

COUNCIL MEETING

MAY 20, 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, May 20, 2020 at 8:32 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin (*via remote technology*)
Honorable Ross Kagawa
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*

Council Chair Kaneshiro: Please note that we will run today’s meetings pursuant to the Governor’s Supplementary Emergency Proclamation dated March 16, 2020, Sixth Supplementary Emergency Proclamation dated April 25, 2020, and Seventh Supplementary Emergency Proclamation dated May 5, 2020.

APPROVAL OF AGENDA.

Council Chair Kaneshiro: The first item is the approval of the agenda.

Councilmember Kualii moved for approval of the agenda, as circulated, seconded by Councilmember Chock.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: Any discussion on the agenda from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion is carried. Next items are the minutes. Clerk, could you please read the minutes?

MINUTES of the following meetings of the Council:

May 6, 2020 Council Meeting
May 6, 2020 Special Council Meeting
May 6, 2020 Public Hearing re: Bill No. 2791

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

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: I just want to let everyone know that we are open to taking public testimony. Members of the public need to notify us ahead of time. We have not received any notice for today. We are just going to move forward without mentioning public testimony. Councilmember Cowden.

Councilmember Cowden: Can I get the phone number again where the public can call to leave a message? It is 241-4188.

Council Chair Kaneshiro: They should call one (1) hour prior to the meeting or at least give us a heads up so that we can coordinate. They can also E-mail cokcouncil@kauai.gov. Any discussion on the minutes?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: Motion is carried. Clerk, next item please.

CONSENT CALENDAR:

C 2020-136 Communication (04/15/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Dee Crowell to the Liquor Control Commission – Term ending 12/31/2020.

C 2020-137 Communication (04/29/2020) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of March 31, 2020, 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. *(Copies of Period 9 Financial Reports as of March 31, 2020 on file in the Office of the County Clerk.)*

C 2020-138 Communication (05/06/2020) from the Director of Human Resources, transmitting for Council information, the May 1, 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 2020-139 Communication (05/06/2020) from the Housing Director, transmitting for Council consideration, a Resolution To Receive And Expend A Special Allocation Of Grant Funds From The Department Of Housing And Urban Development, United States of America, Authorized By The Coronavirus Aid, Relief, And Economic Security Act (CARES Act) Of 2020 (Public Law 116-136).

Councilmember Kualii moved to receive C 2020-136, C 2020-137, C 2020-138, and C 2020-139 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on the Consent Calendar?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2020-136, C 2020-137, C 2020-138, and C 2020-139 for the record was then put, and carried by a vote of 6:0:1*.

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

COMMUNICATIONS:

C 2020-140 Communication (04/23/2020) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 14 for the 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 cost items are based on an Arbitrated Award, which contains a dissent by the Employer Panel Member, and are in accordance with the procedures contained in Chapter 89, HRS.

Councilmember Kualii moved to receive C 2020-140 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Again, this is just the Communication. The Bill will come up a little later in the meeting. Any discussion from the members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2020-140 for the record was then put, and carried by a vote of 6:0:1*.

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

C 2020-141 Communication (05/03/2020) from Elliot K. Ke, Captain, Kaua'i Police Department, requesting Council approval to use \$439,781.81 in unexpended salaries for the first year of a 5-year multi-term contract for the purchase of Axon Officer Safety Plans (OSP), Evidence.com unlimited Axon device storage, Axon Performance, and Auto-Tagging software.

Councilmember Kualii moved to approve C 2020-141, seconded by Councilmember Chock.

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

Councilmember Cowden: I just wanted to say that I did look in to this. While we are using these moneys from unexpended salaries, it is actually a budgeted item for the future. It has to do with the point we are at in the fiscal year. At first, I was worried that we were getting committed to approximately five hundred thousand dollars (\$500,000) a year for the next five (5) years and it comes budgeted in the next fiscal year. It is not different than what we had already asked for. Councilmember Kagawa.

Councilmember Kagawa: Do we have the Kaua'i Police Department available?

Council Chair Kaneshiro: No, we have to request them to be here.

Councilmember Kagawa: What does the Axon software do?

Council Chair Kaneshiro: It is their body camera system. They had it for five (5) years already, and they are renewing the contract.

Councilmember Kagawa: So they are going to renew the use of the body cameras for another five (5) years?

Councilmember Cowden: Yes. It is actually in the regular budget. This has to do with when the window of time stops and when we need to start the next contract.

Councilmember Kagawa: Okay.

Council Chair Kaneshiro: Anything else from the members?
Councilmember Kagawa.

Councilmember Kagawa: From the Legislative-side in dealing with the checks and balances, it would be good to hear how the performance has been over the previous five (5) years and rather than just say that we believe whatever you write on the transmittal. For the public to know that they are funding it and the body cameras

are being used on Kaua'i was questionable nationwide as to whether it would be a good tool or not. I think an overall review from KPD saying in the past five (5) years providing a summary of body cameras, its effectiveness, and this is why the taxpayers should be satisfied paying for another five (5) years...I would think that it would be nice to hear that. I know we are dealing with COVID-19 and we have a hard time getting KPD here, but I think that would be nice for the public. It is a privilege for them to have it as the taxpayers are funding it. For me, that would be nice.

Council Chair Kaneshiro: If we wanted them to appear, you just need to let us know ahead of time. That is something we can put on the agenda at a later time. They can talk about their successes or hardships with the body cameras. Councilmember Cowden.

Councilmember Cowden: Perhaps we can ask for a briefing on the success of the body cameras. To me, what that would include are the amount of complaints against KPD, and from what I have heard, I tend to be hearing a lot from community members who are unhappy with police behavior over the years, it seems like the body cameras have improved behavior on both sides. People cannot make false claims. It probably improves behavior. I think it improves behavior from both the person being arrested or being spoken to, and from the officers. From what I heard over the years, I hear a whole lot less complaints, and this was before I was elected, as well as know. I think having a briefing from what the community feels, I would like to ask for that.

Council Chair Kaneshiro: We can have that briefing, Councilmembers Cowden and Kagawa. If there are any particular questions that you want them to answer, just let Scott know ahead of time. They can be ready to brief us on that when the item comes up. Anything else from the members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-141 was then put, and carried by a vote of 6:0:1*

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

C 2020-142 Communication (05/07/2020) from the Acting Fire Chief, requesting Council approval to apply for, receive, and expend a U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant (AFG) – COVID-19 Supplemental (AFG-S) funds to purchase personal protective equipment (PPE) for Fire and Ocean Safety personnel to respond to current and future pandemics. The total budget for this project is \$29,700.00 of which FEMA AFG-AFG-S would cover \$26,730.00, and KFD would be responsible for the remaining \$2,790.00, in a ninety percent/ten percent (90%/10%) cost share based on total FEMA contributions.

Councilmember Kualii moved to approve C 2020-142, seconded by Councilmember Cowden.

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

Councilmember Evslin: I just want to briefly say that I appreciated the Kaua'i Fire Department (KFD) going after this grant. I think a big reason that on Kaua'i, and nationwide, that the effort was to "flatten the curve" was to give our departments and agencies time to ramp up and prepare for the possibility of a second wave of COVID-19. This is exactly what this is...ensuring that they have proper personal protective equipment (PPE). I appreciate the effort of KFD going after this grant.

Council Chair Kaneshiro: Thank you. Anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-142 was then put, and carried by a vote of 6:0:1*

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

LEGAL DOCUMENT:

C 2020-143 Communication (05/07/2020) from the Acting County Engineer, recommending Council approval of a Service Contract and Special Provisions indemnity clause, by and between the County of Kaua'i and Hartung Brothers Hawai'i, LLC for the design, construction, and operation of an R-2 recycled water reuse system located on County land currently leased by Hartung Brothers Hawai'i, LLC, and adjacent to the Waimea Wastewater Treatment Plant.

- Service Contract and Special Provisions

Councilmember Kualii moved to approve C 2020-143, seconded by Councilmember Kagawa.

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

Councilmember Cowden: I just want to express appreciation for how we are recycling R-2 water and having this partnership. It is important that we are able to use the recycled water. Thank you to Hartung Brothers and our Department of Public Works for working on this.

Council Chair Kaneshiro: Anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2020-143 was then put, and carried by a vote of 6:0:1*

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

CLAIMS:

C 2020-144 Communication (04/29/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kalepa Village Apartments, for services rendered due to damaged utilities near their property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-145 Communication (05/01/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Elizabeth Belfort, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-146 Communication (05/11/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Bernie Shimabukuro, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2020-144, C 2020-145, and C 2020-146 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Kagawa.

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

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to refer C 2020-144, C 2020-145, and C 2020-146 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1*

Council Chair Kaneshiro: The motion is carried. Next item

COMMITTEE REPORTS:

A report (No. CR-PL 2020-06) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2781 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I 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 Kualii moved for approval of the report, seconded by Councilmember Chock.

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

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1*.

A report (No. CR-COW 2020-05) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“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 approval of the report, seconded by Councilmember Cowden.

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

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the report was then put, and carried by a vote of 6:0:1*.

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

RESOLUTION:

Resolution No. 2020-26 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Dee Crowell*): Councilmember Kualii moved for adoption of Resolution No. 2020-26, seconded by Councilmember Cowden.

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

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: Anyone else? If not, the motion on the floor is to approve. Roll call vote.

The motion for adoption of Resolution No. 2020-26 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: The motion is carried. Next item.

Resolution No. 2020-27 – RESOLUTION TO RECEIVE AND EXPEND A SPECIAL ALLOCATION OF GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) OF 2020: Councilmember Kuali'i moved for adoption of Resolution No. 2020-27, seconded by Councilmember Chock.

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

Councilmember Cowden: Is this the big piece that we talked about last week? No, this is a smaller amount?

Council Chair Kaneshiro: Yes.

Councilmember Cowden: Okay.

Councilmember Kuali'i: These are the Community Development Block Grant (CDBG) funds.

Council Chair Kaneshiro: This one is specific to CDBG.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Any other questions or discussion?
Councilmember Chock.

Councilmember Chock: Like the Fire Department and all of these requests for approval that we have seen in the last week or so...it behooves us to be prepared to go after these funds that are out there in order to get back on our feet. It will determine much of our long-term success economically. I wholeheartedly support these efforts. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just wanted to say thank you to the Mayor and his Administration, and our Housing Director for going after these CDBG funds. I am happy to know that this one hundred fifty thousand dollars (\$150,000) to the Kūpuna Kare for Farmer Fare program is going to extend it from June 1st on and for an additional eight (8) weeks.

Council Chair Kaneshiro: Anyone else? Councilmember Evslin.

Councilmember Evslin: I am happy to approve this. CDBG funds are a great source of flexible funding to the County. On the Resolution it outlines some really good programs that our Housing Director is planning to use the funds for. The Kūpuna Kare program that Councilmember Kualii mentioned, but also this program to help subsidize rent for those who have lost their income. There is also the possibility of a tiny home project to house homeless families. It would be great to hear more from Housing as they develop these programs and how we can help support or encourage people to take advantage of these programs. My appreciation to the Housing Director and it is great to get these funds.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I wanted to also make a comment about the potential for a tiny housing village called "Kauhale." Knowing that behind it, we are going to be looking for more money and we will be hearing more about that and how much we really need to be creating housing for our people that are struggling. We hear you and we are working on it.

Council Chair Kaneshiro: Anyone else? If not roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

Council Chair Kaneshiro: Anyone else? If not, the motion on the floor is to approve. Roll call vote.

The motion for adoption of Resolution No. 2020-27 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: The motion is carried. Next item.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2793) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2793) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 17, 2020, and it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members?

Councilmember Kagawa: What bargaining unit is this?

SCOTT K. SATO, Deputy County Clerk: Ocean Safety.

Councilmember Kagawa: Ocean Safety.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I did read through the transcript and saw the reality of how this COVID-19 crisis has affected some of these decisions and the timing of it. It is kind of unfortunate in the timing and this bargaining unit in particular caught the tail-end of our reality of seeing the effects that are going to be financially huge. The dissent vote by the Employer Member is something that caught my attention. I am curious to see as all of these bargaining units have been approved...most of them have been approved or about to be approved, how the State Legislature will be looking at it as they also have their own process in making a determination. If we can truly afford these, I think we all are really supportive in wanting to see these units get what they need. At the same time, we have a huge shortfall looking into the future. I guess that is all. That is something we should be watching closely.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I would be interested to have a briefing from Ocean Safety to understand what they are looking at for this upcoming this year. I know their work has really changed and we do not how long this will be the case when we go to the beaches. There has been virtually no one there. They are a little more, I do not want to say "policing" the beach, but they are keeping an eye out for non-use of the beach. I would like to hear about what are our strategies, what are their plans, and what do they anticipate coming up. Internally, they are discussing how many officers, which shifts, and for how long. I would like to hear their perspective if we can.

Council Chair Kaneshiro: We can do that during the Committee Meeting or we can also have a new item for that. Councilmember Kagawa.

Councilmember Kagawa: I am a little concerned about the amount of the increase. When we switched them to the Hawai'i Government Employees Association (HGEA), they had a significant jump in pay in the last go-around. They said they were very underpaid in comparison to other states. They had a large increase of thirteen percent (13%) over the previous two (2) years. Now, we see a six percent (6%) increase for 2019.

Councilmember Cowden: Four percent (4%).

Councilmember Kagawa: Five point nine eight percent (5.98%) lump sum payment based on annual...I am not sure...I think the consistent number has been two percent (2%) with the Hawai'i State Teachers Association (HSTA) and HGEA. Fire received a lot more. They received five percent (5%) increases. We had the large increase for them to catch up with where their pay should have been. I am wondering now if this is more than the standard. It seems like the State, for the ones that they have a lot of employees like HSTA, they keep the pay increases really small. For the ones that they negotiate on behalf of the County, they like to be extra generous. It baffles me how the whole system is broken. The State is not accountable to the employees that they are generous to. They do not pay the tab. In fact, they cut the transient accommodations tax (TAT). For the safety and the risk that they put themselves in, one could say that they deserve a little more than teachers. Teachers most likely will not die on the job. They can, because there are some crazy things happening out there. Lifeguards can die on the job anytime they save someone in high surf. It baffles me how the State...even in these times, they are really generous to the ones that they do not pay the tab for. For HSTA, we rank forty-nine (49) in the nation for the lowest salary. We get paid the second lowest salaries. We received a really small increase of only two percent (2%). You have these other units who I do not believe are ranked at the bottom in the nation, and they get six percent (6%). It makes you scratch your head. Where is the logic? Are

we broke or are we not broke? How do we keep all of our pay raises equitable so that we all can manage the expense side, from the State and County sides, in a responsible manner? One goes high and one goes low. We just let the counties argue about it. We should not be the ones arguing about it. It should be negotiated based on the status of the counties' and the State's budget based on what they afford. Unfortunately, we are out of that loop. We send Janine or now the new Director of Human Resources, who has nothing to do with developing the budgets, on our behalf. It is supposed to be okay? It should be our County Clerk going over. Someone who knows what this Council has to face when we fund those budgets. It should not be the Director of Human Resources with no accountability. Those are my thoughts.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: At the Committee Meeting, can we discuss this a little bit further? Or is there no point?

Councilmember Kagawa: Yes.

Councilmember Cowden: We want to look at it. I asked last year, "Can we send somebody from the Council over for these bargaining units?" I was told that we cannot go, even if we were to just sit there and watch. It is kind of crazy that we cannot attend.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you. I am looking forward to diving in further in Committee. In general, our Ocean Safety Officers, relative to the work that they do, are some of the lowest paid public sector employees that there are. This is along with teachers and a lot of our clerical staff out there. These employees are out there risking their lives and doing a heroic job. They are often the very first responders before our fire fighters get there. During normal times, this would be more of a "no brainer" to try and get their pay increased. Obviously, we are facing very dire fiscal times that we have ever faced as a County moving forward. It would be good in Committee to hear from Reiko, who did represent the County really well on the arbitration panel. It would be good to hear from Reiko to say where the Administration stands on this issue and what some of the budget and fiscal shortfalls of this could be. As Councilmember Cowden said, perhaps we can hear from Ocean Safety as well. They certainly deserve to get paid more, but it is not going to be that easy of a decision moving forward.

Council Chair Kaneshiro: Anyone else? If not roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for passage of Proposed Draft Bill (No. 2793) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 17, 2020, and it be 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: Motion passes. Next item.

BILLS FOR SECOND READING:

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 Kauai Planning Department, Applicant*) (ZA-2020-6): Councilmember Kualii moved to approve Bill No. 2781 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

Councilmember Evslin: I just want to briefly explain this. We did a little of that in Committee. We have a General Plan which is trying to incentivize mixed-use development. The whole practice of zoning is moving towards mixing residences in with commercial areas, yet our current zoning code requires a use permit to do any residential development within the commercial district. I appreciate the Planning Department moving this Bill forward. It removes that use permit requirement in allowing over-the-counter permits to allow residential development in commercial areas, which should hopefully incentivize, or at least allow and legalize, mixed-use development in our town cores. I am happy to support this.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am going to quickly say that the natural way for the people to live over the centuries is with mixed-use and with people living right in the middle. I am pleased to see that there has been a purchase recently by a small non-profit committed to affordable housing. I am really looking forward to looking at what their proposal is. We need to encourage this type of development, rather than discourage it. I am supportive of it.

Council Chair Kaneshiro: Anyone else? Councilmember Evslin.

Councilmember Evslin: Just a quick follow-up building on what Councilmember Cowden said—I totally agree—when you look at our best towns and communities out there in Hawai'i, it is all of these old plantation-style towns, which were really built off of this model. Forty (40) years ago, we almost made it illegal to build these types of structures that are the backbone of our communities here. All this is doing is trying to legalize this type of style or make it easier to build it moving forward.

Council Chair Kaneshiro: Anyone else? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2781 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR 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: Motion passes. Next item.

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 to approve Bill No. 2782 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

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

Councilmember Kagawa: Who is Bargaining Unit 4? This is second reading so we should have that.

Ms. Fountain-Tanigawa: HGEA white collar supervisors.

Councilmember Cowden: White collar supervisors.

Councilmember Kagawa: I want to apologize, as I made an error. Four (4) and fourteen (14) are very close. It is missing a one (1). Fourteen (14) is Ocean Safety. That one is basically a nine percent (9%) raise over two (2) years. Four and a half percent (4.5%) and four and a half percent (4.5%). It is a quite generous package, and we will get to discuss that later. This one is a six percent (6%) raise for the first

year and step movements for the rest of the years. Basically, this is a pretty generous raise for our clerical employees, but I think they negotiated it. I do not know what the rationale was and maybe they were seen as being previously underpaid. It is difficult when you look at the situation we are in. We are going through COVID-19 right now, and right-off-the-bat, you are dealing with a lot of these employees having stay-at-home work orders, and we are going to start the year with a pay increase? There is so much confusion as to where we start on July 1. I have sore ears already from the public saying that the County and State are getting paid for staying at home. These people are really upset. It gets confrontational. It all points to our Mayor. When he is ready to start opening up, I think it will ease the tension from the public on us. As long as it is like this, it is very hard to justify pay increases that we will be approving. What next? What about when people do not pay their property taxes, or what happens if we do not get our TAT disbursement? We get asked whether we are going to furlough the employees. The government workers are saying that. The private sector is saying, "What are you going to do? Are you going to lay off people?" It is a difficult position to be in. There are no answers. When are we going to open up the Driver License Division? When can people get their driver license renewed? There are so many question marks. We have to almost rubberstamp these pay raises, because you cannot hold our employees hostage because of the uncertainties. They deserve to be treated fairly as everyone else has. We approved the rest. HSTA received approval from the State. A lot of United Public Workers agreements were approved. HGEA agreements were approved already. We cannot tell our clerical staff that you are the only ones not getting approved. This is a rubberstamp vote. It is. I think the leadership needs to come out of their box. They are not sharing vital information that should come through this Council, because we are the ones that communicate with the public. We have channel 53 every week. I am not sure what is going on in their "bubble," but they do not share...I mean they do share, but it is very limited information. Big tickets items that are being complained to us...it is very frustrating. We do look bad. They say, "If you are the Council, then you should ask and you should find out." That is not our style. The local style is...it is stressful, but we sit back. At the end of the day, it would be nice to have cooperation. That is all that I have.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I want to back that up a little bit. I know as Committee Chair for Public Safety & Human Services, I do not understand why I am not allowed into the Emergency Operations Center (EOC). I do not know why no one from the Council is allowed in to the conversation. I want to respect what the group is doing. It is a narrow group. It is hard to get responses. Pulling it directly to this bargaining unit issue, I had called and looked at where some of the compression and where more of the increases are at the lower end of the scale. This came up before us at the beginning of this window of time, before we saw this amount of economic damage that we are facing. What I do know is a number of the people who have these clerical jobs might be working at the Police Department or different critical jobs. I see them at night as a cashier in the store or working at a hotel. A lot of these people are working two (2) or three (3) jobs. Especially right now when we have contracted those hours to four (4) days a week, I am hoping that they will be able to do both of their jobs. When we talk about a living wage, people that work hard for the County do need that living wage. I am acknowledging what Council Vice Chair Kagawa said about the

stay-at-home order, but this is looking at the next year. We are in a difficult position where we have little influence. I like to see people being able to afford their cost of living without working three (3) jobs and parenting young children. It is difficult...it is hard...especially when over seventy thousand (70,000) of the State's people are on unemployment and applications have still not been addressed over ten (10) weeks later. They are very angry. It is understandable. We cannot take it out on these particular clerks.

Council Chair Kaneshiro: Anyone else? Councilmember Kualii.

Councilmember Kualii: I am supporting this. I think this is the end of the collective bargaining and negotiations that have taken place. We have to honor that. I think these raises...it is helping to cover the cost of living increase. At a minimum, there will be a few percentage points increase just for the cost of living adjustment. As far as the budget, it is true that we had a tough budget this year, but in fact, the only adjustments were for things like the expected reduction in the General Excise Tax Fund revenue. We did not make any drastic cuts to this budget. We did not make any drastic increases to the many different categories of real property taxes. Yes indeed, we are going to have to deal with this next year and perhaps the year after that. It would not be right to not approve these raises like others have said. We have already approved most of the other raises for this cycle. This is the end of this cycle for this negotiating term. I am going to support this.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. I will be supporting this as well. I truly understand the concerns that are being surfaced here; they are my concerns as well. It is an interesting thing coming onto the Council and recognizing the process that we go through in participating in this outcome. That being said, when we are...it is my perspective that not all positions and units are equal. Like we saw, the jobs are different. These clerical positions need attention as it has been under a shortfall in previous years. We need to look at that. The future, in its entirety, as I mentioned earlier, is obscure. We are going to need to be able to make difficult decisions as a whole. The whole community is taking a hit, and so will everyone else in the long-run. We really need to gather all of the decision-makers that are a part of this process, and there are many, in order to make a difference to work towards something that is equitable, if and when, we need to address these forthcoming. I think right now we might be okay. As I said before, the next budget is really going to be determined and be a strain on what it is we commit to today.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I support this. As has been said, the clerical positions are certainly underpaid. I think you could say that across the entire County. There is this reputation that everyone here has great benefits, great stability, and making good money...yes there is pretty good stability...the other two are not that accurate. When you compare any County job to the private sector, you are making less working in the public sector. We are asking people to come and serve the public, yet in order to do that, they often have to take on a second or a third job in order to do that.

That is not fair. We are going to have really tough budget decisions coming up. I think that ensuring fair pay has to be a priority of ours. It is certainly a priority of mine. I support this.

Council Chair Kaneshiro: Thank you. Anyone else? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2782 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR 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.

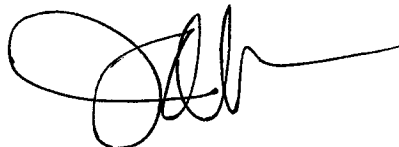
Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Motion passes. Seeing no further business and hearing no objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:12 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:SS

*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).