies and looking for solutions that we can improve our staffing structure and that is also part of the reallocation and review that we are doing internally to try and reduce our overtime budget. We will continue to work on that, but I cannot give you a dollar number on how a deputy chief of police position through this Salary Resolution would reduce overtime.

Councilmember Cowden: Yes, I am not looking for a dollar number. I am just looking for, in general, if you have two (2) people in that core leadership position, we had Acting Chief Michael Contrades and then we had you, each of which did not have a second, so that in this time period with this structure if we had two (2) managers, basically you are the leader, but you have someone underneath you, along with the Business Manager, presumably this would create greater efficiency and better decision-making and less exhaustion.

Chief Raybuck: Yes, Councilmember Cowden. Thank you. You are absolutely correct and I appreciate you pointing that out. A Business Manager, along with having two (2) people in the office would significantly increase our oversight and control of the organization. I also want to highlight what you mentioned that many people are not aware of, that Acting Chief Contrades carried both of these jobs in the Chief's Office for over a year and one half, I believe. The toll on him physically and mentally was significant. It is a challenge and today's challenge that we face with COVID-19 and many other struggles that our community has today, this is not trying to pat me on the back saying, "I cannot do a job," but it does take a job of two (2) quality people who are best suited for the job. This would allow me to do that today.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions?
Councilmember Evslin.

Councilmember Evslin: Thank you, Chief Raybuck. For overtime—so they would be eligible for their base salary, but they would also be eligible for any overtime that they worked, right? Is that correct?

Chief Raybuck: Yes, Councilmember Evslin. Thank you for that question. Overtime for the executive staff, which includes the Assistant Chiefs and the Deputy Chief or if this was to pass, the Deputy Chief, is approved by myself, the Chief of Police. Overtime availability or responsibilities for the Deputy Chief would be very limited. Limited to those situations where the Assistant Chiefs are Captains could not or for purposes of the situation itself could not do or maintain without additional assistance. What I am trying to say is the only time the Deputy Chief would likely incur overtime would be in critical instances or natural disasters where it is all hands on deck or staffing numbers has decreased so much that they would be in the position where they would be running an incident rather than

overseeing the department. Myself and the Deputy Chief's goal is not to be singularly focused on one incident, so therefore, we have personnel who are assigned to deal with those, which is why those opportunities are reduced, but they are not completely eliminated. Technically, yes, some overtime can still be available in that position.

Councilmember Evslin: I know that the private sector, upper level management often does not get overtime and I know in the public sector our Deputy and our Department Head positions generally are not eligible for overtime. Was there discussion during the Salary Commission process about possibly setting this at just the base pay and not including overtime and how was that resolved or how was it decided to keep the option of overtime?

Chief Raybuck: Yes, that was also discussed and questioned. The reason for allowing the overtime is that we are suggesting in the Salary Resolution that the individual be able to continue their pay in their previous position as if they never left, meaning that they would be eligible for overtime. Can you restate your question?

Councilmember Evslin: Was there discussion during the Salary Commission hearing about setting it just at the base pay and not allowing overtime?

Chief Raybuck: Okay. Yes, there was that discussion. One of the challenges we had at keeping individuals, historically, in the Deputy Chief's position, is as the collective bargaining agreement base salaries increased and overtime opportunities increased, it starts to build up again another salary inversion where the Deputy Chief again is behind others in salary. What that does is that disincentives the Deputy Chief to remain in that position. In past history, Deputy Chiefs have stepped down from the Deputy Chief's position in order to increase their salary, which is defeating the purpose of keeping and maintaining our most qualified, best-suited positions in the areas where they are. That is why I proposed that we did not limit that position from overtime, allow me to limit that based upon the needs of my organization, and I can assure you that those would be few and far between. Just as an example, the average annual overtime between my current three (3) Assistant Chiefs is about three thousand dollars (\$3,000) a year, and that includes overtime that is paid working and reimbursed through events. It is not a significant amount of money—I am not trying to say that three thousand dollars (\$3,000) is “chump-change”—but it is not significant amount of money when you look at my overall budget.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I want to thank you for your presentation and for your solution to try and help by maneuvering of the business manager and assistant chief. I want to thank you for that because it is something I can support. My only question was about overtime. I know we had reports prior to you coming that there were some Assistant Chiefs getting a lot more than others. One report that I saw physically here was putting in an area of about thirty thousand dollars (\$30,000) in one year, so apparently you have addressed that?

Chief Raybuck: I cannot speak to the prior years. I do not have the date in front of me, but I think that the most overtime was paid to any one Assistant Chief this year was five thousand dollars (\$5,000) and again, those were situations where personnel were not available and that individual was willing to work including work in traffic post that we could not fill at special events in the community that making it critical assignment to keep our public safe. That individual took the salary of a lower paid position...took the overtime rate of a lower paid position to be able to help us with those staffing needs. I cannot speak to what may have happened in the past. I can just tell you in this past year, I have not seen any examples of that.

Councilmember Kagawa: Thank you. Keep up the good work, Chief.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Thank you for meeting with me yesterday. I appreciate your very thorough proposal and I appreciate that it is budget-neutral as well. This proposal is primarily so that you can promote from within and those individuals would be interested in the position, because they can basically maintain their salary. If you are not able to hire from within and you are hiring the Deputy position from outside, then that would be the one hundred twenty-three thousand dollar (\$123,000) salary, correct? In these executive positions, the Assistant Chief and the Deputy Chief, when you hire someone new, are they subject to any kind of probation?

Chief Raybuck: For the record, we met yesterday via teleconference just like this, social distancing is important in these times. Yes, to answer your question, which I forgot...

Councilmember Kualii: Do they have a probationary period?

Chief Raybuck: Referencing the probationary period...the Assistant Chiefs' positions are civil service positions that I cannot appoint. Let me start over. There are civil service positions that I appoint from within, meaning I choose and I select those from the Captain rank. The Deputy Chief position remains an appointed position and nothing changes in this resolution, meaning that I can choose from outside my organization to appoint the Deputy or from within my organization. What the Salary Resolution did, because what I did not want to do was, as I referred to earlier, in the introductory scenario where I can hire someone from the outside who perhaps is making one hundred forty thousand dollars (\$140,000) or so in another police department in the State and bring them here as a deputy and pay them at the same rate. This was written to incentivize Police Chiefs to select from within KPD of the best and most suited person for the job and allow them to be compensated fairly as they have been. Regarding the probation, the appointed position is essentially always on probation, because the Deputy Chief serves at my pleasure and so if that person was incompetent or unable to perform their duties, I have the authority to remove that person from the Deputy Chief's position.

Councilmember Kualii: With your reorganization the one (1) Assistant Chief is retiring and that position becomes the Business Manager, the other two (2) Assistant Chiefs, they both have many years of service with KPD?

Chief Raybuck: Yes. One of them has twenty-seven (27) years of service with KPD. If the Deputy Chief's position is filled, my new current Assistant Chief, I will promote the Captain into an Assistant Chief's position and that person would likely have at least fifteen (15) or more years in that organization as well.

Councilmember Kualii: Okay. So you would not have a newly hired Assistant Chief that would then become the Deputy Chief, because the ones you have in place now have been there for many years and with the in-house promotion, it would have to come from them?

Chief Raybuck: Yes, thank you for making that clear. I could not bring someone in at an Assistant Chief to pay them the higher rate and then skip them into a Deputy Chief position. I cannot game the system. The Assistant Chiefs are promoted from the...

Councilmember Kualii: The Captains.

Chief Raybuck: ...they all risen up through the ranks from police officers, all the way to Assistant Chiefs, so that could not be possible.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Are you contractually bound or bound by any means to have to provide overtime, if they are working over forty (40) hours? I know you said it is based on you approving it, but is it any duration over forty (40) that you have to approve or can they be working over forty (40) without getting overtime?

Chief Raybuck: Thank you. Another good question. As the language reads that they would be promoted as if they never left. Assistant Chiefs are entitled to overtime under civil service on track rule labor laws and so to answer your question, yes, they would be entitled to overtime in this situation.

Council Chair Kaneshiro: Are there any further questions from the members? Councilmember Kagawa.

Councilmember Kagawa: In light of the coronavirus dilemma and a lot of good people now on the unemployment list, are we making a big push to fill a lot of our vacancies. I think now would be the perfect time. I know you folks are very busy out there enforcing a lot of new stuff, but I would hate to see us recruit mainland

people who are now looking for jobs too. This is a well-paid job. Hawai'i State police officers are twenty-eighth in the nation of being well paid. Teachers are forty-ninth in the nation. I do not think they are going to come for teaching jobs, but they might come for police jobs, because they get paid really well. It would behoove us to not recruit our local people who are now unemployed that can really make a good salary if they can pass all the tests that we have for them to be qualified. Are we going to do a big recruiting push now?

Chief Raybuck: Thank you for starting my recruiting push right now. Let me give you an update on our numbers. Roughly this time last year, I think we had twenty-six (26) police officer vacancies. Through the tremendous hard work of...and I will mention the person by name, Sergeant Darla Nonaka, she has been working tirelessly to recruit and to conduct backgrounds and to support new people coming into this organization. Almost solely because of her efforts, we have dropped from twenty-six (26) vacancies to where we are today at sixteen (16) in less than eleven months. We have in the hopper now approximately ten (10) to eleven (11) people, the majority of them are from the State here that could enter the police academy in July. We have eight (8) in the recruit class today. I anticipate and I hope that by January, we will have less than double digit vacancies in KPD for commissioned officers, however, as you pointed out we are hiring and my number one goal is to hire people from within this community who want to serve this community, that know this community, and want to make a difference in this community, and so that is what we are focusing on. My doors are open.

Councilmember Kagawa: You are my Tom Brady.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I was going to follow-up with that. It looks like we have about twenty some odd positions including Dispatcher, Information Specialist, IT, Project Coordinators, a number of jobs, so if people are out there looking for a job...and plenty in the County, too, so come see us. We want you.

Council Chair Kaneshiro: Are there any further questions from the members? Councilmember Evslin.

Councilmember Evslin: If this were to pass, would the Deputy Chief of Police be the only Deputy within the County who is eligible for overtime? Do you know?

Chief Raybuck: I will try to answer that. I cannot speak for the other departments, however, I suspect the answer is yes.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: The other problem I had was, with this change, would the Deputy be making more than yourself?

Chief Raybuck: Yes.

Councilmember Kagawa: Because I strongly disagree with that. I hope that you can go back to the Salary Commission and make it at least the same amount or make the Chief of Police a little higher. Not just for you personally, but for sustainability for the future, when Tom Brady retires.

Chief Raybuck: Thank you. I hope that our County can find ways to increase the salaries of all department heads and deputies for that very reason. I am very well aware of many vacancies throughout our County in those positions that are critical positions. Thank you for being concerned about my salary. I am very fortunate and I did not take this job for the money. I have never done this job for the money, I am just very grateful that I have a job, a job that has never laid me off and a job that I have never felt some of the pain that our community has. I do not say that lightly or in any way, but I am very grateful that the community continues to support government and support our police department. I do not care that people make more money than me.

Councilmember Kagawa: I just meant that it will be the only department, Countywide, where the Deputy is going to make more than the actual head. If this passes, I hope the Salary Commission will come back and adjust your salary, too, so at least it is the same amount. Thank you.

Council Chair Kaneshiro: Are there any further questions from the members? Councilmember Evslin.

Councilmember Evslin: This is my last question. As far as process, so we can accept in whole or in part. We could not possibly amend it to not allow for overtime? We would have to accept it as-is, correct?

Council Chair Kaneshiro: Matt, you are the legal person, but I would say I think we would just have to accept it as-is, because usually when we accept in whole or in part, it is when we have a bunch of different salaries and we are accepting some salaries, but not others. In this case, I do not see where there is a portion where we would accept in part. Matt, do you want to chime on that?

Mr. Bracken: The Charter states that the Council may reject the entire Salary Commission Resolution or any portion of it. Generally, rejection in the past has always been line items for specific things. In this case, you are basically rejecting certain language, so I would say they would need it. They say accept in whole basically how it is laid out. I do not think this microphone is working very well either.

Council Chair Kaneshiro: Councilmember Evslin, are you okay with his response? Are there any further questions from the members? If not, I will call this meeting back to order. Is there any final discussion from the members?

The meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: I want to thank the Chief of Police and KPD. Ever since the Chief came on, I have seen a lot less... or have not heard complaints. I heard a lot of positive things coming out of KPD, a lot of positive actions that have come out of our police department. I feel very safe, our community feels safe, and I think you have been a big part of why everything has improved here. Thank you for making a move from Las Vegas. You would have probably had a better chance of catching the Coronavirus, Chief. I am glad you are here and in charge. I support what you are doing. You feel the needs of the community and you feel the need to work with this Council and with the Administration. The solution that you have makes it easy for me to support. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to say *mahalo nui loa*. Thank you, Chief, for doing this. I think it has been a problem for a while, so I am glad that you found a solution and that you are focusing on promoting from within and that you are working with Darla to fill vacancies, that is really important. I really appreciate that your goal is to hire from within our local community. This is easy to support. I am not worried about the overtime, because we can see that you already improved that and that you will utilize it when you have to. You have my full support.

Council Chair Kaneshiro: Councilmember Cowden and then Councilmember Chock.

Councilmember Cowden: You also have my support on this. I think it sets a really good precedent if this were to help to address some critical problems in some of the other departments where a deputy is important. I look forward to seeing how this is implemented and maybe we can consider it for other areas that have a problem having solid staffing at the top. I know that we exhaust some of our people in the Engineering Division and other areas, so I feel really good about this proposal. I look forward to getting the matrix study back that you have been working on to see how similar things can happen down the rest of the department. I want to thank KPD in general for all of the work that they are doing right now on the front-edge of this time when there is a lot of stress in the community as a result and the anxiety about the Coronavirus, let alone the risks relative to the Coronavirus. Thank you for both efforts.

Councilmember Chock: Chief, thank you again for the presentation. You have my support on this measure. Thank you for thinking outside-of-the-box as our County Attorney has to address the inversion issue that we have been experiencing for many years. I, too, would like to see if possible some of the other departments that are experiencing this take a look at how you have done this to make it work for all of us. My last comment is that I also like the Salary Commission's approach to these resolutions this year. I know that they have decided to not address the whole and I think the broad approach is problematic for us as a Council, so it would be nice to actually approach...taking it by pieces every year. That is my only suggestion. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Chief, thank you for coming. I will be supporting this. I would say that I am not as full-throttled with my support as the others. I do think inversion is one of the biggest problems we have here in ensuring that leadership is coming from within or are the most qualified people available. I do really appreciate your creativity and the Salary Commission's creativity in coming up with this. I think it certainly works in this situation, because you figured out a way to make it revenue-neutral by using a position. I think it is somewhat of a no-brainer to support this for you. My concerns with it are two-fold. One, I do have a deep concern about allowing overtime for our top positions. I see department heads and deputies the same as managers in companies. They should be expected to do the job that there is without expectation of overtime or without having to clock in if there is an emergency at 9:00 p.m. that they have to take care of. I do think that allowing this for you is going to set a precedent for every other department in some fashion to allow it also. I am, similar to the County Attorney's proposal, concerned about how this plays out in the future with other departments. I want to say strongly that, again, this works because you were able to keep it revenue-neutral. You are changing a position out there to make it a civilian position so that it remains revenue-neutral. I think other departments that are looking to do something similar can hopefully be creative in the same type of way. Lastly, certainly with you at the helm, I am not concerned about you letting overtime get out of control. As it is well-known, you are doing a great job as Chief. We are making a decision here that could last, and should last forever. Who knows in the future how this decision could potentially be abused in ways that we would not want to see. I support it for this particular circumstance; I support other departments looking at other creative ways to try and fix...or the Salary Commission to fix inversion and I am interested to see how this works for you as our new prototype here. As the first to get it, if this works wonders for you then great, we should definitely look at this for others. Thank you again for your creativity in coming up with this.

Council Chair Kaneshiro: Thank you. Anyone else? I will be voting in favor of this resolution. I appreciate the Chief of Police being fiscally responsible. He gave us a good, clear plan of how he envisions his Department looking and why he is doing what he is doing. If we are worried about overtime, all of the responsibility is going to fall upon Chief Raybuck's shoulders as far as overtime being out of control. I think he is very aware about maintaining overtime and keeping it minimal. He is taking this step knowing that everyone is going to be watching the overtime for the Deputy Chief of Police. I am confident that he is going to be cognizant of it and he is going to manage the Department a lot better with this situation. I will be voting in favor. Any final comments? Councilmember Cowden.

Councilmember Cowden: I appreciate some of the issues that have been brought up. I think by approving this for now and letting it have a little room for it to be expressed, it does not preempt a secondary adjustment coming out in the year to where there is a good, permanent structure. It does seem inaccurate for the Chief of Police to be paid less than the Deputy Chief of Police. We have a little challenge with that. The issues relative to overtime can be perhaps discussed and adapted there as well. I think for right now, this is a good step.

Council Chair Kaneshiro: I just want to add that inversion is real in the County. It is not just between the Deputy Chief of Police and the Chief of Police. Right now, the Assistant Chiefs of Police, which are not even the Deputy Chief of Police or Chief of Police, are getting paid higher than the Chief of Police. We need to be careful that if the Salary Commission is going to come back and is going to try and address inversion, we may see a large jump. No matter what department you look at, there will be inversion. The Chief of Police and Deputy Chief of Police are probably not the highest paid employees in that Department. If we are looking at inversion with the Chief of Police and Deputy Chief of Police, we may have to look one step lower to see that there is major inversion in that Department. The same can be said for the Fire Department and other departments. We just need to be aware of that.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: With that, the motion on the floor is to Receive for the Record. Ultimately, that means we will be approving this Salary Commission Resolution. It takes four (4) votes to approve. An aye vote is to Receive for the Record, which is an approval of this Resolution.

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: With that, roll call vote.

The motion to receive Salary Commission Resolution No. 2020-2 for the record was then put and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL - 6,
AGAINST RECEIPT:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Brun	TOTAL - 1*,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Can we go back to page five (5), C 2020-102.

There being no objections, C 2020-102 was taken out of order.

Council Chair Kaneshiro: Thank you Chief Raybuck. You are good to go.

Councilmember Kuali'i: Thank you.

C 2020-102 Communication (03/13/2020) from the Mayor, transmitting his Fiscal Year 2020-2021 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees: Councilmember Kuali'i moved to receive C 2020-102 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion on this from the members?
Again, this is just the communication.

(No written testimony was received on this agenda item.)

The motion to receive C 2020-102 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Motion is carried.

C 2020-103 Communication (03/13/2020) from the Mayor, transmitting for Council consideration, the following revenue bills related to Administration's Fiscal Year 2020-2021 March Budget Submittal:

- A Bill For An Ordinance Amending Chapter 5, Kaua'i County Code 1987, As Amended, Relating To Motor Vehicles Certificate Of Ownership And Registration Fees;
- A Bill For An Ordinance Amending Chapter 19, Section 19-1.9, Kaua'i County Code 1987, As Amended, Relating To Schedule Of Fees And Deposits;
- A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Camping On County Parks And Properties;
- A Bill For An Ordinance Amending Chapter 19, Section 19-3.2, Kaua'i County Code 1987, As Amended, Relating To Playing Fees;
- A Bill For An Ordinance Amending Chapter 19, Section 19-4.6, Kaua'i County Code 1987, As Amended, Relating To Fees;
- A Bill For An Ordinance Amending Chapter 21, Section 21-9.1, Kaua'i County Code 1987, As Amended, Relating To Integrated Solid Waste Management;
- A Bill For An Ordinance Amending Subsection (a) Of Section 21-9.2, Kaua'i County Code 1987, As Amended, Relating To Integrated Solid Waste Management; and
- A Bill For An Ordinance Amending Subsections Of Section 25-11.1, 25-12.1, 25-13.4 And 25-13.9, Of The Kaua'i County Code 1987, Relating To Sewers.

Councilmember Chock moved to receive C 2020-103 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Again, this is just the communication. We did receive information from the Office of the Mayor on wanting to receive all of the revenue enhancement proposals. That will be forthcoming.

(No written testimony was received on this agenda item.)

The motion to receive C 2020-103 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Motion is carried. Next item please.

RESOLUTIONS:

Resolution No. 2020-16 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 FOR THE COUNTY OF KAUAI: Councilmember Kagawa moved that Resolution No. 2020-16 be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m., and that said Resolution be referred to the Committee of the Whole, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Any discussion from the members on this? Again, if things change, we might have to change the time on the public hearing. As of right now, it is outside of the timeframe for allowing the public to be present. Hopefully by this time, we will be able to allow the public to come in to testify. We will just have to wait and see. The public will not be able to be present until at least April 30, 2020. Councilmember Kagawa.

Councilmember Kagawa: Chair, I am thinking about the time of 5:00 p.m. We always held it at 5:00 p.m. so that people could show up. I do not think by May 13, 2020 we will... I do not have a crystal ball. I did not have one for Mayor Kawakami last week. I do not think the public is going to be attending meetings by May 13, 2020. Why can we not just schedule it for 9:00 a.m. at this point, or at 8:30 a.m. and we can do it online. People can watch online and they can comment prior if they want to. I just think that if we set it up at 5:00 p.m., then you force overtime situations. We have our staff working from home. I would like to see us know that it is happening and be realistic about it. We should schedule it for a realistic time. We should schedule it for an appropriate time that does not force overtime on our County coffers at this time.

Council Chair Kaneshiro: The reason that we schedule it for 5:00 p.m. is in anticipation that everything is back to normal and people are working. It allows the public an opportunity to come in after their workday to testify. If things are still the same, then no one will be able to come in anyway. I suggest we still leave it at 5:00 p.m. It is assuming that everything will be back to normal again. We have always had it traditionally at 5:00 p.m. so that people can come after work. This is with the thought that things will return back to normal. If things are not normal, we will probably not even have the opportunity at 5:00 p.m. and we would just take written testimony from the public.

Councilmember Kagawa: I am just making the assumption that it is not going to be normal.

Council Chair Kaneshiro: If things are not normal, then we probably would not have a time at all like some of the other items that are within April. People just have to send in written testimony.

Councilmember Kagawa: Can I amend the motion to take out the time?

Council Chair Kaneshiro: I would say as of right now, based on the rules that are set, I think we leave the time in and then if there is another emergency proclamation, we can take the time out. Right now, it is outside of the proclamation end date.

Councilmember Kagawa: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I would just like to make it clear for the public that when I look at this Resolution, it basically keeps all of the existing real property tax rates as-is, with the exception of the Residential Investor tax rate. Can we tell the public that?

Council Chair Kaneshiro: I believe...is the Residential Investor proposal in this one?

Councilmember Cowden: The Residential Investor tax rate is being proposed to change from nine dollars and forty cents (\$9.40) from a previous rate of eight dollars and five cents (\$8.05). This is non-resident owners for properties assessed over two million dollars (\$2,000,000). This would be raising their tax rate by one dollar and thirty-five cents (\$1.35) per thousand of assessed value. The other tax rates will be staying consistent, as-is.

Council Chair Kaneshiro: We do have the bill for that Residential Investor that will be coming up also? This is the Resolution for it. I am sorry.

Councilmember Cowden: I want people to be clear what we are talking about.

Council Chair Kaneshiro: I am sorry.

Councilmember Cowden: Those are people who do not live in their house.

Council Chair Kaneshiro: I am sorry, this is the Resolution for that increase in the Residential Investor tax rate. Councilmember Kagawa.

Councilmember Kagawa: I would just like to add that when you do that, on the outside looking in, it seems like it is good that we are taxing the people that can afford it. You are making an assumption. What you are also doing is you are continuing to drive prices away from local people should it fall back into the market.

The question is, is the current rate of eight dollars and five cents (\$8.05) high enough or sufficient enough at this time with the Coronavirus hitting us and do we want to add anything right now? That will be the Council's decision at that point. I am just saying that a lot of times these types of proposals look good from the outside looking in. We are making that assumption. However, long-term, we are driving the prices away. Everything attached to it will be driven away from local people. We hope that at some point it falls back into our hands. Thank you.

Councilmember Cowden: I would like to follow up on that thought. The other collateral damage with a strategy like this is when the County makes their best money on these high-end houses, it makes us dependent on having more high-end houses. I think Po'ipū and the North Shore are somewhat the collateral damage of this strategy. We approve a lot of really expensive houses. It is a complicated situation and it is good for everyone to pay attention to this. I did not want to pass through this Resolution without people being aware of what is the most important element being there for them. The least expensive is the Homestead tax rate at three dollars and five cents (\$3.05). Next to that is the Commercialized Home Use tax rate, which is for people who live in their homes and have a home-based business, at five dollars and five cents (\$5.05).

Council Chair Kaneshiro: Any other questions or comments?
Councilmember Evslin.

Councilmember Evslin: Just a quick comment on the Residential Investor tax class and mainly this is for the benefit of the public. It really is only supposed to be for vacant homes over two million dollars (\$2,000,000). If you own a home over that amount and there is a long-term renter in there, then you have the ability to go to Real Property Tax Assessment or call to make an appointment, show them a lease agreement, and you will be taxed at the Residential tax rate. I think that there are houses out there that are falling into the Residential Investor category that people are not aware that they could get out of that rate if there is a tenant in the house. I also want to...I support increasing it. I think it is important to raise it as a way to disincentivize vacant home ownership or increase the costs of owning it. Our property taxes here are a fraction of what they are on the mainland. The cost of "sitting on" or holding a property with no one in it is relatively cheap here, compared to the mainland. These properties are increasing values rapidly, maybe not this year, but in general. They are a great investment for someone to just park it empty. There should be an extra surcharge to have that house be empty. My one concern is that the way that the Residential Investor tax class is setup right now, is that if you go from one million nine hundred ninety-nine thousand nine hundred ninety-nine dollars (\$1,999,999) to two million dollars (\$2,000,000), your property taxes go up by thirty percent (30%). They are jumping from the Residential tax rate at six dollars and five cents (\$6.05) to the proposed Residential Investor tax rate of nine dollars and forty cents (\$9.40). Ideally, we would have something that would just tax the amount

over two million dollars (\$2,000,000). Instead of a massive jump when your assessment goes up, you would get taxed only on the overage. This would be similar to how an income tax works. In talking to Real Property Tax Assessment, they are supportive of the idea, but there are major software barriers that will be really expensive to implement. I do hope at some point in the future, we can get that software problem addressed so that we can just tax on the overage, then the tax can be even higher then. I do support this, I just wanted to clarify that for the public.

Council Chair Kaneshiro: Anyone else? Councilmember Chock, then Councilmember Kagawa. Councilmember Chock, we cannot hear you.

Councilmember Kagawa: Your microphone.

Councilmember Chock: Sorry about that. I just wanted to get a clarification on that statement from Councilmember Evslin. I know that the Department of Finance was working on a measure that would be able to scaffold the approach for the Residential Investor tax rate. Are you saying that that measure is on hold and we cannot move forward on it because of software challenges?

Councilmember Evslin: If that was a question to me, my understanding is that I think that we are looking to change the value of the two million dollar (\$2,000,000) point of modifying that. I do not believe they were looking at just changing it to the amount over that. I think it is a hope for the future. I have not heard anything about that happening soon.

Councilmember Chock: Thank you for clarifying that. I think I support this and the direction that this proposal goes with the same concerns that everyone else has voiced. If we are going to take a big jump, and we do not pay attention to it, it could potentially push them out of their homes as well. These are second homes of course, but I am hopeful that the Department of Finance can take a look at these concerns and move expediently on it. Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I am going to disagree with both of you right now. I have not seen what we need the extra money for. If it is an opportunity to generate additional revenue, then fine. If we do not need the money, then let us save the ability for a later date. We have a crisis going on. Every action we take has a different reaction out there. Just taxing for the sake of taxing is really not a good way to operate a business. You drive market prices further and further away. It has long-term damaging effects. If we need the money to pay for increased retirement obligations, then what is this Kawakami Administration doing differently from the Carvalho Administration to curb spiking and those bad habits? I want to hear from the Administration—what do you need this extra money for and how much is this

going to bring in? When I get those answers, maybe I can support it. To hit a specific cost item that we cannot control, then okay. But I have not heard that yet. I guess those are my questions for the Administration.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I appreciate that we are having a robust discussion on this, because I think it is a critically important topic. I can think of a lot of things that we need the money for. I looked at our budget and saw how things continue to just increase. When I look at putting a "penalty," basically, on Residential Investor homes, a goal would be to discourage parking the money over here and buying up houses, even sight-unseen, to have an investment that holds onto capital that can at least be improved. I look forward to exploring it. I think we need to look carefully and I am in agreement that we do not want to recklessly approve something of this nature. It is a comfortable direction for me. I think it would be a mistake to raise any of the other rates, because we are all coming in to a very difficult time. If we could change things to where when a property sells, then the next tax rate would be appropriate to the new use, I think that would remove Council Vice Chair Kagawa's concern. When the tax rate goes up so much, then someone who may have a hope of buying those houses, would not be priced out by that high tax in terms of qualifying for a loan.

Council Chair Kaneshiro: Councilmember Chock, then Councilmember Evslin.

Councilmember Chock: I just wanted to confirm...according to the submitted budget, the funds that are being generated are going to the Housing Fund. That is as far as what is being presented right now. There is a direction to where those funds are going. I am just as concerned as Council Vice Chair Kagawa is in terms of should we be raising, especially in light of the situation, this or any tax rate. I just wanted to point that out to the body.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just briefly want to address Councilmember Kagawa's question about the cost of housing.

Council Chair Kaneshiro: Councilmember Evslin, you are coming across with a lot of static. There you go.

Councilmember Evslin: Can you hear me?

Council Chair Kaneshiro: We could not hear you earlier with all of the static. We can hear you now.

Councilmember Evslin: Sorry. To address Councilmember Kagawa’s concern that this will increase the cost of housing, we have something like twenty-five percent (25%) of our housing units on Kaua’i either sitting vacant or vacation rentals. When you take that huge chunk out of resident-occupied housing, that increases the cost of housing for resident homes. Anything that we can do to discourage, in my opinion, vacant homeownership or vacation rentals, should drive more units into the residential market. In my opinion, if someone still wants to own a high-valued house and keep it totally vacant, then they still should be contributing to our affordable housing development fund as this money was going to. Especially coming up in this time of need, residents are going to need even more help with their housing costs. Even if that money does get redirected because of our collapsing general excise (G.E.) tax revenue, transient accommodations tax (TAT) reimbursements, or falling property values, it is still important that we try to disincentivize that practice. As long as you live in your house, you will stay at Homestead. If you are long-term renting it, you will go to Residential. It is only entirely truly vacant homes.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I will just piggyback on what the two (2) Councilmembers online said. I appreciate the Mayor taking this action. We have been talking about affordable housing for a long time. It is important that we start putting some money behind that and making sure that we take action. This is one way of taking action.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: Roll call vote.

The motion that Resolution No. 2020-16 be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m., and that said Resolution be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR MOTION:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6**
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(**Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua’i, Councilmember Kagawa was noted as silent, but shall be recorded as an affirmative for the motion.)*

Council Chair Kaneshiro: Next item.

Resolution No. 2020-17 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox*): Councilmember Kualii moved for adoption of Resolution No. 2020-17, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any comments on this appointment?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-17 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

SCOTT K. SATO, Deputy County Clerk: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Resolution No. 2020-18 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Francis Paul DeGracia, Jr.*): Councilmember Kualii moved for adoption of Resolution No. 2020-18, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any comments from the members?
Councilmember Kagawa.

Councilmember Kagawa: I want to commend the Office of Boards and Commissions for these two (2) members, Helen and Francis. They are “fresh blood” that I asked for and they are very qualified. I really think they are going to help this body. I said it before and I will say it again, besides the Kaua‘i County Council, although it is a non-elected office, the Planning Commission is the most important board or commission on Kaua‘i. We really need good people on there. I think these two (2) are really going to lead to a well-balanced Planning Commission that hopefully will continue to do good work for us. Thank you.

Council Chair Kaneshiro: Anyone else? Councilmember Chock.

Councilmember Chock: Thank you. I also wanted to thank the Office of Boards and Commissions for filling these positions. I just want to reiterate that there are two (2) Council-appointed vacancies within the Public Access, Open Space, Natural Resources Preservation Fund Commission. If we can get them whole, that would be great so that we can get some work done in that Commission as well. Thank you.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-18 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: With that, we will take a ten (10) minute caption break and we will be back.

There being no objections, the meeting recessed at 10:21 a.m.

The meeting reconvened at 10:33 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Clerk, could you please read the next item?

Ms. Fountain-Tanigawa: We are on page six.

Resolution No. 2020-19 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2020 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED: Councilmember Kuali'i moved for adoption of Resolution No. 2020-19, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any discussion from the members on this item? Councilmember Kualii.

Councilmember Kualii: Just a quick thank you to the Housing Agency. This is the Community Development Block Grant (CDBG) moneys and it is very important every year for us.

Council Chair Kaneshiro: Anyone else? Councilmember Cowden.

Councilmember Cowden: I just want to add to that. They do a great job and it is really appreciated that we are able to get these grants.

Council Chair Kaneshiro: I will be voting in favor of this. Based on the projects that we are going to be funding, it shows how important and essential CDBG funds are. It is always on the chopping block when it comes to Federal funding. If they actually look at the impact that it makes on our community, the projects that we are funding with this money are very important to us. I think it is almost an essential source of funding to get our projects going and help maintain a lot of the projects that help the community. Anyone else?

Councilmember Kualii: Your comment about it being on the chopping block...the President's budget took out CDBG and HOME Investment Partnership Program (HOME) funding. I am thankful to our delegation in Washington D.C. and to Congress for fighting to make sure this funding continues.

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: With that, roll call vote.

The motion for adoption of Resolution No. 2020-19 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Resolution No. 2020-20 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2020 ACTION PLAN (HOME INVESTMENT PARTNERSHIP PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED: Councilmember Kualii moved for adoption of Resolution No. 2020-20, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any discussion from the members?

Councilmember Kualii: The same, thank you. These are the HOME funds, like CDBG.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-20 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Resolution No. 2020-21 – RESOLUTION AMENDING RESOLUTION NO. 2019-03 RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUA'I: Councilmember Kualii moved for adoption of Resolution No. 2020-21, seconded by Councilmember Cowden.

Council Chair Kaneshiro: For the public's information, with the situation involving Councilmember Brun, we are proposing this Resolution to take him off all of the committees and make him an ex-officio member. For any committee that he is on, he is now an ex-officio member on it. The Councilmember that was an ex-officio member on a committee will now become a member of that committee. When we originally set up the committees, we try to have everyone serve equally. This includes the chairperson of each committee. We try to have each member chair a committee. We try to have everyone serve as vice chair of a committee. That would leave one (1) member as an ex-officio member along with me. In this situation, with Councilmember Brun not being present, we decided that every vote is important and modified the committees in this fashion. Any comments from the members? Councilmember Kagawa.

Councilmember Kagawa: I want to thank the Chair for this proactive measure. We are obviously going to be working with six (6) members for a while. I do not have a crystal ball, but this is a proactive measure to allow us to function as best as possible under the circumstances. I talked to an irate member of the public who questioned our lack of response in handling this situation better. He asked how we could continue to allow him to participate on the Council and allowing him to receive his paycheck when he is not here. I understand that frustration. For better or worse, our United States Constitution has the Fifth Amendment that prevents us from taking action, or I believe we would be headed for an immediate lawsuit should we have done that type of action at this Council level. I think this is the best we can do at this time. Should he resign, we can obviously function with seven (7) members. I just want to reiterate that the six (6) of us can do the best job possible under the circumstances. I think we have a solid Council. We agree and we disagree on various issues. I believe we have a strong body that can continue to make good decisions. We have tough times coming up and we need to be even stronger to ensure that we are the checks and balances that the County needs at this time. We need to ensure that we do not waste taxpayer moneys and get the job done. Thank you.

Council Chair Kaneshiro: Anyone else? Councilmember Cowden.

Councilmember Cowden: I just want to thank the community for their patience with this very difficult situation. It is hard for us as a Council, as it is hard for the people. We have to follow the Charter and that is why it is such a difficult situation to be in. We understand the frustration for the general public, but we thank you for your patience. I am in agreement with Council Vice Chair Kagawa that we are all committed to working together and have this not be a difficult impact in terms of the functioning of the Council.

Council Chair Kaneshiro: Anyone else? If not, I have all the confidence in the world that the six (6) members here will still be able to function properly and get the work done. Obviously, if there is a bill that comes up that might be split, then maybe it is a bill that needs to wait for another time when there are seven (7) members. I think if anything important needs to get done, I have the confidence that the six (6) remaining Councilmembers will be able to get it done through the rest of the term. Councilmember Chock did you have a comment?

Councilmember Chock: I just wanted to reiterate something, and I think I heard it from our fellow Councilmembers...for the public who has pleaded and banged on the table about the Council taking action, it is something that we take seriously and we have looked into it. It is problematic from our seats on how we can address it and we are very limited in being able to take action. There are mechanisms if the public so wishes through their own means. The electorate can take action and that is what I have been directing them to do. I told them to look at what the Charter has to say. I think everyone on our Council wants to do the best that we can and also serve the public's requests. In this case we are very limited and if we did do something, we would put ourselves up for possible litigation if we are not careful, as it relates to this item.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-21 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Resolution No. 2020-22 – RESOLUTION AMENDING RESOLUTION NO. 2019-02 RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS: Councilmember Kuali'i moved for adoption of Resolution No. 2020-22, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: This Resolution is needed to fix our Council Rules to be consistent with our Standing Committees. It is saying that our Committee of the Whole will be able to have six (6) members and one (1) ex-officio member, which is consistent with what we have done with all of our other committees. Any comments from the members? Councilmember Kagawa.

Councilmember Kagawa: The only major change is that Councilmember Evslin has been willing to take on the Chair of the Parks & Recreation / Transportation Committee in place of Councilmember Brun. Other than that...and all members will always be participating. I am happy that we made the change. We will have it so that the Parks & Recreation / Transportation Committee can function without having the Vice Chair run the meetings with only three (3) other voting members present. You could end up in a two-to-two (2:2) tie. This will ensure we have at least five (5) voting members on every committee. Thank you.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: Roll call vote.

The motion for adoption of Resolution No. 2020-22 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2779) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 Operating Budget*): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2779) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m., and it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any questions or comments on this? Again, this is the full Operating Budget. Again, the plan right now is that we will be having a meeting on Friday. The Mayor will be able to state the current fiscal condition of the County and the changes that will happen in the upcoming Supplemental Budget Communication. We will be able to state our comments about how we are going to move forward as a Council regarding the budget proceedings. Ultimately, we will be canceling our Departmental Budget Review meetings. We have all of the Budget Presentations and we have the budget at-hand. It will be up to the Councilmembers to submit questions to the Administration. We are leaving the Budget Call-Back dates open just in case we have any leftover questions that still need answers prior to the Supplemental Budget Communication. We are going to be trying to work as best as we can with the limited resources that we and the Administration have at this time. We are just trying to get through this difficult situation right now, with all of the unforeseen circumstances we are facing with the COVID-19 virus. Councilmember Cowden.

Councilmember Cowden: When you are talking about Friday, are you talking about this Friday?

Council Chair Kaneshiro: This Friday is the first budget meeting that we are supposed to have.

Councilmember Cowden: Okay, at 9:00 a.m. and we will be here?

Council Chair Kaneshiro: Correct. We will not be going through any departmental budgets. We will be taking the Mayor's statement on the budget and my statement on the budget.

Councilmember Cowden: Just for clarity, we are moving it out because we have had this profound change in the global economy, the national economy, and our own expectations. We are maintaining our social distance for this next month and we anticipate quite a bit of economic changes from the original design that happened prior to...really, this accelerated things so much with the COVID-19 concerns. Do I have that understanding correct?

Council Chair Kaneshiro: You are correct. Just for everyone's reference, in the past, the ordinary way that we do it, we would have Departmental Budget Review meetings every day. For almost three (3) weeks straight, we have all the departments do their budget presentations and we ask them questions. In order to follow social distancing and to be cognizant of the other issues that the Administration is having to deal with right now, including limited resources having to deal with the virus, the Council is taking it upon ourselves to say, "We have the presentations and we will review it. We have the budget and we will review it." We will be E-mailing questions over rather than have the Administration be available for three (3) weeks straight to answer our questions and do their presentations. I think we are being cognizant of their needs and we are looking at our capabilities as to what we can do. I think we will still be able to make this budget work. Obviously the budget is going to change. There are going to be huge numbers like G.E. tax estimates which are going to be way off. It will most definitely need to be changed. There are going to be big budget ramifications. We were submitted a budget prior to all of this happening. We do get a Supplemental Budget Communication, which can change. We are expecting a lot of changes within that Supplemental Budget Communication, based on our current situation here. We will be asking questions on the March submittal, knowing that there are going to be major changes in the Supplemental Budget Communication.

Councilmember Cowden: So we will be asking those questions on Friday?

Council Chair Kaneshiro: We will be asking those questions throughout the weeks ahead.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Anyone else? Questions on the process?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2779) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m., and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Proposed Draft Bill (No. 2780) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 CIP Budget*): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2780) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m., and it be referred to the Committee of the Whole, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: This is just the Capital Improvement Projects (CIP) Budget that goes along with the Operating Budget. Any comments from the members? Councilmember Kagawa.

Councilmember Kagawa: Thank you. I would hope that with the CIP Budget and with the G.E. tax surcharge that we have, approximately ten million dollars (\$10,000,000) per year to pave roads, fix bridges, and what have you, along with the ability to supplement some of our other costs relating to transportation, I would hope that this virus...yes it is affecting our way of life...everyone is telling me how there is less traffic on the road...you have places like Kōloa Road which are really bad...now would be a good time for the Administration to rethink some of their priorities and do those jobs as soon as possible. Spend that money. One of the exemptions for the Governor's demand on the public is that construction projects will continue to be worked on. He considers CIP improvements relating to infrastructure as essential. I believe now would be the perfect time to help fill the need for those who are unemployed to possibly help in those areas. Let us fix as many roads and bridges as we can, especially those that are in real bad shape. That would be a great benefit to the public when things return to normalcy. I would hope that we are really aggressive with our Public Works tasks and get contracts out to our private contractors. Spend that money. That is what it is meant for. We were told by Lyle Tabata when he was the Deputy County Engineer, the reason the roads are in bad shape was because the County did not have the money to pave them. Now you have the money. Now you may have a little less than before, but I am not seeing it. I am

only seeing Rice Street improvements. When we want to do something, the Administration can do it. They have shown it with the Transportation Investment Generating Economic Recovery (TIGER) grant. Now, let us do it elsewhere with our normal infrastructure projects that are in bad shape. Thank you.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2780) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2020 at 5:00 p.m.; and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2781) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMMERCIAL ZONING DISTRICT OF THE COMPREHENSIVE ZONING ORDINANCE TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-6): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2780) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2020, and it be referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any comments or questions from the Council?
Councilmember Cowden.

Councilmember Cowden: Just for the edification of the people watching—and Councilmember Chock, please correct me if I am wrong—the main element here is putting residential dwellings, attached or detached, or multi-family dwellings, in commercial districts without requiring a public hearing. Their permit would be a fast-go. Is that correct?

Councilmember Chock: Yes; if I may, the Proposed Draft Bill is really in alignment with the General Plan to increase mixed-use and support form-based code. You are correct, Councilmember Cowden. This would eliminate some of the process in order to increase residential development in commercial spaces.

Council Chair Kaneshiro: I feel that this is a no-brainer. That is the kind of look that we are looking for. It is multi-family dwellings within the commercial-zoned districts. You probably have mixed-use where you have commercial on the bottom and residential on the top. This is just being in alignment with being able to do that.

Councilmember Cowden: If I could make a comment. I am really in favor of this. It is a good direction when there are known mixed-use and known multi-family dwellings. We are seeing in this time of crisis, the tension rising in the neighborhoods. When we have a little bit of reckless or...density being added...what I am seeing amongst the constituents that are calling me is a lot of really significant problems with people getting along even at the very beginning of this. Having correct design for people living in close proximity to one another is important. I would like to see some developments like this be allowed to happen. I appreciate it being permitted and allowed to go through so smoothly without a lot of resistance.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I am hugely supportive of this. I think the need is obviously clear. The General Plan puts a lot of emphasis on trying to incentivize more mixed-use types of construction, yet our Zoning Code did not allow the ability to get a permit for residential construction in commercial areas. The need is clear. I appreciate the Planning Department for always being so proactive in trying to change our Zoning Code to comply with our...ensure that we can enact our General Plan. I am supportive of this. I think this is one of the best Planning bills we have seen this year.

Council Chair Kaneshiro: Anyone else? We did not specify a time because this public hearing is taking place on April 22, 2020. If the public wants to be heard, then please E-mail your testimony to us.

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: With that, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2781) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2020, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Proposed Draft Bill (No. 2782) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR HGEA BARGAINING UNIT 4 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2780) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2020, and it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any comments on this from the members?
Councilmember Cowden.

Councilmember Cowden: I called the Hawai'i Government Employees Association (HGEA) and took a look at what this is. These are our supervisors and white-collar workers. Just like what we were talking about with the Police position, sometimes people who have been in a supervisory position for eighteen (18) to twenty (20) years might be paid roughly the same or just barely more than a brand new hire who they are supervising. When I look at it, of the forty-five (45) positions on the island, only sixteen (16) are in the County. So this is I am guessing under forty-five thousand dollars (\$45,000) a year in added cost. I am supportive of that.

Council Chair Kaneshiro: They have the sheet with the added cost and it is seventy-seven thousand dollars (\$77,000) for 2020...it is about seventy thousand dollars (\$70,000) each year.

Councilmember Cowden: I called the lady there and we looked at it. But, okay.

Council Chair Kaneshiro: Any comments from anyone else? Discussion?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: With that, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2782) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2020, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2783) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2783) for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: We received a memorandum from the Office of the Mayor to receive the revenue measures. This is a consequence of the current situation we are in right now. They have asked to receive for the record all of the revenue enhancement proposals that are on our agenda. We have to take them each individually. It was at the request of the Mayor that we receive for the record all of these bills. Councilmember Cowden.

Councilmember Cowden: For the people who are watching, receive for the record means that we are not passing these at this time. We are neither approving nor disapproving the measures, but we are setting these aside for now. They will not be implemented.

Council Chair Kaneshiro: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: Thank God. I remember when former Councilmember Rapozo and I were outvoted a few years back and we increased a lot of those vehicle fees. We said we were trying to catch up with the other islands and now certainly is not the time. I thank Mayor Kawakami for holding off at this time. Thank you.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2783) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Proposed Draft Bill (No. 2784) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2784) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2784) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2785) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPING ON COUNTY PARKS AND PROPERTIES Councilmember Kualii moved to receive Proposed Draft Bill (No. 2785) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2785) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2786) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2786) for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2786) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2787) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-4.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FEES: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2787) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2787) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2788) – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2788) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2788) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2789) – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2789) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2789) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2790) – A BILL FOR AN ORDINANCE AMENDING SECTIONS 25-11.1, 25-12.1, 25-13.4, AND 25-13.9 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO SEWERS: Councilmember Kualii moved to receive Proposed Draft Bill (No. 2790) for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?
Councilmember Kagawa.

Councilmember Kagawa: I believe this is the one where the Mayor was planning to keep the same subsidy. The monthly fees are going to go way up under that circumstance. The way it will go up a little less would be to go with a bigger subsidy. I favor that approach. My reasoning is that the cesspools and septic tanks...most of our water comes from groundwater. Those systems leach out into our groundwater system. They do not have much costs associated with them, if they are cesspool or septic tank functions. Why are they going to be basically paying nothing, besides what goes into the subsidy? Only the sewer users are going to get hammered. The sewer users are not contributing to the contamination of our groundwater. The people with the sewer lines should get a smaller water bill than those on the other systems. The Department of Water has to deal with cleaning up that water. There has to be a holistic approach. The people who were forced to connect to the sewer system, they had functioning cesspools or septic systems prior and were forced to connect. Are they going to continue to get hammered every time the Wastewater Division feels that they need to upgrade or replace their infrastructure? If they are going to do this, then they should get less users contributing their *ōpala* into the groundwater system. That is the danger in this proposal. We are keeping the same users connected and we are going to charge those same people, while all of the groundwater concerns...yes we have due dates for conversion, but they are just due dates. I do not see action or movement by the State. All I hear is talk. Councilmember Chock has spoken about it on many occasions...the need to move forward with that. There is a lot of talk about due dates and what are we going to do? Are we going to press the panic button and things will magically get fixed? It is not happening like that. The State continues to go broke, running deficits, how are they going to help? How is the Federal government going to help? Someone needs to do something. Our groundwater is going to be completely contaminated by 2050. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to follow up that that is a good point. I am among those who does not have to pay any kind of sewer charge. I hear what you are saying. Perhaps there is some way we can holistically look at it. Perhaps there could be a contribution on an on-going basis to be able to raise some of that money to be able to put in more sewers or better septic situations.

Council Chair Kaneshiro: Anyone else? I want to add that the Sewer Fund operates on its own. Historically, it has never been able to cover its expenses. We have always had to subsidize it with the General Fund. I think eventually things will need to change. We would love to see the separate funds be able to cover their costs. Solid Waste is the same way. We are not collecting enough revenue to cover the costs to pay for trash pickup and to run our landfills and refuse transfer stations. All of those are subsidized by the Operating Budget and the General Fund in particular. It is not a great way to operate. There are things, like Councilmember Kagawa stated, only the people that are actually on the sewer line are paying into that Fund. People that have cesspools do not need to pay anything. That is probably the switch that needs to happen. Eventually, if we keep pushing off rate increases on the sewer system, then the jump will be a lot harder on everyone. Ideally you would like to see a small increase over the years. Over time, we push these types of things off and we get to a point where you get a big smack in the face by the time we try to increase the rates. I do think it is important to continue to look at this. I understand at this time, it is something that should be tabled for right now. Anyone else? Councilmember Evslin.

Councilmember Evslin: Just briefly, I said this when we were having the presentation from Jason Kagimoto and his team, I strongly believe that one of the most important things we need to figure out is a way to fund the expansion of our sewer system. It is vital from an environmental perspective. If you have a cesspool, you cannot get a building permit for anything. If you want to enclose your deck, you cannot get a building permit. That is per State law, I believe. We need to ensure that there is a mechanism for people with cesspools to get onto the sewer system. We need a plan to do that. I know a number of people that have a cesspool and they are holding off on converting to a septic system because they do not want to spend twenty-five thousand dollars (\$25,000) on a septic system only to have sewer get expanded into their neighborhood sometime soon. I think we need a clear plan for how areas that are allotted for density are going to get sewer and more importantly is how do we pay for that. I know that is kind of tangential right now, but I feel it is important.

Council Chair Kaneshiro: Anyone else? There are inequities. You cannot blame the cesspool people either. There are many situations where it is cost-prohibitive to put in a septic system or there are situations where it is not possible. Their lot might be too small and they cannot fit a septic system in there. To just do a broad brush and force everyone to convert, the reality is that there are going to be situations where there are no options. People are going to have to wait for a different type of technology to come in where it takes up less space in order to make it happen. That is the reality of a broad brush law of total conversion. Anyone else?

(No written testimony was received on this agenda item.)

Council Chair Kaneshiro: If not, roll call vote.

The motion to receive Proposed Draft Bill (No. 2790) for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun	TOTAL – 1*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: That concludes the business on our agenda. I want to state that we will be back here on Friday. Just to reiterate, Friday is a scheduled Departmental Budget Review meeting. We will not be meeting with the different departments on the schedule. We will have the Mayor do his statement on the budget. I will be doing my statement on the budget. Based on the current situation that we are in, we know that the Supplemental Budget Communication is going to be a lot different than what the March submission is. With COVID-19, it also provides a big burden on the Administration. To have the Administration available to answer all of the questions on a budget that is likely to change a lot is not a waste of time, but I think we can spend our time a lot more efficiently by we as Councilmembers taking it upon ourselves to go through the budget, submit our questions, and the Administration will answer them. All of our questions and answers will be posted to the Council's budget website, completely transparent. The public can see it. All of the budget presentations sent by the different departments will be posted to that same website. Everyone in the public will be able to see the same thing that we see. They will be able to see the budget, the individual budget presentations by each department, and they will be able to see our questions and answers that we submitted to and received from the Administration. We are trying to be completely transparent and as transparent as possible while understanding the limited resources that we have. We are trying to limit our resources here by not having our staff come in here every day for three (3) weeks. We are trying to limit the amount of time that the Administration has to be available to answer our questions. I think it is an unforeseen circumstance, but we are trying to make the best out of it. I have all the confidence in the world that the six (6) Councilmembers here are going to do our job. We are going to ask the necessary questions to allow us to make the final decision when the Supplemental Budget Communication comes in. We will be saving our Call-Back dates for any further questions that we have. Being that we have told the Administration that we are not going to be doing budget

presentations every single day, we are canceling those, we did make it clear that they need to be very transparent with us on what the Supplemental Budget Communication is going to look like. We will have a limited amount of time to be able to ask questions and do additions or cuts. This is going to be an ongoing and fluid process. I am not sure if the Administration knows exactly what their Supplemental Budget Communication is going to look like right now. We have told them to be in communication with the Councilmembers so that there are no surprises when it does come through. We did not get a lot of feedback yet from the Administration on what the new budget is going to look like. The Budget Call-Back days are days when we can still ask additional questions. I would say that is our time to be able to ask them what the big changes are in the Supplemental and be able to give us time to digest it before the Supplemental comes in. Councilmember Chock.

Councilmember Chock: Just a point of personal privilege. First, I just wanted to thank our staff for adapting in this time of crisis and for putting together this platform with Microsoft Teams for us to continue to communicate. It is obvious that I and Councilmember Evslin are meeting remotely. I decided to do so as I had a little bit of a cough. In an abundance of caution, I thought it would be best to stay away. I look forward to being able to continue the work that we need to and hopefully get some public feedback in the process as well, as we look towards going through our budget. I look forward to diving into it. I know a lot of things are unforeseen and I just wanted to thank everyone for their patience and for working together.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also would like to acknowledge the staff, the Council Services staff, and the County staff, many of whom are working from home. I have not found an interruption of service. Everyone is working really hard. The department heads are also very willing and open to answering questions via phone conference individually with the different Councilmembers to help us understand and still do a good and efficient job on understanding the budget. This is a little bit like driving blind, because we do not know exactly what is going to be happening coming up, but I think we are making a good choice to be pushing this out to the early-May window. We will be able to see how things are unfolding both nationally and globally and I think be able to make much better decisions understanding what is going to be happening here on this island. I am hoping for the best for all of us that we stay safe across the island and across the country and world. We are doing good so far.

Council Chair Kaneshiro: We will be able to make comments on Friday once we have had the Mayor's presentation and my presentation. We can make further comments then regarding the budget, the process, et cetera. With that, not seeing or hearing any objections, this meeting is now adjourned. We do have public hearings coming up immediately after this.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:21 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long, sweeping horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).