

COUNCIL MEETING

JULY 20, 2016

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, July 20, 2016 at 9:09 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kualii (*excused at 3:10 p.m.*)
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any discussion? I would just like to say that we are going to be taking Resolution No. 2016-49 first. We will take that out of order if there are no objections. Also, we do have a 1:30 p.m. certificate presentation here at the Council Chambers.

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

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

MINUTES of the following meetings of the Council:

May 18, 2016 Council Meeting
May 18, 2016 Public Hearing re: Bill No. 2628
June 15, 2016 Council Meeting
June 15, 2016 Public Hearing re: Bill No. 2629 and Bill No. 2633
July 6, 2016 Public Hearing re: Resolution No. 2016-48

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

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

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

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

The motion to approve the Minutes as circulated was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please. We will take the Consent Calendar and then go right into the Resolution.

CONSENT CALENDAR:

C 2016-156 Communication (06/01/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Beth A. Tokioka to the Board of Water Supply – Term ending 12/31/2018.

C 2016-157 Communication (06/22/2016) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 10, 2016.

C 2016-158 Communication (06/27/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A County Bus Stop Along Kawaihau Road, Kawaihau District, County Of Kaua'i.

C 2016-159 Communication (07/07/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Kekaha Landfill Lateral Expansion Cell 2, Project No. NPS0047-12, to secure the funds for the landfill expansion project.

C 2016-160 Communication (07/08/2016) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from April 1, 2016 through June 30, 2016.

Councilmember Kualii moved to receive C 2016-156, C 2016-157, C 2016-158, C 2016-159, and C 2016-160 for the record, seconded by Councilmember Yukimura.

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

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

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

The motion to receive C 2016-156, C 2016-157, C 2016-158, C 2016-159, and C 2016-160 for the record was then put, and unanimously carried.

Council Chair Rapozo: Thank you. Can we have Resolution No. 2016-49, please?

There being no objections, Resolution No. 2016-49 was taken out of order.

RESOLUTIONS:

Resolution No. 2016-49 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Beth A. Tokioka*): Councilmember Kualii moved for adoption of Resolution No. 2016-49, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there any discussion before we open up for public testimony? I think Councilmember Yukimura had some questions for Beth. Is there any discussion before we suspend the rules? Beth.

There being no objections, the rules were suspended.

Council Chair Rapozo: Just for the public's information, Beth was here a week ago for an interview. Councilmember Yukimura has some additional questions, so Beth has agreed to be here today. With that, Councilmember Yukimura.

Councilmember Yukimura: Thank you. Good morning, Beth.

BETH A. TOKIOKA: Good morning.

Councilmember Yukimura: Thank you very much for being here. We have received about six hundred (600) E-mails opposing your nomination or appointment for the Board of Water Supply. The concern was pesticides, which Syngenta, your employer, makes and manufacturers. My question is, if any issues of pesticides come up or any issues related to pesticide come up before the Board, will you recuse yourself?

Ms. Tokioka: Thank you for the question. Again, I am Beth Tokioka. Going back to the interview that I had two (2) weeks ago, we talked about conflicts of interests, and so I am fully aware of the requirements in terms of conflicts of interests. In terms of pesticides, if issues come up that would be a clear conflict of interest related to my employment or actually any subject matter pesticides or others regarding my employment or any other affiliation that I have, I would absolutely recuse myself as I am required to do. If there are any questions, maybe there is not a clear conflict of interest, but a potential one, I would absolutely want to clear that up and seek the guidance of the Board of Ethics as to whether or not there is a conflict and I should recuse myself. I would certainly follow the guidance of the Board of Ethics in those matters.

Councilmember Yukimura: Okay. Is there anybody else who wants to ask a question on that?

Council Chair Rapozo: I just want to make a clarification because right now, it is up to about six hundred forty (640) E-mails, and those six hundred forty (640) E-mails are replicated E-mails. They came from some kind of system. I am going read the E-mail because it mentions the word "pesticide," but it does not talk about that. It says is, "To Chairman Mel Rapozo" and in fact, I believe the first seventy-eight (78) had my name wrong. That is how I know it was replicated. "To Chairman Mel Rapozo and Members of the Kaua'i County Council, I am writing in strong opposition to the appointment of Beth A. Tokioka to the County's Board of Water Supply. Ms. Tokioka is an employee of Syngenta, a corporation that is

currently suing the County of Kaua'i to prevent mandated disclosure of information related to pesticide use." That is the only reference to pesticides. It is a lawsuit. They are basically saying that you are an employee of a company that is suing the County. "Decisions about the County's water supply should not be influenced by business and other special interests in order to protect the public's best interest and ensure government transparency. I urge you to oppose the appointment of the Ms. Tokioka to the Board of Water Supply. Thank you for your consideration." This one happens to come from Ashland, Oregon. I just pulled one. There a new one that just came in this morning. I will say out of the six hundred forty (640) or so, as I counted, probably thirty-eight percent (38%) or thirty-nine percent (39%) were from Kaua'i residents. Many of them are duplicated. The remainder are from off-island and the mainland. I want to make that clear to the public because I spent the time counting them. We all had these. I also want to make this clear, too, because we got this spreadsheet that says on this one, we had seven (7) support, four (4) oppose, and three (3) other. The reason the six hundred forty (640) are not on here is because the E-mail that was used in this system was counciltestimony@kauai.gov, which only comes to the seven (7) us, so the staff did not get it. I am sorry, councilmembers@kauai.gov. Counciltestimony@kauai.gov comes to all of us as well the staff. I just want to make sure that the public understands that the E-mail that was used was only coming to the seven (7) of us. I just wanted to make that clarification.

Ms. Tokioka: If I may? I do work for Syngenta. I am very proud to work for Syngenta. I work with a lot of people that I respect very much. Syngenta did not ask me to seek this appointment. When I talked to my bosses about it, they neither encouraged nor discouraged me. They said, "It is your decision. If you want to do that, we will support you by providing you the time and the space to serve the community in that way." I have one hundred percent (100%) confidence that my employer will not attempt, in any way, to push any undue influence on my decision-making. I have one hundred percent (100%) confidence in that. I also built a reputation in this community over the past twenty-four (24) years and am very proud of that reputation. I take it very seriously. I would never do anything to tarnish it. As I come to the Board of Water Supply, if I am approved, I will do so as a resident, an employee of the company I work for, a former public servant, a homeowner, a mother, and all of the above. I will make those decisions on my own accord. I would never compromise my reputation for a company that I work for or anybody else. So that is where I come from on this. I understand concerns about conflicts of interests. I think the system provides for that with the process of recusal, and I will absolutely use that process whenever that question arises. I will make that promise to you today.

Council Chair Rapozo: Okay. Are there any other questions for Ms. Tokioka? Councilmember Yukimura.

Councilmember Yukimura: Thank you very much. This is not regarding pesticides, but it is regarding your relationship to Mayor Carvalho. You have made a transition from being an employee and very close confidante to Mayor Carvalho and now you are an independent citizen. My question is will you be able to act as an independent citizen; i.e. a mother, a resident, and someone who cares a lot about the community? Will you be able to make that transition from being an employee where you need to do what the Mayor needs and wants?

Ms. Tokioka: Sure. I have not worked for the County for over a year now. I am very close to Mayor Carvalho. I believe very much in his initiatives. I respect him greatly. I also disagree with him often. He can tell you that himself. Even when I was working with him, there were times that I disagreed with what was happening and I was not afraid to tell him that. While I do believe in much of what his vision is, I can absolutely act independently. I will want to know where his position is on issues because that is important, right?

Councilmember Yukimura: Absolutely.

Ms. Tokioka: Because the Department has to somehow align and not be at contrary purposes with the Administration. But yes, I fully intend to be independent in my thinking, but also seek the guidance of people that I respect from all walks of life, including Mayor Carvalho and including people that I work with like Alan Smith, for example, who has extensive knowledge of water issues, people in the community, friends, family, and Councilmembers, as well. Yes, especially on the Board of Water Supply because the Department of Water is a semi-autonomous agency with a very large budget of its own and delivery of the service is critical to the health and wellness of our community. It is a very important responsibility. I take it very seriously and I think it has to be done. Board members need to be seeking out input from all sectors of the community in decision-making on that Board.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you. Thank you for the chance, Council Chair Rapozo. Beth, given all of the testimony that has come in, thank you for being here for additional questions. This is a little bit different, but I was wondering what your take is based on the Supreme Court ruling from the Kaua'i Springs case. What do you think the County's role is in managing surface water is moving forward and you might, as a board member, support that viewpoint or role?

Ms. Tokioka: I was following that case at a time when I was with the County, and I have to admit I am not up to speed on it today. I know the concept of water as a public trust, water as a public resource, and has to be managed appropriately. I completely agree. I think that was a very important case. How it is impacting, or influencing, or driving decision-making at the Board today, I could not tell you. I would have to dig into that more before I could really give you a read.

Councilmember Chock: I have one (1) more, if you do not mind. Obviously with the way the last few days have gone in terms of people's input, there is a bigger issue, in my opinion, about government transparency and accountability, at least perception-wise for the community that needs to be addressed. As a board member at the Department of Water, how would you be able to increase those needs so that the community is more engaged and was able to trust all of our government processes, but specifically in your area and influence?

Ms. Tokioka: I think the Department of Water has done a good job in last few years in terms of the public information staff that they have hired and the kind of outreach that they are doing to the community. There is a lot of

information going out from the Department to the community as far as I can see. I think as with all of our Boards and Commissions, there is limited input back in. People do not generally show up for board meetings. They do not generally know what is happening on a day-to-day basis. I think in that scenario, it is really incumbent on the board members to be proactive to seek out of information. But I think there might be ways that what is happening at board meetings can be more systematically sent out to the public in ways that they are likely to consume, more so than just putting minutes up on the website. There might be ways to work with the communication staff over there to just via their Facebook page or maybe a recap after the meetings of what the critical decisions were. I think that as far as I can see, the transparency and information are there, but it is really trying to engage the public more and that takes some work. I think it could be a little bit more proactive communicating after board meetings.

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

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Good morning. Part of my concerns, and I expressed some of them to you earlier, is the perception as well as the actual, what I believe is an inherent conflict by a person who represents a company who has a long history of polluting drinking water systems around the world. Given the environment of the Kaua'i community today, there is a heightened sense of concern about that and Syngenta has a public and pretty egregious reputation and track record including water systems. So part of your responsibilities...

Councilmember Kagawa: Council Chair Rapozo, this is inappropriate.

Councilmember Hooser: No, it is not inappropriate.

Councilmember Kagawa: Point of order. It is not pertaining to the agenda item.

Council Chair Rapozo: Hold on. The point has been made that it is not part of the agenda item. I am considering this like a second interview, so you can proceed. I would just be cautious on allegations, but go ahead and continue, Councilmember Hooser.

Councilmember Hooser: I am making no allegations against the person sitting in the chair.

Council Chair Rapozo: Yes, I know.

Councilmember Hooser: These are public facts about the company that she presents.

Councilmember Kagawa: We are not discussing...

Councilmember Hooser: I think it is relevant.

Councilmember Kagawa: We are not discussing...

Councilmember Hooser: Council Chair Rapozo, I have the floor.

Councilmember Kagawa: And you are talking about something that is not on the agenda.

Councilmember Hooser: Council Chair Rapozo.

Council Chair Rapozo: We are going to take a recess. We are going to take a five (5) minute recess.

Councilmember Kagawa: This is not on the agenda.

There being no objections, the meeting recessed at 9:25 a.m.

The meeting reconvened at 9:28 a.m., and proceeded as follows:

Council Chair Rapozo: I am going say this only once, today is a question period for Beth. At last week's meeting she was asked about the conflict of interest by two (2) Councilmembers. She addressed it last week and again today. That question has been asked and answered. I will allow questions of Beth and her qualifications or her reasons why she wants to sit on this Board, but that is all I am going to allow while Ms. Tokioka is up here. If you have comments, opinions, or concerns about Syngenta or whatever else, you can save that for your discussion period. While Beth is up here right now, I will allow questions and not question that have been answered. With that, Councilmember Hooser.

Councilmember Hooser: Thank you. One (1) of your responsibilities as a board member according to this document that Councilmember Yukimura got from the Department of Water, the Board has the approving authority of the Department of Water's chemical testing budget and laboratory contracts. The budget for testing for pesticides and contracts that go out and do that testing is controlled by the Board. Would you see yourself recusing yourself from the chemical testing budget and laboratory contract decisions?

Ms. Tokioka: I do not know that I would understand the conflict there as long as we are providing enough money for the Department to do the testing in the way that they feel is appropriate. I think if I were to vote on that and to try to decrease the budget or somehow interfere with the plans that the Department feels are appropriate, that would certainly be not appropriate for me to do. But I do not know that approving a budget that would allow for that type of testing to happen and providing adequate funds for it to happen in an appropriate way would be a conflict. Maybe that is something that I would send to the Board of Ethics to ask them to do. If that would require me to recuse myself from the entire budget process, I would be very concerned about because that is one of the main responsibilities of a Board of Water Supply member. If there was a very serious concern, it would be something that I could ask the Board of Ethics.

Councilmember Hooser: Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? Do you have a question of Beth? I am trying to move this along. Are there more questions for Beth? Go ahead.

Councilmember Yukimura: You may have said it already, but can you repeat it? What is your answer when people say that the connection to your employer would taint your decision-making on the Board of Water Supply?

Ms. Tokioka: My answer to that is that first of all, I have every confidence my employer would never try to interfere or try to dictate a position to me, number one. Number two, even if my employer or anyone else tried to do that, I would be making my own decisions. I think that I have the background and I have enough contacts in the community to seek out my own information. I can be an independent thinker on this body. I think it comes down to a matter of trust that I will do what I say I will do and that I will not allow my employer or anyone else to unduly influence me, that I will seek out my own counsel, that I will work closely with the Department to understand the issues there, and make decisions as I see appropriate.

Councilmember Yukimura: Sometimes it is difficult to take an independent stand when it goes against the majority of people or of public perception. Do you think you have the courage and wherewithal to do that?

Ms. Tokioka: I would like to think that I do. I have been in that position numerous times standing next to Mayor Carvalho. I served under three (3) Mayors so there were times when the Mayor was taking an unpopular position and we had to defend that publicly. I think I am somewhat battle-tested in that way. I know how to work through an issue like that and just knowing with the confidence that if you stick with what you believe, do the right thing, continue to seek input, and make a decision, that you feel comfortable with that you can get through a difficult situation like that. I have been through it before. It is not something that I would relish to be in a position like that, but I would work through that if it were to come up.

Councilmember Yukimura: Well, when you stood with Mayor Carvalho, it was part of your job to do that and now you will not be defending another person. You will be having to stand up on your own position. Do you feel you can do that?

Ms. Tokioka: I think we all do that in our lives. I will give you an example of having to stand on my own and fight for what I needed with my son Pono as he was growing up.

Councilmember Yukimura: That is a good example.

Ms. Tokioka: He need support in school and otherwise to deal with his disability. It was only us advocating for him at that time. We were lucky to be working with the school system that was very accommodating in the end. But yes, I have every confidence that I can do that.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Are there any other questions of Beth? If not, thank you, Beth. Councilmember Yukimura, who did you want to bring up?

Councilmember Yukimura: Mr. Saiki.

Council Chair Rapozo: Mr. Saiki.

KIRK SAIKI, Manager and Chief Engineer of the Department of Water:
Kirk Saiki, Department of Water.

Councilmember Yukimura: Thank you for being here. It was short notice when I sent the question to you yesterday morning, but I did so because of all of the E-mails we have been getting. I wanted to get clear about how many of the Board of Water Supply's decisions relate to pesticides. You did answer, and I just wanted for the public's sake since they have not seen this written testimony, to be clear about how many or the extent of decision-making by the Board related to pesticides. Could you just reiterate your written answer?

Mr. Saiki: At least during my tenure at the Department of Water...

Councilmember Yukimura: Which has been how many years?

Mr. Saiki: Almost four (4) years now.

Councilmember Yukimura: Okay. Thank you.

Mr. Saiki: The Board has never made a decision on pesticides. Like I said in the response to you, the closest relationship to pesticides would be our testing, which is in our budget. They have never really questioned the budget unless it increased and then if we told them that our testing regime was more stringent this year, then they pretty much approved the budget.

Councilmember Yukimura: Okay. Are you saying that the only connection between the Board's decision and pesticides is the budget for testing?

Mr. Saiki: So far that I know.

Councilmember Yukimura: Yes.

Mr. Saiki: I am not real sure what your question is. Is it do they ban us from using pesticides or set policies on it?

Councilmember Yukimura: My question was pretty broad. It was anything Board decision relating to pesticides.

Mr. Saiki: The only thing in my tenure was that they approve our budgets.

Councilmember Yukimura: The budget for testing of levels of pesticide in drinking water?

Mr. Saiki: That is part of it. We test for other things as well.

Councilmember Yukimura: Okay. There was some question, and I do not know it was during the Bill No. 2491 debate, but about...I am not sure if it was

Atrazine of something that the Board took the initiative to test to make sure. Do you recall what that was? It was something out of the ordinary.

Mr. Saiki: Well, we tested for Dursban recently when Councilmember Hooser asked us.

Councilmember Yukimura: Okay.

Mr. Saiki: But that was not a Board decision. That was our decision.

Councilmember Yukimura: It was the Department's decision?

Mr. Saiki: We had it within our budget to do it, so we just did it.

Councilmember Yukimura: Okay. If you did not have enough money, would you have gone to the Board to ask them for that?

Mr. Saiki: Yes, or what we would have done is we would appropriate it within the laboratory budget.

Councilmember Yukimura: You would have included it in your budgeting process and that is something that the Board would approved?

Mr. Saiki: Yes.

Councilmember Yukimura: Okay. Alright. Thank you very much, Kirk.

Council Chair Rapozo: Councilmember Hooser and Councilmember Chock.

Councilmember Hooser: Good morning. I am not sure if you were on the Board when the...

Mr. Saiki: I was never on the Board.

Councilmember Hooser: I am sorry. In your position as Manager, when Syngenta lawsuit....

Mr. Saiki: No, I was not there.

Councilmember Hooser: ...for one hundred five million dollar (\$105,000,000) global settlement, and I believe the Board voted to enter into that settlement.

Mr. Saiki: I think so.

Councilmember Hooser: It was regarding Atrazine and its contamination in many communities. My question is related to what Councilmember Yukimura was saying in terms of Board responsibility. If the Board wanted to be more protective, if you would, and wanted to expand the testing into more chemicals,

or more locations, or more frequency, could the Board take that action if they wanted to?

Mr. Saiki: Yes, I believe so.

Councilmember Hooser: Okay. I think you were in your position when Atrazine was found in the drinking fountain at Waimea Canyon Middle School.

Mr. Saiki: From the wipe sample?

Councilmember Hooser: Yes.

Mr. Saiki: Yes.

Councilmember Hooser: Was there a decision made at that time to test for Atrazine in the water system immediately after that?

Mr. Saiki: Well, we were already testing for Atrazine.

Councilmember Hooser: Okay.

Council Chair Rapozo: I am going to stop that right now because we are not talking about the candidate. We are not talking about the appointment.

Councilmember Hooser: This is about Board responsibilities with regard to pesticides.

Council Chair Rapozo: You are not asking about Board responsibilities. You are asking specifics.

Councilmember Hooser: Right.

Council Chair Rapozo: I do not want to do that. I do not want to go there. We are addressing a nomination to the Board of Water Supply of Beth.

Councilmember Hooser: My point Council Chair Rapozo, if I could?

Council Chair Rapozo: Please.

Councilmember Hooser: When that incident occurred, it could occur tomorrow.

Council Chair Rapozo: And it could never occur again.

Councilmember Hooser: Right. It could occur tomorrow and if that happens, the Manager of the Department of Water would have to make a decision, the Board would have to make a decision, and the presence of somebody on the Board whose company manufactures, sells, and uses that chemical would, in my opinion, influence the decision or has the potential to influence it.

Council Chair Rapozo: I said your opinions should be saved for discussion because right now, we are talking about...

Councilmember Hooser: I am just responding to you cutting off debate.

Council Chair Rapozo: If you have a question of the speaker about the appointment, this is appropriate because that is what today's agenda item is about. If you want to discuss the Department of Water policies as it relates to testing...I do not know how this all of sudden become a pesticide appointment. As I am reading the Department of Water Article 17, the Board is responsible for so much more, about the funding, about the implementation, about the management, and we are not even going there. We are not even asking Beth about any experience about her management experience. We are talking about pesticides. I do not want to go there right now. If you have an issue, then again, you can state it in your opinion. If that is what is going to cause you to vote one way or another, fine. But we have the Department Head here. If you have a question on him as it directly relates to the appointment of the candidate, then please ask. But if you want to use this opportunity to talk about issues of past, I am not going allow that. That is just not going to happen today. We can post another item if you want to have that discussion, but we are not going to do that today, not in an interview for an appointment. Councilmember Chock.

Councilmember Chock: I concede.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I just want to take issue, Council Chair Rapozo, because I think that the responsibility of the Board is related to how a board member would act in the situations in which a board member would act, and because her employer does manufacture and work with pesticides, the question about the Board's decision about pesticides is very much related to her appointment.

Council Chair Rapozo: You asked the question. She said if there was an appearance of conflict, she would go to the Board of Ethics.

Councilmember Yukimura: I know, but we are still wanting to understand the role of the Board regarding pesticides, and that is completely relevant.

Council Chair Rapozo: Read Article 17.

Councilmember Yukimura: Article 17 tells about the various responsibilities of the Board and we are focusing in on one (1) of the responsibilities...

Council Chair Rapozo: Right.

Councilmember Yukimura: ...which relates to pesticides.

Council Chair Rapozo: Understood, and I believe they answered that enough times already.

Councilmember Yukimura: Well...

Council Chair Rapozo: Ask the question if you have one. If not, I am going to release him because I am not going to have him sit up here. Do you have a question for him?

Councilmember Yukimura: No.

Council Chair Rapozo: Okay.

Councilmember Yukimura: I am wanting to say...

Council Chair Rapozo: We can have that discussion. Stop.

Councilmember Yukimura: Council Chair Rapozo.

Council Chair Rapozo: Does anybody have any questions for this gentleman? Thank you. Does the Council have any other questions of anyone in the County or any officials? If not, the rules are still suspended, and I am going to take public testimony. Who is the first registered speaker?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair Rapozo, the first registered speaker is Sandra Herndon, followed by Matthew Bernabe.

SANDRA HERNDON: Good morning, Council. Sandra Herndon, for the record. I am representing myself here, and I also represent a lot of people in the community who are very concerned about the issue that we have been discussing and re-discussing this morning. That issue is not going to go away. I very much appreciate that Ms. Tokioka said that she feels she can be independent and will recuse herself, but I think in speaking to Councilmember Chock's point, there is a big discrepancy within the community's and the County government's, which includes the Board of Water Supply, opinions of what "transparency" is. I think the idea that people who are polluters do not protect, and as far as I am concerned and many of the people in our community, the job of the Board of Water Supply is to protect our waters. It just seems like a blatant conflict of interest to me. A lot of people share that opinion with me. As far as your comment, Council Chair Rapozo, about the fact that many of the people that signed that petition or those E-mails were from off-island, many of them have homes here. They may live somewhere else, but they have a vested interest just like we have a vested interest in everything that happens on the island, everything that happens on all of the islands and, in fact, on the planet. The water is sacred. We need a Board of Water Supply that is committed to protecting the waters, and I am just not sure that this candidate can do that. Thank you.

Council Chair Rapozo: Thank you. Next speaker. Mr. Bernabe.

MATTHEW BERNABE: Matt Bernabe, for the record. This is a polarized one. I even thought about not speaking. I want to start off by saying is this, on the surface, this is a no-brainer. Do not appoint this person. But if you understand what is going on in current real-time and understood that the Department of Water themselves understand the precedence set by the Supreme Court case Kaua'i Springs vs. Planning Department, I think this is a great opportunity to bridge because no matter what anybody says, that property out there is controlled by her employer. They are part of the discussion when it comes to where we are going with water. It does not matter if you like it or not. The fact that she is unaware of this is a red-flag for me. In fact, if I was Councilmember, I would ask to defer one (1) more meeting, have her read it, send it to the Mayor, have them read it, have everybody who is involved in it read it, and then come back and continue this

discussion. I challenged the Department of Water almost a year ago, in this discussion about this lawsuit. They went and read it. When I went and talked to them, they actually changed and started this public campaign. I heard their language change, not in every area, small steps. It is going to be a long road of conversion, but the reality is this, the water trust says it has to be used. The reality is this, they have control of the riparian banks that water flows in. I know she is controversial and I have questions because I have not heard her say what her passion about it is or if this is somebody filling a seat. I am not still sold on that. I am not picking her or not picking her. I am putting out information that has not been discussed at this table. The other reality is this, we are going to talk about a subject coming up that I did some investigation on that could be a potential pollutant to the public on that side, and that is in our own backyard. We will get to that later. I am not going to say it because it is not germane to this, but it kind of is. I would like to see her get a little bit more educated on the facts and come up with a reason why she wants to. I have not heard her say that. I have not heard a clear reason. Is it just a job or is there an actual passion behind it like I or Councilmember Chock has? I have a real passion for water, I know the laws, and I understand and I have faith in the Department of Water. They convinced me. They won me over. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify?

STEPHANIE IONA: Stephanie Iona for the record. I am a resident of Waimea and I work for DOW Agrosiences, LLC. I was not going to come up because I thought Beth's record would speak for itself. I would really want to know how we went from a family-oriented, sit at the table, talk story, and be together to having a woman who worked for the County of Kaua'i, who was one of you, who served a Mayor and a Mayor that I knew before that, Mayor Bryan Baptiste, when I was General Manager of the cottages. Several of you, whom one of you is Councilmember Hooser, came to see me and talked about what was important for our island. I work with this woman. I did not only work with her because of being a part of Kaua'i. She came to me when I was the General Manager and she talked to me about values that she had for our island. I sit here and I think of family. I have to tell you that this morning I woke up and I am going to tell you I had a very wonderful mentor, Reverend Akaka. I prayed to him and I said "Father, tell me why I have to sit here?" He taught me when you are in a canoe, you have to have one (1) focus and that focus is what it is. What is her love? I know her love because she told me, *aloha* begins with me. Do you remember that? If she worked for a mayor that believed that, that built a pool in Waimea, that helped us do what we needed to do for our County, why would she not take the best that she knows and provide that information in a very sound manner because that is all she ever does? I worked with her on the Chamber Board. I sit in government affairs committees with her. I stand next to her in every community event when she is there giving of herself for Kaua'i Made. I could not go to Hawai'i on the Hill. She went. She represented this County. She represented all of the businesses from this County that went there. She helped set it up. She helped break it down. She walked through the hall. She asked for support for the County of Kaua'i. If you do not know her, write a letter. If you know her, you have to have a defining moment to sit here and say she is the best person for any board that is not being compensated and a company for whatever reasons you might all have, that is supporting her effort to support this County. She handed out onion seeds in Waimea, she gave out backpacks, and she supports everything.

Council Chair Rapozo: I am sorry. I have to stop you.

Ms. Iona: I know.

Council Chair Rapozo: That is your time.

Ms. Iona: I just need to tell you.

Council Chair Rapozo: Hang on real quick. Anybody else wishing to testify? Who? Okay. I am going to have to ask you to come back.

Ms. Iona: That is alright. Thank you.

Council Chair Rapozo: Thank you. Are you testifying? Wait, hold on, Matt.

LAURIE YOSHIDA: Laurie Yoshida, for the record. I am a resident of Lihu'e, but I am also employed on the west side. I have worked with Beth since 1994, I think. No, I moved in 1994. 1995, 1996 when I went to work for the Chamber of Commerce, Beth was working for Mayor Kusaka. She has worked for the County for so many years and I understand that some people have a problem with Syngenta. But as someone who also works for a seed company, also sits on the Commission for this County, and sits on the Commission for the State, I have never had my employer tell me "you must vote this way or that way" on any issue. If they did and I did not agree with them, personally, I would quit because if a company treated me that way and tried to influence me that way, that is not a company that I would choose to work for. I know Beth and I have had discussions about issues with this County and in our community, not just government issues, but community. She has a passion. She lives here, she has family, she has raised her kids here, and she is committed to this County. She has already said she would recuse herself if there is a conflict. Syngenta is not on trial here. I fully support her appointment.

Council Chair Rapozo: Thank you.

Ms. Yoshida: I give my time to her. Thank you.

Council Chair Rapozo: Anyone else wishing to speak for the first time? If not, Matt.

Mr. Bernabe: Matt Bernabe, for the record. I just want to also add in that I would like to know her future plans for our water. I see Kaua'i becoming an economic of export agriculture. What are her plans? What is her understanding? This is not folding up chairs or traveling, this is real work. Does she know anything about the riparian waterways and reservoirs that could be replaced and reutilized as an economic driver? I mean, these are serious water issues and that is what I want to hear. I have not heard any of that. I just heard someone that loves the County. I love the County, too. I really love the County. I am a big Kaua'i boy, Kaua'i pride. What are we talking about here? I want to know what she knows about that position because I know a lot about that position. I have done my homework. I know a lot about what is going on. I just want to hear more substance and I did not hear that. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? If not, we will call the meeting back to order. Is there any discussion? Councilmember Hooser.

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

Councilmember Hooser: Is this final discussion?

Council Chair Rapozo: Yes.

Councilmember Hooser: Okay. Thank you, Council Chair Rapozo. I am unable to support the nominee. I want to say really clearly that I have no problems or questions about the nominee's character or integrity. I do not believe she would let her company tell her what to do, anything against her character or integrity. I think she is a hardworking dedicated member of our community, who has served our community well. But having said that, I do not think she is the right person for this position. I think there are lots of other positions which she can serve well. I think given the history and the issue on this island, there are a tremendous amount of people incredibly concerned about health, safety, and the environmental impacts of pesticides. I think the Mayor's choice shows a certain amount of insensitivity to that and a certain tone-deafness to the mood of our community. It is unfortunate, in my opinion. This is about inherent bias, in my opinion, and potential conflicts and perception. There are four (4) appointed members, just like you and I, each of them have an inherent bias. We have a world view, a lens we look through. There is a banker on the Board. The banker looks through the world as a banker's lens. He looks at money and he looks at balancing the budget. There is an attorney on the Board. The attorney will look at it through that lens. There is a President of the Farm Bureau on that Board, and that person is looking it through their lens. To appoint a representative of a major chemical company...Syngenta is one of the largest chemical companies in the world with an incredibly poor and egregious history polluting water systems, drinking water systems, in Europe and in the United States. Their chemicals, which they sell, use, and manufacture, have been found in Hawai'i's waters. There is no question about that. Those are facts. They paid over one hundred five million dollars (\$105,000,000) and more settling some lawsuits. When we all look at the world differently, why did the Mayor not appointment a hydrologist who understands where water comes from? Why was a conservationist, or an environmentalist, or a teacher, or a cultural practitioner who looks at the world through their lenses not appointed, rather than through the lens of business and through a chemical company? There is no question.

I mentioned before that Atrazine was found in the drinking fountain at Waimea Middle Canyon School. If the nominee is successfully appointed, which she probably will be, even if she recuses herself, just by her presence, she has an influence on other Board members and management. Syngenta's world view will be "well, there is not that much" and "well, it only happens once in a while." I would prefer to have a world view sitting on the Board saying, "I want stricter testing," "I want safer water," "I want to look closer at threats and impacts of this industry," not someone who represents the industry. At the end of the day, that is a big part of it. It is public perception. I think we need to recognize the concerns of the community, recognize the inherent conflicts, and inherent bias, if you would. It is not a question of character or a question of integrity. It is a question of how someone looks at world to make

their decisions. They will look at the world, to a large extent, by who they work for and what their life experience is. I will be voting no and this is not a judgment on anybody else's vote. Again, I have great respect for the nominee and I wish I was not in this position today to vote in opposition. Thank you.

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

Councilmember Kaneshiro: I will make my comments brief. What it comes down to is integrity and accountability. Beth makes her own decisions. She is not only an employee of Syngenta, but she is a resident of Kaua'i, a mother, a family member, and a friend to many residents. That is where my decision comes from. She will make her own bed, so to say. She is there making her own decisions. If she makes a bad decision, she will be criticized for it, but that is her own decision just like decisions we make up here. We are criticized for the decisions we make up here. Ultimately, it come downs to integrity and accountability. We talked about family, values, and everything this morning. I do not think she has gotten as far as she has gotten by throwing away her integrity or accountability. That is where my vote comes from, what is her integrity and her accountability? Being on the Board, she will be accountable. She will be accountable for all of her decisions. If she decides to recuse herself from a conflict of interest, she is accountable for that. If she decides to sit on it and try to vote and have it go to the Board of Ethics, she is accountable for that. That is what it comes down to, integrity and accountability. I will be voting in support of her nomination.

Council Chair Rapozo: Thank you. Councilmember Kualii.

Councilmember Kualii: I will add to Councilmember Kaneshiro's comments and say that as long as I have known Beth and seen her work, she has been an outstanding manager, an outstanding spokesperson, and she has been someone behind-the-scenes for the different mayors over the years, but she could easily be the mayor herself. I think that highly of her qualifications, and back that up with integrity, *aloha*, and genuine concern for family and community. That is important. I think we need all of the our...and we probably do have that kind of commissioners to be that kind of people that step forward and are willing to serve the community and is doing it primarily from who they are as a person. I have to disagree with the thing about inherent bias and to say that how someone looks at the world is based on where they work. Please. I am fifty-four (54) years old, I have thirty (30) or forty (40+) plus years of work experience, and that does not define me. I do not even know how long Beth has worked for Syngenta. She has probably worked thirty (30+) plus years of her life, and yes, you are influenced by the relationships you build and the things that you learn at the jobs that you do. But your whole way that you look at the world and your value system is based on many other things besides where you work, starting with family and community. It is kind of embarrassing that we have turned this into a political farce of sorts and that we have been talking about Syngenta, community, and pesticides when we really should just be talking about Beth, her qualifications, her integrity, her ability to serve, and her willingness to serve. We need more people like Beth to step forward and be willing to serve this County. Volunteer. We rely on that. We depend on that. Thank you.

Council Chair Rapozo: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. It is unfortunate that we are kind of discussing Bill No. 2491 again and the agenda item is about Beth Tokioka and her appointment to the Board of Water Supply. Good people can disagree. I believe Bill No. 2491 was the worst decision in the history of Kaua'i politics. Mauna Kea did a sixty-six (66) page opinion telling us that we had a bill that was going to be ruled invalid, and it was. We do not have the expertise nor jurisdiction to be deciding whether pesticides are harmful or not to our citizens and whether the County should play a role. We do not have that jurisdiction. Mauna Kea did a tremendous job in writing that opinion. I think partly why Bill No. 2491 passed was because we heard from attorneys who were for the Bill saying that they were going to do the legal work pro bono. Did that happen? Fact, no. Another fact, we have the cleanest drinking water in the United States. That is a fact. This talk about whether we are drinking polluted water or not, I mean, let us look at facts. This is not Europe. This is not wherever else we are talking about. We are talking about Hawai'i. The fact of the matter is that one of the top engineers that Mr. Saiki has was born and raised in Waimea. Do you think his engineers are not worried about the quality of water where all of his family and friends are? I think the Board of Water Supply is very concerned if allegations come up and they do their due diligence. It is not the County Council's job to be monitoring and micromanaging their job. But the fact of the matter is that Beth is a tremendous asset to Kaua'i. We are fortunate that she has stepped up. Her character is top-notch. I believe that we do not need an expert to be on the Board of Water Supply or someone who has some idea how we can improve the Department of Water. What we need is people to make good decisions, such as our Facility Reserve Charge (FRC) that went up nine thousand dollars (\$9,000) in one (1) year. Perhaps Beth will find a better solution to doing that. Maybe that is why there is a lack of housing going on. Maybe it is the FRC. Maybe we need to work some other way of going up gradually to the nine thousand dollar (\$9,000) increase. Maybe one thousand dollars (\$1,000) a year or something. I hope that Beth can look into those things and make our island better. I believe that we do not need experts in this area or that area as we choose Board of Water Supply members. What we need is people of good character who care about the island, care about the future, and will help our Board of Water Supply move in that direction for a better future. I will be supporting Beth. It is very unfortunate that we had to have some of these Bill No. 2491 issues come up on this agenda item that is not relevant to that. Thank you. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I lost sleep again on this particular issue. I think public perception is really important and it is something that we need to continue to do to build trust, and how we do that is really important. I have had trouble mostly with these Boards and Commission appointments in the past. We have had people like Kimo Keawe who has come up who has a background in hotel industry sitting on the Planning Commission, that being questioned as well. Yet, I know of his integrity and his perspective that I value and have supported him. I feel to a large degree, some of those things have been a good outcome for us in the County, which actually questions the process that we have in selection that we might want to look at. This is no criticism of our Boards and Commissions, but rather than perhaps there is a better vetting way that we can get to more of a shared outcome that we are looking for. The fact is the Mayor makes the decision on who he wants and we have to make our own decisions here. In this case, I would probably have liked to see an environmentalist move forward to support the

balance of the Board of Water Supply. I am conflicted in that sense, but here is where it starts to flip the switch for me and it is this, I take people for face-value. It does not matter. If I work with a child in the school and they come from a family with a bad reputation, I do not condemn that child. Do you know what I do? I embrace them and work with them more. That is where I feel I am with this and that is not the only reason. I have known Beth and I know Beth as not a one (1) issue kind of person. I think she is very objective. I hold her in high regard and high integrity. One (1) of the things that she said, which I want to reiterate is what I do is I take people for what they say and what they follow through on, and I follow that. That is my expectation here out of anyone that comes on to our Boards and Commissions. I will be watching that closely from this seat because like Mr. Bernabe, I really agree these water issues are really important and dear to my heart. I will be asking for all of the various diverse stakeholders to be at the table to talk about these needs as we move forward because they are too important to the future. That being said, I think that she will get my support today to move forward. Thank you.

Council Chair Rapozo: Anyone else? Councilmember Yukimura.

Councilmember Yukimura: This, too, for me has been a very difficult situation. After the interview with Beth, I felt like I would vote for her. After getting six hundred (600) E-mails, two hundred thirty (230) of them being from Kaua'i opposing her, not because I question Beth's integrity or qualifications, but because I am concerned about public trust of institutions. I thought I should vote against her appointment not anything because of her personally, but because of the connection to Syngenta and the amount of distrust that causes in our community. It pains me greatly that we have a divided community with each side thinking that they are right and many unwilling to really listen or reach out to the other side. It is in this environment that the Mayor has chosen to make this appointment, which further divides our community. I think it was not a well-advised appointment and this has nothing to do with Beth because I believe in her honesty, integrity, intelligence, and management expertise. I want to say that many years ago, Donald Kennedy voluntarily stepped down as President of Stanford University after a federal lawsuit was brought because of the violation of federal grant requirements. I was shocked because President Kennedy was such a good leader and he did not do anything wrong personally, but he said that there was a lack of public confidence that affected his ability to lead and his effectiveness as a leader. He taught me about the importance of public perception. The problem is that people are seeing Beth as a stereotype and they do not know who she is. Today, I felt her words about not letting her connection with Syngenta override her reputation. I heard that she said she will be an independent citizen who looks at the issues in the public interest and that she would recuse herself if there is any conflict of interest. I want people to know that conflict of interest is not something you can avoid. You cannot be so good that you will overcome public conflict. When I was on this Council and my husband's employer zoning came up before the Council, I did not want to vote for it, but I was not allowed to recuse myself. I could have voted against my husband's employer just to look like I was not voting against the public interest even though it might have been in the public's interest. There has to be recusal and she said she would do that.

Council Chair Rapozo: Thank you. Anyone else? This is your last chance. I will speak last. If anyone else has anything else, now is the time. If not, first of all, let me apologize to Beth for having you to go through this kind of ordeal. I will say that we have an attorney that was mentioned earlier on the Board of Water

Supply. He is not there. He was not there appointed because he was an attorney, but he happens to be an attorney, an attorney who represents a ton of special interests on this island. We have one of the big shots from one of the biggest engineering firms on Kaua'i, huge special interest. They did not have to go through what you went through. I think Laurie said, as she walked away, that Syngenta is not on trial here and I think that is kind of what happened today. Character and credibility is all that matters. I do not care where you work. I mean, if I have no doubt in your character, Beth, if I have no doubt of your integrity, honesty, and credibility, then how can I vote no? If I believe that you are of the highest character, the highest credibility, the highest integrity, and the highest honesty, then I do not have to worry about any potential conflicts because you are going to do the right thing, if I believe as I say I do. I have known Beth a long time and I can tell you that I have seen Beth... nobody is going to dispute this. Beth, on many occasions has actually ran the County whether it was in absence of the Mayor or telling the Mayor what should be done. There has been three (3) mayors. We all know that. Nobody is going to say it, but I will say it because I know it happened. I trust Beth with the most important decisions of this County. We do not always agree. We are never always going to agree, but never once in any decision or position that Beth has taken was ever for personal agenda. Never ever. Close to six hundred fifty (650), I stopped counting, E-mails from people that do not even know Beth Tokioka and have no clue who she is. But Center for Food Safety put out this template that "hey, put your name, address, and E-mail and we will send it out for you." It says that the lawsuit was to challenge the prohibition to disclose information. The lawsuit was about preemption. The lawsuit was about who had the authority to regulate. That is what the lawsuit was about. How many of these people that sent in E-mails even know what is going on Kaua'i? It is unfortunate. It was easy because everyone was exactly the same so I did not have to read six hundred fifty (650). I just looked at where they were from. Really. I understand some of them may have a second home here or whatever the case may be, maybe they visit. I do not know. The reality is they do not know Beth. That is the reality. They have no idea who Beth is. They have no idea what Beth has done for this community over the last three (3) decades. That is offensive, if you ask me. Just because I saw a big thing on the internet and "oh, yes, I am going to get involved." Every minute, two (2) minutes, and three (3) minutes the E-mail were coming and coming and coming and coming and coming. Wow, it is a pretty cool tool for marketing, but how many of those people knew Beth Tokioka personally and how many of them knew her history? Very few. The Board of Water Supply has such a huge responsibility and Matt talked about you should know everything about everything. Do you know what? That would disqualify many people from running from for Council. It is not meant to be funny. I am just saying when you run for Council, do you know everything about everything about everything in the County? Absolutely not. Did we expect the attorney when he came up here for his appointment to the Board of Water Supply to know everything about everything about everything that was going on in the Board of Water Supply? Absolutely not. They have a team. Thank you to the Board of Water Supply. I have to say that because they have done a hell of a job. I think Councilmember Kagawa talked about all of the other collateral issues, the affordable housing and everything is tied back to water, and we did not talking about that. We talked about pesticides, which is a critical issue, but do you know what? To assume that one (1) person on the Board is going to have that much power to make it right so that Syngenta can pollute the waters? Beth, thank you. Thank you for serving. Thank you for being willing to serve. Thank you, Jay, for putting this all together. I expect a lot of good things out of the Board with your appointment. That is what I am going to say. Thank you. With that, roll call.

Councilmember Hooser: Council Chair Rapozo, I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Hooser: The six hundred forty (640)...

Council Chair Rapozo: It is about six hundred fifty (650) now.

Councilmember Hooser: Six hundred fifty (650), I know there were several hundred Kaua'i residents. There were many names that I recognized of people in the community on that list. I asked staff to go over the list and enter the Kaua'i names into the record that did submit testimony on this issue (See Attachment 1). I just wanted to say that for the record. There were several hundred Kaua'i names on that list. Thank you.

Council Chair Rapozo: I did not think we would have six hundred fifty (650), but this was just between 2:34 p.m. on Monday to 3:15 p.m., and that is it. I was going to print them all and then I was like, do you know what? It is just not stopping. I have not seen anything like it. It was just boom, boom. I said, "I am not going to print it." I think that is fair. I believe all should be entered whether from Kaua'i or not. I just believe that it is testimony. I just have a hard time validating it, number one, and the process that was used, I think, like I said, it is a great tool. I might have to use it. Thank you for that, Councilmember Hooser. With that, roll call.

The motion for adoption of Resolution No. 2016-49 was then put, and carried by the following vote:

| | | |
|-----------------------|---|-------------|
| FOR ADOPTION: | Chock, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo | TOTAL – 6*, |
| AGAINST ADOPTION: | Hooser | TOTAL – 1, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| 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 Yukimura was noted as silent, but shall be recorded as an affirmative vote for the motion.)*

Council Chair Rapozo: With that, let us take a ten (10) minute recess please. I need a break.

There being no objections, the meeting recessed at 10:24 a.m.

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

(Councilmember Yukimura was noted as not present.)

Council Chair Rapozo: C 2016-161, C 2016-162, and C 2016-163 will be done after the Executive Sessions. I have a question for the Council. Can we take C 2016-164 really quick?

There being no objections, C 2016-164 was taken out of order.

LEGAL DOCUMENTS:

C 2016-164 Communication (06/13/2016) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Hale Halawai 'Ohana 'O Hanalei, Hanalei Community Center Facility Use Guidelines and Application Forms, for the use of their facility to conduct the Community Emergency Response Training (CERT) program: Councilmember Kagawa moved to approve C 2016-164, seconded by Councilmember Kaneshiro.

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

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

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

The motion to approve C 2016-164 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Thank you. For C 2016-165, we do not have anyone available today from the Office of Elderly Affairs. They are away. It is basically Memorandums of Understanding and Network Partner Agreements. Is anyone interested in having the Office of Elderly Affairs here? All of the agreements are attached. If there is no objection, I would just ask that we go ahead and approve this so that they can move forward with it. With that, can you read the item, please?

C 2016-165 Communication (06/22/2016) from the Executive on Aging, requesting Council approval to enter into a Memorandum of Understanding (MOU) and Network Partner Agreement with various community organizations, which will be involved with the Aging and Disability Resource Center (ADRC):

- (21) Memorandums of Understanding Between the County of Kaua'i Agency on Elderly Affairs and named Community Partner; and
- County of Kaua'i Agency on Elderly Affairs Network Partner Agreement.

Councilmember Kagawa moved to approve C 2016-165, seconded by Councilmember Kaneshiro.

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

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

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

The motion to approve C 2016-165 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Motion carried. Let us just go right through, Jade.

CLAIM:

C 2016-166 Communication (07/08/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joanna Martin, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2016-166 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Councilmember Kaneshiro.

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

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

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

The motion to refer C 2016-166 to the County Attorney's Office for disposition and/or report back to the Council was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Thank you. Committee Reports.

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2016-08) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

"PWPR 2016-07 Communication (06/09/2016) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to address landscape maintenance concerns around County facilities,"

A report (No. CR-PWPR 2016-09) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

"PWPR 2016-08 Communication (06/28/2016) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation, to

provide a briefing regarding the issues of maintenance and health concerns at the Eastside Happy Dog Playground in Wailua Homesteads,”

Councilmember Kualii moved for approval of the reports, seconded by Councilmember Chock.

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

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

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

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

Council Chair Rapozo: Next item.

PUBLIC SAFETY COMMITTEE:

A report (No. CR-PS 2016-04) submitted by the Public Safety Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2629 – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE,”

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

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

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

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

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

Council Chair Rapozo: Thank you. At this time, if there are no objections, the Department of Public Works is here. They are the next item. Go ahead.

There being no objections, Resolution No. 2016-51 was taken out of order.

Resolution No. 2016-51 – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE KEKAHA LANDFILL LATERAL EXPANSION CELL 2, PROJECT NO. NPS0047-12: Councilmember Kaneshiro moved for adoption of Resolution No. 2016-51, seconded by Councilmember Kualii.

(Councilmember Yukimura was noted as present.)

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa, do you want the Department of Public Works to come up? Okay. I will suspend the rules.

There being no objections the rules were suspended.

(Councilmember Kualii was noted as not present.)

Councilmember Kagawa: Thank you, Council Chair Rapozo. Being that this is a one-time approval because it is a Resolution and therefore only needs approval at the Council Meeting, instead of going to Committee because it seems like as I talked to the Department of Public Works that it is really a win-win for us. We are saving approximately three percent (3%) by getting this State loan, which is at one percent (1%), but I would like the experts to tell us about a little bit this and what the benefit is. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Okay.

LYLE TABATA, Acting County Engineer: Council Chair and Members of the Council, Lyle Tabata, Acting County Engineer. The Self-Revolving Fund (SRF) loan which we are seeking approval for will be used for the final engineering design and then the construction of the lateral expansion of the Kekaha Landfill. This will be the last expansion of this landfill proposed.

Council Chair Rapozo: Thank you. Are there any further questions?

Mr. Tabata: The value is thirteen million eight hundred thousand dollars (\$13,800,000).

Council Chair Rapozo: Okay. The fact that we go with the SRF, the Revolving Fund, saves the County?

Mr. Tabata: Right. It is a one percent (1%) loan over twenty (20) years.

Council Chair Rapozo: Versus, if we went to bond?

Mr. Tabata: It is a little over four percent (4%), from what I understand.

Council Chair Rapozo: So it is a definite savings for the County. I appreciate you folks finding that option. Thank you. Are there any other questions for the Department of Public Works? Go ahead.

Councilmember Kagawa: Is there any savings in the current budget? I do not know if you need the Department of Finance here. Did we have specific moneys set aside as we are going to pay through the bond? And now that that has changed, does that lead to any savings that will be reflected in the current budget?

KEITH SUGA, Capital Improvement Project (CIP) Program Manager: Keith Suga, Department of Public Works. Good question, Councilmember Kagawa. Currently in the Capital Improvement Project (CIP) budget or in the Fiscal Year 2017 budget, there are no funds allocated for final design or construction. This particular project was something looking forward at the potential next bond issuance of including it. With this opportunity coming forward, obviously, it is a better opportunity to fund through SRF versus bonds. At this time, there are no funds allocated currently.

Councilmember Kagawa: There are no savings that will be reflected in the current budget because there was no dollar figure set to pay the bond yet?

Mr. Suga: Correct.

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

Council Chair Rapozo: Are there any other questions?
Councilmember Yukimura.

Councilmember Yukimura: Actually, they are savings from the future budgets?

Mr. Suga: That is true. If we were to pursue funding this effort through bond, yes, correct.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you very much, gentlemen. Anyone wishing to testify on this? Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. I would like to first start off by saying I do actually support it and I am glad that they are coming in and asking for a resolution to expand. I will commend them for doing it the correct way. Let us start off right there. Second of all, when I go and do an issue, I do not get a degree. I am not an expert, right?

(Councilmember Kualii was noted as present.)

Mr. Bernabe: I am just a human living on this island on this planet, that pays attention and does my homework, whether if I have to cook a meal,

mow my yard, look for the water around it, or whatever it is. I get involved. A certain level of education makes you have a better informed decision. What I want to add on this issue is I went out and did a little homework out at the Kekaha Landfill. What I found out was there is a lot of room for improvement. For one, there is some reason we do not break skips down, that is vertical airspace. It is something about nails. I did not have as much time to get the exact answer and plus, I am not an expert. But I have a general idea that if we stack one hundred (100) skips, that is vertical airspace if it is not broken down. I trim trees. When you take the chainsaw and cut the trees down, you reduce the airspace and you actually drop the height of the rubbish pile. Anyone that does yardwork pays attention and knows that. They would be qualified to make decisions like that. When I went there, I saw airspace and a company that guts things and does not recycle. I saw whole sinks from hotels, I saw evidence of when they bring the hangers from going back all the way back to Liberty House and now Macy's continues it. Why are they not trying to sell those hangers? I was the only hospital that dumps their medical waste, and they say they radiate it, is Wilcox Medical Center. All of the private hospitals takes care of their own, or is that a private hospital? Is that why they are dumping it? I cannot remember what it was. I do not follow who owns the hospitals. But it has something to do with the fact that they are unique compared to the other one. There is a lot of room to maximize the space that is there if we implemented some of the policies that I am sure we have, for recycling and whatnot. There are a lot of cans going into the regular rubbish that the workers go and somewhat do it. I do support that they came up and are asking for these funds correctly. I do believe we need to expand so that we can get a handle on the current situation, but I really think we really need to look at how we could either work on the existing policies or at least practice the ones that are there. Thank you very much.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? If not, I will call the meeting back to order. Is there any further discussion?
Councilmember Kagawa.

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

Councilmember Kagawa: Thank you. I would like to thank the Department of Public Works for this savings that is going to be met by going with this SRF instead of just using bonds. I think one could say that if they did not take the actual step in searching for this, it is not like their personal money if you save for your own self, you are going to take the measures and check all around. What is the place that I can maximize my savings? But I just want to hand it to the Department of Public Works for doing this and encourage continued efforts like this to try and save as much as we can wherever we can, and do more with less. Thank you, Council Chair Rapozo.

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

The motion for adoption of Resolution No. 2016-51 was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2016-50 – RESOLUTION ESTABLISHING A COUNTY BUS STOP ALONG KAWAIHAU ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

Council Chair Rapozo: Can I get a motion?

Councilmember Kuali'i moved for adoption of Resolution No. 2016-50, seconded by Councilmember Kagawa.

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

Councilmember Chock: I have a question for the Administration.

Council Chair Rapozo: Okay. I will suspend the rules without any objections. We are going to go to Resolution No. 2016-48 right after this.

There being no objections, the rules were suspended.

Councilmember Chock: I have a real quick question, Council Chair Rapozo, if I could?

Council Chair Rapozo: Okay.

Councilmember Chock: Thank you. I just got the map, so thank you. My main concern is safety and I wanted to see if you could speak to that in terms of its location. It is a busy road. Also, if I am not mistaken, I know there is a sidewalk on the opposite side.

(Councilmember Hooser as noted as not present.)

Councilmember Chock: Can you confirm if there is a sidewalk? I do not think there is a sidewalk on the side of the bus stop you are referring to. Is that correct? Those are the two (2) questions that I have.

MICHAEL MOULE, Chief of the Engineering Division: For the record, Michael Moule, Chief of the Engineering Division, Department of Public Works. The bus stop is on the south side of Kawaihau Road, the side where the sidewalk is located, in this case.

Councilmember Chock: Sorry.

Mr. Moule: I think there already is actually a bus stop on the other side in this vicinity, but not on this side. There is also an area adjacent to the travel lane of pavement/gravel that may be eight (8) to ten (10) feet wide. I could pull up images. I did pull them up just in case you want to see them so that you can see what that looks like. It is just off of an aerial image. Some bus stops do not have pullouts and some sort of have a pullout. In the long-term, there may be an effort to put a shelter here, but that is not planned at this time. The Transportation Agency recognized the need and demand in this area. I believe this is intended to be an on-call bus stop in the short-term and not heavily-used. But there is a lot of activity with the food mart, the athletic club, and the stores in the area. That is why they requested to us to add a bus stop in this vicinity. We found this was the safest spot that we could put it in this area.

Councilmember Chock: I have a follow-up.

Council Chair Rapozo: Go ahead.

Councilmember Chock: You said that there may be a shelter in the future. Is there room for that? Can we already expect there is a foundation for that to occur?

Mr. Moule: We have not looked at the design details directly, but there is some additional right-of-way area outside of the travel lane where a shelter could likely be built. We have several versions of the shelters that we are rolling out these days and the smallest one, the narrowest one, I believe would fit here. We have not measured that specifically, but there is enough room there that we could likely get it in there in future if that is necessary.

Councilmember Chock: Thank you.

Council Chair Rapozo: I just have a follow-up real quick. You said it is an on-call bus stop?

Mr. Moule: That was my understanding of the original request from the Transportation Agency, to where some bus stops where they stop only if there is someone waiting or somebody in the bus makes a request to stop there. They do not always pulling in every single time, for example, but it is because it is along the road, it is easy to do that with this case.

(Councilmember Hooser was noted as present.)

Mr. Moule: I do not know that for sure. My recollection is that when they first came to us with this request, that was what was requested. That is what they told us. This was not going to be used that frequently.

Council Chair Rapozo: Okay.

Mr. Moule: The bus goes by every day...

Council Chair Rapozo: I understand.

- Mr. Moule: ...but it does not always stop.
- Council Chair Rapozo: Was this requested by the food mart?
- Mr. Moule: No. The request came to us from the Transportation Agency.
- Council Chair Rapozo: Okay.
- Mr. Moule: I do not know the details of exactly why.
- Council Chair Rapozo: I was just curious what “on-call” is. I hear what you are saying. If someone is standing there, then we can...
- Mr. Tabata: Lyle Tabata, Acting County Engineer. Another example of on-call is at K-mart.
- Council Chair Rapozo: Okay.
- Mr. Tabata: That is an on-call bus stop.
- Council Chair Rapozo: Councilmember Kagawa.
- Councilmember Kagawa: I think Councilmember Chock kind of covered it. This map does not really do justice because it does not show the shoulder area. I am wondering on your site visitations, on Kawaihau Road, there are several bus stops along that long stretch. I think for the most part, there is enough room for the bus to completely pull to the side. I am wondering if this bus stop allow the same thing for the bus to completely go on the shoulder and vehicles can pass by, or is it in an area that the bus is going to be sticking out on the road?
- Mr. Moule: There is a shoulder. It should be wide enough. I can show you the imagery online if we want to bring the screen down.
- Councilmember Kagawa: It is okay.
- Mr. Moule: It is not fully well-paved at this point. It is somewhat paved. It is hard to tell exactly looking at it. But there is room to pull over in this area, which is why we chose this particular spot versus up and down the road.
- Councilmember Kagawa: Because of the shoulder area?
- Mr. Moule: Yes, because there already is a shoulder area there.
- Councilmember Kagawa: Okay. Thank you. Thank you, Council Chair Rapozo.
- Council Chair Rapozo: Do you have photographs?

Mr. Moule: The only photographs I have are the aerial imageries and the street view online. But I do not have any photographs of the site here in front of me.

Council Chair Rapozo: Councilmember Kaneshiro and then Councilmember Yukimura.

Councilmember Kaneshiro: My question is what would this cost and do we have it covered in our budget?

Mr. Moule: What is being installed right now is simply signs, and that is covered in the Roads Division operating budget.

Councilmember Kaneshiro: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Just for future reference, I think it would be helpful to have the Transportation Agency here so that if we have questions regarding the need or where the request came from, they could answer those questions, just in the future. Thank you.

Council Chair Rapozo: Thank you. Are there any other questions for the Department of Public Works? If not, thank you very much. The rules are still suspended. Is there any public testimony? Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. I support increasing the bus stops, absolutely. I was under the impression that an on-call stop was if somebody was on the bus and said "I want to get off here" or somebody was at the stop. In Honolulu, they do not stop at every stop. They only stop if somebody is ringing the bell or there is somebody standing outside. With that said, I would also like to stretch and talk about the whole route in general. On the bottom, I am handicapped. The way the bus stops are now, I have had this actually happen, they block the handicap vehicle in when they stop and take the break at the bathroom. That is where they take their break and go into the bathroom. In a way, that is false imprisonment. I did not actually get mad. I actually sat there, waited, and listened to the radio. Then when the person left, I left. I did not care. However, we should really look at that route and the bottom stop as well as all of these other stops because right now, there is no shelter, and the way they pull up and parallel behind the stalls, they do block you in. That is all I wanted to point out. Thank you.

Councilmember Yukimura: Excuse me.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: I am sorry. I do not understand a word you said. Could you explain?

Mr. Bernabe: The handicap stalls at the baseball park, when you pull in are this way, facing the park.

Councilmember Yukimura: Are these the bathrooms?

Mr. Bernabe: No. There is a bathroom that is in the park where the County workers go in and take their break where they use the bathroom, I believe. I have seen them do it. I do not think it is the only one. Maybe they do it at Kapahi as well. I do not know.

Council Chair Rapozo: The agenda item is for Kawaihau Road. You are talking about the base of Olohena Road.

Mr. Bernabe: Yes, but that goes through Kawaihau. I am assuming that is the same route because it does not go to Wailua.

Council Chair Rapozo: Yes, but the bus stop that is being proposed is on Kawaihau Road.

Mr. Bernabe: I understand, but the Kapahi route comes down and goes to that park. It is still germane to the route. The bus parallel parks behind the stalls. That is all it is. If you are parked in a stall like this, the bus parks like this.

Council Chair Rapozo: What he is saying is at the bottom of Olohena Road by the tennis court and skateboards park, there are all of the stalls. There is a handicap stall and the bus drivers are parking blocking him in...

Mr. Bernabe: Yes.

Council Chair Rapozo: ...which there is somebody from the Transportation Agency here. If you can go back and tell your bus drivers...you do not have to come up. When you go back, tell your bus drivers, "If there is a car parked in any stall whether they are handicap or not, do not park behind the stall." I do not care how quick the "shi shi" is. Do not do that. If you do that with a personal car, guess what? You get a ticket. Just please tell your drivers "park someplace where you are not blocking anybody." I do have a question and I think these would be for the Department of Public Works because Mr. Bernabe brings up point about the handicapped. Are these Americans with Disabilities Act (ADA) accessible, and if they are not, are we legally able to put it up, because that is what I hear all the time from the Administration. "We cannot do that because we have to make it ADA accessible and that is going to cost way too much money." In this case, is that bus stop ADA accessible now that we are creating a bus stop?

Mr. Moule: Again, the area is paved to gravel, which is a firm slip-resistant surface adjacent to the travel lane. If someone did need to use a wheelchair there, I believe it is possible to unload. They might have to stop further out than they otherwise might, but they would be able to unload somebody at that location and be able to get where they need to go.

Council Chair Rapozo: Are we required to get the ADA office to take a look at this location? I did not even think about it until Matt brought it up.

Mr. Moule: No. For the Disability and Communication Access Board (DCAB), we are not. If we were doing a design of something like actually putting in a shelter, we would be required to do that. But since we are not doing anything besides installing signs, we are not required to.

Council Chair Rapozo: We are creating a bus stop for people and we need to make sure it is accessible to everyone, right? That is what I was told over the years. I just want to make sure that we are not violating that.

Mr. Moule: Again, we choose this location because it has this additional shoulder area, which makes it so that there is a place to unload.

Council Chair Rapozo: Are you saying that it is ADA accessible? It is either yes or no. If you do not know, then we need to check.

Mr. Moule: I cannot confirm that it meets the exact two percent (2%) grade and size of a bus stop, but there is an area that could be used to unload a wheelchair.

Council Chair Rapozo: Okay. Lyle, are we required to make it wheelchair accessible?

Mr. Tabata: We are in the process. We have received funds to do a study to examine all of our bus stops in the whole County in the effort to get them all to be accessible with routes to access the bus stops that we have.

Council Chair Rapozo: Is this premature? Are you comfortable? Are the attorneys comfortable? I just want to make sure.

Mr. Tabata: I believe from what Mr. Moule just said, we are, but we can do more follow-up and respond.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you. Anyone else? If not, call meeting back to order.

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

Council Chair Rapozo: Is there any further discussion? I will just say that I have concerns now with the ADA issue. I guess I am not convinced that we do not have to. I think we do. From what I have been told over the years, we do. If we have some existing bus stops that we have to address, that is another issue. But as far as putting one in, I would ask that we defer this to get that clarified with DCAB just to make sure. Councilmember Yukimura.

Councilmember Yukimura: I concur.

Council Chair Rapozo: Thank you. Anyone else? With that, does anybody have any objections to deferring it for two (2) weeks to get that confirmation from our ADA coordinator's office? With that, if there is no more discussion, I will entertain a motion to defer.

Councilmember Chock moved to defer Resolution No. 2016-50, seconded by Councilmember Yukimura, and unanimously carried.

Council Chair Rapozo: Motion carried. Thank you. Next item.

Resolution No. 2016-48, Draft 1 – RESOLUTION PROPOSING A CHARTER AMENDMENT TO ESTABLISH A COUNTY ROADS RESURFACING / RECONSTRUCTION BACKLOG FUND: Councilmember Kualii moved for adoption of Resolution No. 2016-48, Draft 1, seconded by Councilmember Hooser.

Council Chair Rapozo: Thank you. With that, I will let Councilmember Kualii explain his Resolution.

Councilmember Kualii: To explain it a little bit again, basically, this is a proposal for a charter amendment so the voters have the opportunity to vote on creating a backlog of the County Roads Resurfacing / Reconstruction Backlog Fund. When we had the discussions of the General Excise and Surcharge Tax (GET) creating that new tax, as well as during the budget, it was painfully made aware and for probably the last year or so, the one hundred million dollar (\$100,000,000) backlog in roads resurfacing and reconstruction, and the need for this County, whether by the Administration and/or this Council, during budget make the funds available, and find the funds for the added road maintenance and repair that we do not have in our usual annual budget. While I know this is something that can be done by the Council with four (4) votes, in order to put it to the public, to the voters, it takes five (5) votes. This proposal is giving the voters the opportunity to mandate that the Mayor, the Administration, and this Council set funding aside to address the backlog of roads, funding that would come from the existing real property tax and the existing Transient Accommodations Tax (TAT). The amounts that we used at one percent (1%) and six percent (6%) were to generate revenues of approximately one million dollars (\$1,000,000) from each. I think when we went with the estimates last time from the Director of Finance, Ken Shimonishi, we had one million dollars (\$1,000,000) for real property tax at one percent (1%) because his estimation was point five percent (0.5%) is five hundred thousand dollars (\$500,000). Then the six percent (6%) of TAT was eight hundred ninety-four thousand dollars (\$894,000). It is well short of the money that we need to fully address the backlog, but it is something to get us moving further in the right direction on top of whatever moneys that would already be budgeted each year. The thought is that the voters would get to vote on this, in essence, to say “County, Administration and Council, we want you to figure this out with the existing budget. We do not want you to come to us with new taxes such as the General Excise Tax or by increasing existing taxes.” I understand this means that this would force us to tighten our budget to the tune of two million dollars (\$2,000,000) in a year. I believe it can be done because we have an unfunded balance each year of the well over ten million dollars (\$10,000,000). I believe we have shown that for several years. But I also think that this gives the voters a chance to force us to do what we have not done for a few years now. I am just asking for support to give the voters a chance to vote on that and to show that we are doing something towards the backlog of repairs.

Council Chair Rapozo: Thank you. Is there any other discussion before we open it up? With that, I will suspend the rules if there is no objection. Did you want to come up, Department of Finance?

There being no objections, the rules were suspended.

SALLY A. MOTTA, Deputy Director of Finance: Good morning. I am Sally Motta. I am the Deputy Director of Finance for the County of Kauai. I am here to give testimony on the Resolution that we are discussing. The Administration

opposes Resolution 2016-48, Draft 1. This Resolution proposes to amend the County Charter through the adoption of each fiscal year budget and capital program to appropriate, at minimum, one percent (1%) of the annual certified real property tax revenues and a minimum of six percent (6%) of annual Transient Accommodations Tax revenues to a fund known as the County Road Resurfacing / Reconstruction Backlog Fund. Based on the most recent fiscal year budget of 2017, which the Councilmember has said, we agree that there would be approximately two million one hundred thousand dollars (\$2,100,000) that would be necessary to be added in. Our concerns are many, and the ones that we would like to address that we do not feel are addressed is number one, given this Resolution if in effect for Fiscal Year 2017 and the two million one hundred thousand dollar (\$2,100,000) deficit was created, where is the shortfall going to come from? So that is a major concern.

Number two, while Councilmembers' comments have echoed "allow the voters to decide," there has been no disclosure of potential consequences to such action. One (1) such consequence could be to raise real property tax rates to make up "revenues that are diverted," as the TAT revenues have been capped by legislature. So we do not really is any control over that. The other consequence would be budgetary cuts to programs and services. There are limits to what we can do.

Number three, the question needs to be asked, is it the Council's policy that road resurfacing/reconstruction should now be paid through real property taxes?

Number four, the long-term financial plan team is currently working with GFOA, which is the Government Finance Officers Association, on the County's reserve policy and the establishment, maintenance, and prioritization of a healthy "reserve fund." Without knowing the results of this work, this Resolution would appear to be premature.

Number five, unlike an ordinance, which can be revived by Council vote, a charter amendment would require adherence without regard to consideration of actual financial realities on-hand. For example, in the unfortunate event of a natural disaster or economic downturn, the County would be forced to fund road resurfacing/reconstruction which may not necessarily be the most pressing priority at that given time.

Number six, the State financial condition presentation July 14th by State Budget & Finance provided a draft update about the Employees' Retirement System (ERS) indicate the need to revise the longevity assumptions for retirees, which will result in increases for ERS and Other Post-Employment Benefits (OPEB) contributions. ERS anticipated to go from seventeen percent (17%) to nineteen percent (19%) for general employees and twenty-five percent (25%) to thirty-five percent (35%) for Police and Fire. Applied to the Fiscal Year 2017 budgets, this equates to a four million two hundred thousand dollar (\$4,200,000) increase in ERS contributions alone.

Number seven, informal discussions with bond underwriters indicate unfavorable views should the County continue with voter-initiated budgetary constraints. Similar documentation is provided to bond agency rating criteria that includes literature from the rating agencies on the subject. Fitch ratings, "the outcome of voter initiatives and court decisions can constrain spending flexibility. In addition, inflexible statutory or constitutional operations limitations are potential

credit risk as they constrain user's ability to react to negative development." Moody's, "financial flexibility is a key area of analysis as it provides insight into a local government's ability to maintain or augment its financial position going forward, ensuring a sufficient buffer to address any unexpected contingencies." Standards & Poor's, "for some states, the voter initiative referendum process is very active and its effects are important from a credit standpoint. Where decisions about specific tax/revenue levels and spending allocations are placed in the hands of the electorate, states have reduced flexibility to respond to changing economic or financial situations." All three (3) of them agree on that.

We have a couple of recommendations that we thought you might be interested in. Number one, allow the Administration and Council to first establish the County's reserve policy, and we anticipate it to be proposed in a couple of months. We are looking by October. Number two, allow for us to complete the Comprehensive Annual Financial Report (CAFR) and certify the fund balance in early 2017 before approving additional funding for roads and bridges. We are also hoping to have that earlier. Number three, recommend not approving this measure and allow this and future Councils the budgetary flexibility that may be needed for unanticipated revenue and expenditure fluctuations that may be beyond our control, such as natural disasters or economic downturns.

Council Chair Rapozo: Thank you. I just want to ask one (1) question first, because of the last point that you made. Is the Administration considering this as a voter initiated process, because I think the three (3) rating agencies are talking about initiatives and referendums where the public goes out, gets signatures, and requires the Counties to put it on the ballot? That is not legal here. It is against the Charter. That is prohibited. I am just curious as to your response to number seven? This is not a voter initiated budgetary constraint. This is a Council initiated process. I guess what I am saying is the three (3) agencies were referring to states that have the public have the ability to initiate change as far as budgetary concerns. They cannot do that here on Kaua'i.

WALLACE G. REZENTES, JR., Managing Director: Wallace Rezentes, Managing Director. Basically when we explained these items to our bond underwriters, we talked to two (2) of them who have worked with us the last ten (10) or twelve (12) years. It is looked upon under the same vein with respect to the rating agencies. I have been through three (3) rating agencies' presentations and that question is always asked. The bottom line is the concern that the rating agencies have usually surrounds itself around financial or fiscal flexibility. By having a charter amendment that requires funding outside of the budgetary process is what their concern is. I know that we have had it at the point five percent (0.5%) or one percent (1%) for the Public Access, Open Space and Natural Resources Preservation Fund. That was an issue that came up that we explained in the last rating agency's presentation in San Francisco with Fitch, Moody, and Standard & Poor's. Again, it is one in of the same, as I understand it, in the minds of the rating agencies.

Council Chair Rapozo: I think this is your first appearance as the Managing Director.

Mr. Rezentes: Yes.

Council Chair Rapozo: Please introduce yourself. I know you did, but I just want to make sure that the public knows.

Mr. Rezendes: I am Wally Rezendes, Jr. I was the Director of Finance for about thirteen (13) years in my past life. I am coming back to life as a Manager Director.

Council Chair Rapozo: Welcome back.

Mr. Rezendes: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Congratulations, Wally. I think the Mayor did a good choice. That is my personal opinion. Thank you.

Mr. Rezendes: Thank you.

Councilmember Kagawa: Your last statement was going to be my question about the Public Access, Open Space and Natural Resources Preservation Fund. We have the point five percent (0.5%) that goes into it. Is that basically frowned upon by the three (3) agencies that the County of Kaua'i did that?

Mr. Rezendes: Any time you do such a thing like that and again, it is order of magnitude, right? The more you pile on, like in California, they mentioned that a lot of municipalities have done that and really hand-tied the flexibility of County governments there in times of an economic downturn or other cause of a downturn. It is an issue every time you try to sell bonds, which again, we are soon to be going into that market. We are hoping in the next few months to present a package to Council for long-term financing. With that, we will be likely making presentations on the mainland to the rating agencies. These type of things will come up, yes. Do not get us wrong. We know. We acknowledge that we need to provide additional funding for roads and bridges. I think where we differ is the method in which to get the moneys. Again, as Sally mentioned, we want to first establish the long-term plan in part through the reserve policy. Once we get that established and we set aside the adequate reserves that again, these rating agencies like to see when we establish these type of conservative financial policies, the excess is something that we love to have that conversation with you on how we prioritize the excess that is outside of the reserve policy. I think we can both agree that roads, if not the highest-level, is right up there with the highest priority. But again, we just hope we can have that discussion and review once we establish our long-term financial plan and reserve policy.

Councilmember Kagawa: The point five percent (0.5%) for the Public Access, Open Space and Natural Resources Preservation Fund is about six hundred thousand dollars (\$600,000)? How much is it per year?

Mr. Rezendes: I am sorry, I do not know offhand. I do not have that in front of me.

Council Chair Rapozo: Five hundred ninety-five thousand dollars (\$595,000).

Mr. Rezendes: It was higher prior.

Councilmember Kagawa: I do not know what year we passed it, but did we see any results of the bond ratings going down because of that, or was that six hundred thousand dollars (\$600,000) so small that it did not really affect the bond rating?

Mr. Rezendes: I am not sure when we changed it last. Put it this way, I know it was brought up. It was brought up during the presentations by the rating agencies. When you add on, I think we lowered it as you said, but we have that and now we are potentially layering another initiative like this. So combined, we would have less financial flexibility. For us, compounded with what we know is happening today, what will likely happen based on our budget and finance initial discussion with ERS, we are not yet sure about the health fund. The reason why Mr. Shimonishi, who is sorry he could not be here. He is out sick with a blown out back. He attended a Budget & Finance meeting in the last week or two (2).

Ms. Motta: July 14th.

Mr. Rezendes: July 14th, and the head of the Budget & Finance made a presentation. The reason for the presentation was a start-up before all the rounds of collective bargaining. They wanted the State and County agencies and administrations there to get that preview of what is happening in the future. We know now that we are going to have that four million some odd dollar potential bogie out there. We know that we will have potential for spiking. If you combine the four million two hundred thousand dollars (\$4,200,000), the two million one hundred thousand dollars (\$2,100,000), and the five hundred thousand dollars (\$500,000), those are things that we all need to be cognizant of before we go and commit this Council, future Councils, and future Administrations for such a thing. I would love to have that conversation. Again, I am new. I have not really had the time to sit down with you folks and really study how we can prudently find the right mechanism to support higher levels of funding to our roads and bridges. But I believe there is a way to work on it together. Again, I am just concerned with the method in which this Resolution intends to do that.

Councilmember Kagawa: My last question and I will make it direct. We have a six hundred thousand dollar (\$600,000) current for the Public Access, Open Space and Natural Resources Preservation Fund that is like a voter initiative, if the two million one hundred thousand dollars (\$2,100,000) passes, do you feel like it will affect our bond rating in a negative way?

Mr. Rezendes: Personally, I believe it would. What we are trying to do is establish a reserve policy with a range. Ideally on the Administration side, we hope to get to that middle point in the range, and around the same time, we would be going through our rounds with the credit rating agencies. So timing is somewhat important right now on what is happening and when things get passed. I am hoping before we can go to the rating agencies, and I mentioned it to Ken Shimonishi, I am hoping we can solidify the reserve policy because that in and of itself is very helpful when we go up there to present the County's fiscal status.

Councilmember Kagawa: I will follow-up to that. Does a high reserve hurt us when Union groups like State of Hawai'i Organization of Police

Officers (SHOPO) and the Hawai'i Fire Fighters Association (HFFA) point to the reserve, and that is how they get these generous twenty-four percent (24%) pay raises over four (4) years?

Mr. Rezendes: Well when we established the reserve, if it is established appropriately, those funds would not be available for those types of expenditures unless we change the policy. If we establish, for example, the reserve as an ordinance specifying a pre-described range that is "a best practice in our business." If we decide to depart from that fiscal policy, we would need to first amend the reserve policy ordinance before we would reprioritization that money for collective bargaining. I understand there are different needs and different wants in government, but I am hoping that everybody; the public, the Unions, the Administration, and the Council can be supportive of a reasonable reserve policy that is understood to be a good thing, a prudent thing, and a best practice thing to have.

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

Council Chair Rapozo: Councilmember Hooser and then Councilmember Kualii.

(Councilmember Chock was noted as not present.)

Councilmember Hooser: Yes. Thank you and welcome to County government again.

Mr. Rezendes: Thank you.

Councilmember Hooser: I agree with much of what you both said in terms of establishing reserves, good fiscal planning, not piling on voter initiatives, and losing control of the our own budget. What I want to ask you is the discussions about road resurfacing and bridges, when I am out in the community, nobody is asking me about bridges. They are asking me about congestion. They are saying "when you are you going to do something about the traffic" over and over again. I would like to see included in your plan, something dealing with traffic. I understand the State, to a large extent, is responsible for that. But on the eastside, there is a plan that has components in it that the County is responsible for or could be responsible for. In terms of budgeting, if you could include a component that deals with the eastside traffic specifically and some of those improvements that have already been vetted. They have been vetted and talked about for years, and some are minor, some are major. This is above and beyond widening the State highway.

Mr. Rezendes: I know. Councilmember Hooser, as you know, a lot of those discussions maybe should be had in tandem with the relevant State agencies, but we understand that issue. I live it. I live on the eastside, so I know what you are talking about.

Councilmember Hooser: If I could just follow-up briefly? When I am talking to people community, I kind of tell them that. But they are very clear to me that it is my responsibility and it is the County's responsibility to take the leadership role working with the State to make this thing happen. I think at a later date, I am going to ask yourself and the Roads Division to come forward and talk about what

they are doing working with the State to help get some of this. This is just way over the top, but I want to make sure that is on the table in addition to the repaving and bridges in terms of budgeting because there are things that we can do outside of the State's purview on the eastside there in the interior that could improve conditions for drivers. Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Aloha, Wally and welcome, too.

Mr. Rezentes: Aloha.

Councilmember Kualii: When you were answering Vice Chair Kagawa's questions about the Public Access, Open Space and Natural Resources Preservation Fund, are you basically saying that the Public Access, Open Space and Natural Resources Preservation Fund, the mandated annual expenditure of that point five percent (0.5%) did not bring our rating down? There were other things that happened that probably brought our rating down.

(Councilmember Chock was noted as present.)

Mr. Rezentes: That is a component of the rating. I think they look at it holistically. They do not look at it as a one-off, one-item rating. We would not be able to say "if it was not there, our rating instead of A- to A or AA+." We are not able to pinpoint how one (1) item affected the rating.

(Councilmember Kagawa was noted as not present.)

Mr. Rezentes: To that point though, in all honesty, at the five hundred thousand dollars (\$500,000) level, based on our operating budget, I do not think it is a significant item anymore. I may be wrong, but I think when I was Director of Finance on our last issue, I think the amount was greater at that time. It did receive, again, some discussion and questions. I think based on the County's overall financial picture at the time, it was not a major factor. What is it? Five hundred thousand dollars (\$500,000), six hundred thousand dollars (\$600,000), or it might have been one million dollars (\$1,000,000) at the time. Now we are talking about a potential two million one hundred thousand dollars (\$2,100,000) with this initiative combined.

Councilmember Kualii: That is the basic same answer about the second part about whether you believe that this, going forward, would affect the rating, and you said personally you believe it would.

Mr. Rezentes: Personally, I believe it would have some negative effect. Any time you have initiatives that decrease the budgetary flexibility of a County, and we can speak generally, it has a negative impact from the rating agencies' perspective because they want us to have all of the flexibility we need in times when economically our revenues are down and we have more opportunities to make the appropriate adjustments.

Councilmember Kualii: Our CAFR from 2015 shows total government expenses of one hundred ninety-three million seven hundred thousand

dollars (\$193,700,000). When you said that the five hundred thousand dollars (\$500,000) is not significant, it is in comparison to the total expenditures of County government. So five hundred thousand dollars (\$500,000) versus one hundred ninety-three million seven hundred thousand dollars (\$193,700,000) and two million one hundred thousand dollars (\$2,100,000) plus five hundred thousand dollars (\$500,000) would then be two million six hundred thousand dollars (\$2,600,000). Would two million six hundred thousand dollars (\$2,600,000) compared to one hundred ninety-three million seven hundred thousand dollars (\$193,700,000) still be insignificant being that it is a percentage of one percent (1%)?

Mr. Rezendes: Let me answer it this way and please do not take it the wrong way. I do not think the Administration or the Council at this last budget cycle was able to identify two million one hundred thousand dollars (\$2,100,000) in expenditure reductions. When I was out on the outside looking in, I believe that the Administration did propose a measure. I know it did not get passed to facilitate roads maintenance. I do not know what else to say.

Councilmember Kualii: Your point is absolutely right and that is the reason I put this forward, because we were not able to do it when it was optional, but when voters say you must do it, we will figure it out.

Mr. Rezendes: Yes. Well again, our concern, Councilmember Kualii, is there are going to be fiscal ramifications with that decision. I personally do not think you will be able to find two million one hundred thousand dollars (\$2,100,000) in cost reductions. I think if you look at the County budget globally with just the couple of items that I mentioned today, we have collective bargaining and we have increases in Employees' Retirement System. I am not sure yet. I am not in the throes yet to understand where health fund may go, but I do not think it is going down. If anything it is going up. Beyond the two million one hundred thousand dollars (\$2,100,000) that this initiative proposes to generate, we have other items that we just need to be mindful and cognizant of going into this next budget year.

Councilmember Kualii: If not two million one hundred thousand dollars (\$2,100,000), is there any amount, a lower amount, say five hundred thousand dollars (\$500,000) or six hundred thousand dollars (\$600,000) like what we have in the Public Access, Open Space and Natural Resources Preservation Fund? Is there any amount that the Administration could support, which would be the floor and then the Council each year based on our position, could make higher assuming the voters pass it?

Mr. Rezendes: To answering your question, lowering the amount would be better for us because we have the ability to be more flexible. But I think the better route, what we are proposing is a different route that finding a recurring source of revenue or finding expenditures that we can cut and sustain that cut long-term to offset the increase in this expenditure? I think that is the route to go, or a revenue source that does not mandate us to fund without flexibility.

Councilmember Kualii: The fact that it only impacts less than one percent (1%), you think that alone is a major...you talk about flexibility and that it is hindering us from having flexibility.

Mr. Rezendes: Well again, I am sorry. I go back to the normal budgetary process. I think this body and even the Administration would be hard-pressed to find two million one hundred thousand dollars (\$2,100,000) annually from our existing revenue sources and expenditure basis. I think we would have a hard time finding a reduction in expenses.

(Councilmember Kagawa was noted as present.)

Mr. Rezendes: I think we would have a hard time reallocating basically revenues that go to someplace else at this point. Two million one hundred thousand dollars (\$2,100,000) as comparison to the budget, might not be a high percentage, but two million one hundred thousand dollars (\$2,100,000) is two million one hundred thousand dollars (\$2,100,000).

Councilmember Kualii: In 2015, our Unassigned Fund Balance was twenty-seven million nine hundred thousand dollars (\$27,900,000). Having two million one hundred thousand dollars (\$2,100,000) off of that amount would impact our credit rating? Would it put us in a terrible position?

Mr. Rezendes: Again, I think we should have the conversation on the establishing the reserve policy. I think establishing the reserve policy will likely take a good majority of the funds that we have “unassigned” at this time. If we compound that with known expenditure increases, we are going to be hard-pressed to make a reasonable stab at establishing a worthwhile reserve policy. Again, within a couple of months or so, we are soon to be in front of this body requesting consideration of adopting a reserve policy that again, I think Sally mentioned. We are working with GFOA and they have the luxury of understanding nationally where municipalities are and they work with County governments like ours in a consulting basis to establish what industry best practices are and what is acceptable by the respective credit rating agencies.

Council Chair Rapozo: Wally, I have a couple of the questions. We have been discussing reserve policy now for probably over ten (10) years. When you talked about the Public Access, Open Space and Natural Resources Preservation Fund, at the time when you were there, it was one point five percent (1.5%). I think it was over one million dollars (\$1,000,000). That is why you remember it being higher because the percentage was higher.

Mr. Rezendes: Yes.

Council Chair Rapozo: Did the Administration testify or oppose that measure because of the concerns of the credit rating or bond rating? They did not they did not.

Mr. Rezendes: I cannot recall.

Council Chair Rapozo: They did not. That is why I am like “oh, okay.” So Public Access, Open Space and Natural Resources Preservation Fund because it was a novel item and you were going to buy up all of these parks, which we have not really spent much of it, but we can get behind that. But this is something, which everyone on this table and across the street has said is a priority, roads. I guess I am surprised that the Administration is opposing it because I think Councilmember

Kuali'i touched on the numbers, twenty-seven million nine hundred thousand dollars (\$27,900,000) that lapsed. Do we have any idea what the lapse will be next year?

Mr. Rezendes: We are working on that.

Council Chair Rapozo: Maybe that is better for the Department of Finance. You folks have the books, but is that something that you keep of track of monthly actuals?

Ms. Motta: We are waiting for those figures to be coming in from our different departments.

Council Chair Rapozo: But I mean, we should have an idea based on the actuals versus budgeted. Do we have an idea what that might be?

Mr. Rezendes: I am sorry. I do not have that information. I know it is going to be positive. I am not sure to what extent, but I know when you take the number globally with what we have now, what we will likely have, and then you consider what a reserve amount should be even with that additional lapse, we are not going to have a large amount, if any, outside of the reserve range.

Council Chair Rapozo: What is GFOA's recommendation? Was it eighteen percent (18%) or twenty percent (20%) of your operating budget as a reserve? Is that what is there standard? I cannot remember.

Mr. Rezendes: It all depends. It is not just a number. They look at how risky, sorry for lack of a better word, how risky our source of revenues are. Is it pretty much one-dimensional? Do we have multiple solid, recurring sources? Is some of your moneys capped? That has come up as well with respect to TAT because at one time, it was growing consistently. I think some of you were here and can remember that. Now that is capped, and from the County's perspective, that is a concern because they know that is not within "County government control." It all rolls back to pretty much real property taxes as our solid, singular source that you seven (7) Members ultimately control. We do not have as diversified an economy as say Honolulu, and because of that, our ratings are usually not as strong. We are considered more rural. I was here when we were reeling in the aftermath of Hurricane 'Iniki when our real property taxes went down significantly and we had to work for years to build it back up. I remember going through the collective bargaining process after that and basically having the arbitrator tell us "Hey Kaua'i County, we know that out of everybody basically you justified your rationale on why you 'cannot afford to pay any more moneys,' but do you know what? The rest of the Counties can. So you folks have to figure out a way. It is a statewide collective bargaining." So that was a tough call when we did not have control over the hurricane. We did not have the ability to move on a dime by increasing revenue, and that speaks to what we are trying to do with respect to the reserve.

Council Chair Rapozo: Got it. Councilmember Hooser and then Councilmember Chock.

Councilmember Hooser: Good discussion. I actually was on the Council when the Public Access, Open Space and Natural Resources Preservation

Fund was created. I was a sponsor of the Resolution that put that on the ballot, myself and now Senate President, Kouchi co-sponsored it. At that time, we had similar discussions in terms of impact on the budget. I think the element that makes it different and I would like your opinion on it, is that the Open Space plan is for asset acquisition, capital assets. We are buying land rather than paving roads, which in ten (10) years is going to be need to be repaved, operating versus capital. Is our asset acquisition is that part of our strength that the bond people would be looking at, or would that make a difference?

Mr. Rezendes: Our asset allocation?

Councilmember Hooser: We are basically buying land with the Public Access, Open Space and Natural Resources Preservation Fund as opposed to operating costs for the Highway Fund.

Mr. Rezendes: I cannot recall that ever being a topic of discussion during those rating agencies' presentations.

Councilmember Hooser: Okay. Is the land that we own part of our reserve, if you would, or is it part of our strength of our finances?

Mr. Rezendes: It is an asset that we have that if we, I guess, sell, we can convert it to cash. It would not be recurring, which is the best source of revenue. I think other counties and states have done sale of real estate assets as a stop-gap measure, but I do not think that is something that you want to go to. It is not the well you want to go to very often. I think it goes against the intent of open space.

Councilmember Hooser: Thank you.

Council Chair Rapozo: Councilmember Chock, Councilmember Kualii, and then Councilmember Yukimura.

Councilmember Chock: Thank you. If the Government Finance Officers Association were to come back and we have a figure that we want to attain and do attain it, would the Administration be more open to this option that Councilmember Kualii's amendment is moving towards? If not, GET has passed already, so what direction would the Administration want to collaboratively look towards in trying to answer the need that we are discussing today?

Mr. Rezendes: I think we would be definitely open to looking at a recurring source of revenue outside of a Charter-driven initiative like this for purposes that we are being presented with today.

Councilmember Chock: Property tax-driven?

Mr. Rezendes: Any other source.

Councilmember Chock: Okay.

Mr. Rezendes: I think that is something that we need to prioritize. I know it is not easy to sell any increase in taxes or establishing a new

source of recurring funds. It is not easy. I really get that. I used to be a banker and I know for clients that we have, any time there is that kinds of issue, because they knew I had the old County hat on, they would come and see me. I know it is a challenge for a lot of folks.

Councilmember Chock: Okay.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: One (1) of your statements talks about how will the shortfall be made up. The whole use of the word “shortfall” when you are talking about a budget, it is because you budget for what you are expending and what your revenue and expenses are. I believe in our last fiscal year, we forecasted our real property tax revenue at one level and it came in much higher. It was three million dollars (\$3,000,000) higher or six million dollars (\$6,000,000) higher. It was some significant amount higher. Are we forecasting our real property tax revenue for next year at the more realistic higher level? I mean, if we as a County operate real conservatively and forecast our revenues low and budget our expenditures high, that is where we have this big gap in between, and that is not tight budgeting. That is not the most efficient use of the citizens’ hard-earned tax dollars. To start using words like “shortfall,” “revenues being diverted,” and “premature,” it is all relative in how you plan for the budget and how accurately we forecast revenues. I accept the fact, too, that if two million dollars (\$2,000,000) is diverted towards road maintenance and we are not able to come up with this cost-savings, then we are going to have to look at the tax side of the equation.

Council Chair Rapozo, the presiding officer, relinquished Chairmanship to Councilmember Kagawa.

(Council Chair Rapozo was noted as not present.)

Councilmember Kualii: That is this body’s responsibility. That is the Administration’s responsibility. But remember, what was done was a new regressive...well, was trying to attempt a new regressive General Excise Tax. So to a certain degree, this Council has not been put in that position. We have not been budgeting tight enough that we had to raise taxes. If we have to in the future, that is our responsibility.

Mr. Rezentes: With respect to your question, I think your first question was budgeting real property taxes. We are mandated by law how we can budget real property taxes. It is relatively conservative and for good reason, it is a tax levy that has not been collected. If everything works out right and we collect the lion’s share, ninety-nine percent (99%), ninety-eight percent (98%), or whatever of what we budget, we are probably going to be in a good position because of the means in which we only can base our real property tax revenue on the certified tax roll. Sometimes we are going to be better off than others. It all ultimately depends on how much we collect and sometimes how much we collect in back taxes. Sometimes we might get, say for example, tax appeals that come out in our favor. We might get a windfall in the ensuing fiscal year. It could be vice versa, we lose huge appeals. If three (3), or four (4), or five (5) of the largest hotels jointly decide they want to appeal, then it will be a real nail-biter for us on how we budget and how we fare in the outcome of deciding whether or not they win or lose the appeal. I hear what you are

saying. If everything goes right, we usually end up the year with a little bit more in real property taxes revenues, but that is by design.

(Council Chair Rapozo was noted as present.)

Councilmember Kagawa returned Chairmanship to Council Chair Rapozo.

Councilmember Kualii: It is not only the collectability side of it, whether you collect ninety-nine percent (99%) of what you are forecasting?

(Councilmember Kagawa was noted as not present.)

Councilmember Kualii: But is it not also the property value side of it? For example, if values actually come in higher, then we collect more. I wish I had the numbers in front of me, but we forecast a certain amount of real property tax revenue and we put that in the budget, and then when we actually collect it, it has been significantly higher. I believe millions higher.

Mr. Rezentes: I think most economic experts will tell you that we are on the far end of a good economic cycle, and it is cyclical. Usually over time, over decades, over multiple decades, you kind of have an idea how long a good sustained economic upturn lasts. This cycle has been going on for quite some time. I would agree with the economists today, that we are on the mature side of the economic cycle.

Councilmember Kualii: Thank you.

Councilmember Yukimura: Would you say that we really need a recurring source of income in order to address road repair?

Mr. Rezentes: I think that is better way. If we are talking a substantive increase, and I am not saying that is not right. I think it is probably more right than wrong as far as the amounts that we are looking at here. But instead of having a one-off, say you wanted a one-time to tap the reserves for two million dollars (\$2,000,000), three million dollars (\$3,000,000), or four million dollars (\$4,000,000), it might work as a stopgap measure, but it is not something that is where you would want to go sustainably over time.

Councilmember Yukimura: Okay. If you want a one-time stopgap, you need maybe fifty million dollars (\$50,000,000) to address one hundred million dollars (\$100,000,000) because it keeps deteriorating. I am not even sure whether the two million dollars (\$2,000,000) will get us anywhere if the roads are deteriorating faster than we have to fix the roads with two million dollars (\$2,000,000), right?

Mr. Rezentes: That is the same reason why I do not think you have any problem getting the voters to say "Yes, we need better roads. We need more improved roads." But when you bring in the other side of the equation, what is the willingness to pay for those improvements? Then you start talking. It is not an easier sell.

Councilmember Yukimura: Okay. If the Administration does not think this is the best solution, and you said the Administration is for any other recurring source of income, what are the sources that we have?

(Councilmember Kagawa was noted as present.)

Councilmember Yukimura: The only things that we have are the vehicle weight tax and fuel tax. Are there any other recurring sources?

Mr. Rezendes: Those are the two (2) major ones as well as real property.

Councilmember Yukimura: Real property?

Mr. Rezendes: Yes, unless we create another source that we have not utilized in the past.

Councilmember Yukimura: Okay, so it is fuel tax, vehicle weight tax, or real property tax?

Mr. Rezendes: Those are the three (3) major ones.

Councilmember Yukimura: Increase, not just taking from the existing pot, but increasing. So those are...

Mr. Rezendes: Options.

Councilmember Yukimura: The options.

Mr. Rezendes: I would say those are the three (3) major options.

Councilmember Yukimura: Is the Administration going to be proposing any of those?

Mr. Rezendes: I think we need to have that discussion and I think we want to have it, but we want to have it after we establish a reasonable reserve policy. The excess amounts that are outside that we are not setting aside in the reserve, let us prioritize that and figure out the best means of finding a revenue source that we can keep in the future.

Councilmember Yukimura: What are you referring to as “amounts outside of the reserve?”

Mr. Rezendes: I am sorry. Maybe I got on a different subject. If we establish a reserve policy, say we set aside twenty-five million dollars (\$25,000,000) or twenty million dollars (\$20,000,000) in reserves in a reserve bank. Those moneys are going to be set aside for the purposes of the reserve policy set.

Councilmember Yukimura: Correct.

Mr. Rezendes: Outside of that money, say we have an Unassigned Fund Balance beyond that twenty million dollars (\$20,000,000) of whatever million, those moneys would be available for appropriation. Again, we are not speaking to additional sources of revenue. I am just saying this is a pot of revenues that can be utilized for a purpose that the Council decides.

Councilmember Yukimura: That is what we look at every year in our budgeting process.

Mr. Rezendes: True.

Councilmember Yukimura: Are you saying rather than do it by a charter amendment, which gives you no flexibility as to how the moneys should be used, you do it during the budget process and you determine year by year what the emergencies are like this upcoming ERS increases?

Mr. Rezendes: Collective bargaining.

Councilmember Yukimura: There is Adolescent Drug Treatment Center operating moneys of about eight hundred thousand dollars (\$800,000), right, when it finally starts to get funded? I have heard any other source and we have done a Resolution saying that we will find the funds. I do not know. There will be some other things. Otherwise, we have to have severe cuts into existing budgets of our departments. We tried that this year during budget and came up with three hundred fifty-five thousand dollars (\$355,000). What is the range of the Unassigned Fund Balance usually?

Mr. Rezendes: An Unassigned Fund Balance can vary all over the place. It could vary significantly.

Councilmember Yukimura: The only other one is an increase in the TAT, and that is something I presume the Administration is going to be requesting of the legislature.

Mr. Rezendes: The Administration has consistently done that even when I was not around.

Councilmember Yukimura: Okay. The choice before us today is whether to earmark something in terms of the real property taxes and basically say that is the most important thing because we are we are earmarking it for road repair. It is going to be...

Council Chair Rapozo: Is there a question for Wally?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Okay. Please try to get to that because you are having your discussion. Please ask the question.

Councilmember Yukimura: I am asking...

Council Chair Rapozo: Others want to ask questions too.

Councilmember Yukimura: I am asking.

Council Chair Rapozo: You are not asking. Ask the question if you have one.

Councilmember Yukimura: I am laying out a situation and asking for his comments on it in terms of a scenario. It is saying if you earmark a certain amount that means it has higher priority than anything else and you cannot change it either, except by going back to the ballot again and expecting the public to understand all of the intricacies of the budgeting?

Mr. Rezentes: Yes.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I recall Councilmember Kualii doing a great job of showing a scenario of the County budget for the past twelve (12) years. It showed that it doubled. Is that accurate?

Mr. Rezentes: I would say that is pretty accurate without looking at it, yes.

Councilmember Kagawa: The questions that Councilmember Yukimura is pointing out is almost like "oh, we need a new revenue source because we are not generating enough revenue." But it could be looked at as we have an expenditure problem because the revenues have increased. How much have the County revenues gone up over the last year? Was it twelve million dollars (\$12,000,000) or thirteen million dollars (\$13,000,000)?

Mr. Rezentes: Yes. At the same time, it is relative to cost increases and inflationary costs.

Councilmember Kagawa: I understand.

Mr. Rezentes: I think the major driver in the County's budget, I think it was close to around the number of eighty percent (80%) is employee related costs. So maybe it is upwards nowadays. I do not have the numbers in front of me, but I know it is not too far away from being a pretty accurate number. If you track the budget increases to everything that coincides with employee costs, I think that graph will be pretty tightly aligned because the reality is we do not have that much in budgetary flexibility when you exclude all of the employee related costs. You do not have that much budget flexibility to begin with. I can speak to some of the discussion earlier about making significant expenditure decreases. Years ago when we have had discussions with the Chamber of Commerce, there was talk about how can you make substantive changes and how the County government operates and how we spend money. That was posed to me and others on the panel. My response was what service, look at it larger, and go back to the clouds and look at how money is spent. What services do we provide the people of Kaua'i that we cannot provide in the future? What is it or is it more than one (1) item? What are those things that we do, the services that we provide them that we can take away in whole because that is

when you start talking millions? You take away a program or an agency, then you are talking millions. Do we take away economic development and say “that is not important. Let us let the private sector folks deal with that and promote it or other nonprofits?” Then you are talking about millions. I am not sure. Somebody can look at what the Office of Economic Development budget is. That is when you are making significant changes in how we are structured. I have been in this game close to fourteen (14) years, worked on budgets for close to fourteen (14) years, and that is a harder conversation because, you folks know, you have all of these different special interests and good special interests that demands you folks to fund. It is that hard to take away a component of that budget or expenditure base because many people need it, want it, and desire it

Councilmember Kagawa: Last year, I believe was in the neighborhood of thirteen million dollars (\$13,000,000) of generated more revenue, and then unanticipated pay raises was about seven million dollars (\$7,000,000). If we are saying that the majority is because of employee costs, then where is the six million dollars (\$6,000,000)? Is it distributed among other things than payroll? If we are saying that we cannot fund additional roads because we do not generate enough revenue, then where is the extra six million dollars (\$6,000,000)?

Mr. Rezendes: Well, we do not throw it away. It is in the fund balance. If it is not appropriated and it is not expended, then it is still within our coffers.

Councilmember Kagawa: But to paint the picture that Councilmember Yukimura was trying to paint, we can only pave more roads if we raise the GET, if we get more TAT, or if we increase the motor vehicle weight tax. Yes, okay that is an option, but before we even go down that road, where is the six million dollars (\$6,000,000)? I do not know.

Mr. Rezendes: It is in our fund balance.

Councilmember Kagawa: It is somewhere in the budget?

Mr. Rezendes: It is in our fund balance.

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

Council Chair Rapozo: I can ask you to go look at the internal transfer spreadsheet. You will see where a lot of the money is, a lot of expenditures that are funds that are being used. It is what it is. The funds are there. It is just a matter and you said it, it is not so much of a revenue issue, it is how we spend. Yes, Mr. Rezendes is correct. If you cut the big departments, yes, you are going cut millions, but I think we have to cut more of the smaller expenditures that are not necessary. It is really a priority issue. If you think roads are a priority issue, then that is where you put the money. Are there any other questions for the Administration? If not, thank you very much.

Mr. Rezendes: Thank you.

Council Chair Rapozo: Is there any public testimony? Is there anybody registered to speak?

Ms. Fountain-Tanigawa: We have one (1) registered speaker. Matt Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. I am confused because every time I listen to a business report, they say that Kaua'i's big problem is infrastructure. If somebody looks at my house and my house's roof has *puka*, which is equivalent of the potholes, missing tiles, and whatever, they are going to give me a lesser value for that house. As soon as I redo my roof, they are going to give me bigger value. It is in our best interest for the bond, I believe, to have our infrastructure better. As far as traffic goes, some of the reasons some of the areas slowdown is the condition of the road. Right there by the seawall by Wailua, everybody slows down to about fifteen miles per hour (15 MPH) because that road is damaged on the inside lane. I think Council Chair Rapozo and Councilmember Kagawa hit it on the head, it is a spending problem and it is not just appropriating without having Council oversight. They are doing projects that do not matter to the majority. There are more people that drive a car than ride a bike. More money is earned by the people who drive cars than ride bikes. But yet, I would bet they have done more mileage of bike lanes than they have done resurfacing in the last several years. I heard numbers of only one point nine (1.9) miles of resurfacing. I am assuming there is more than one point nine (1.9) miles of added bike lanes. If this is one of those priorities...they talk about "oh, we will have to cut funding," well, the roads are more important than many of the things that they fund. I think they are not recognizing that the public looks at five hundred thousand dollars (\$500,000) pay raises as potential paved roads. I am not going to beat this one up too much. I would like to say that on line four, Section D, I believe, I do not have my phone up here. I really think they do not like the fact that the Council should set the policy and they are going to have to follow them. That is what I think this is. As far as employee spending, we do not have any job manifestos from day one of new employees or in some cases, we have new facilities and give existing employees the job, we do not guide them the correct way. That is inefficient. I recently did a tree tunnel clean up with the County and No Ka Oi Landscape Services. The County people did not have uniforms that matched. Some had County shirts and some did not. The No Ka Oi Landscape Services workers had "No Ka Oi" all the way across the board. That is a policy issue and that is just a small one, but I am sure if we looked at it, we could find ways to save money on the job site, which would transfer up. Thank you.

Council Chair Rapozo: Thank you.

NORMA DOCTOR SPARKS: Good morning. Norma Doctor Sparks. I have concerns as we have been talking about the budget this morning because in terms of reserve policy, et cetera, I think the budget requires more than just looking at the reserve policy. I just want to share again that for the last twenty-five (25) years, the least budget that I was responsible for two hundred thirty-six million dollars (\$236,000,000). The last budget I was personally responsible for was the Los Angeles County Department of Public Social Services, which was a four billion dollar (\$4,000,000,000) budget. I am concerned that we do not really know where we are spending our dollars. I think the other issue is how we spend the dollars. We know that fixing roads should be a priority, but we have not even talked about how many federal dollars we are pulling down for highway repairs. We have not talked about other issues where in fact, you might be able to do such kinds of matching to figure out how to pay for the services. I was very concerned a few weeks ago when Council Chair Rapozo brought up the issue about the fine being paid to the

department without it going through the channels including going through this County Council to figure out where the one hundred forty-six thousand dollars (\$146,000) was actually coming from. I think that one of the things that brought up for me was that how much and how many dollars were actually given to departments and not really being spent? I know in March, for example, I looked at a personnel vacancy report, and there were about one hundred seventeen (117) positions that were not filled. As you know, personnel issues go on infinity and we need to consider them without cutting them as long as they are in the budget as personnel issues or positions. The question about how you can move some dollars from the personnel budget to the operating budget is something that also needs to be looked at. I am concerned about the operating budget. I am concerned that departments are continuously giving the same amount of money that they had last year and not really looking at what they actually spent the previous year, and what their priorities are for this year. I have heard since the last six (6) months about the dire straits of our County and how we do not have enough dollars, but I do think we have the dollars. Again, it is a priority. I do have concerns that we do not know where it is coming from and we do not know how it is going out. This Council needs to get a better handle on that so that we really know when we say we are not spending twelve million dollars (\$12,000,000) or thirteen million dollars (\$13,000,000) a year, why not? Thank you.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead. Norma

Councilmember Yukimura: I just wanted to know, maybe you said it in the beginning, but what is your position on this Resolution?

Ms. Sparks: I would support this Resolution. I do have concerns about reducing our bond rating, but I do think that we need to look at the gas taxes presently.

Council Chair Rapozo: Okay. Do you support the Resolution?

Ms. Sparks: I do support the Resolution.

Council Chair Rapozo: Thank you.

Mr. Bernabe: Matt Bernabe, for the record. I will use my last three (3) minutes. I just wanted to read it. I like this part and I do support this. "The Council shall by ordinance establish procedures for the Administration and priorities for the expenditure of the money in this fund." I think this line is key because I think that is what they are fighting. I really believe that. I just want to add another thing, they are adding inventory to real property. They have a project in Hanamā'ulu and there is going to be more houses over the next twenty (20) years. The revenue from real property tax will go up because they have more inventory. You folks just busted them in the sense of saying, "hey, do not bring up affordable homes if this is an inventory increase." If it is an inventory increase, this is one of those justifications right here. Instead of taxing you folks, we are going to increase inventory so that we can keep your values down. Now the discussion on how we do that is obviously not germane, but on this topic, nobody pointed out that we are adding houses to the inventory. So that should cover two million dollars (\$2,000,000).

I do not see how it could not. If it cannot, then we really need to look at how we are operating and spending our money. With that, I will let you folks figure this one out.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? If not, I will call the meeting back to order.

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

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

Councilmember Kaneshiro: I have my notes all over the place so bear with me on this one. I understand the intent of it and I know roads are our hot topic and main priority item, but I am not comfortable tying our hands with this type of the legislation. I have been going to the meetings with the Administration as far as our financial policies. I also look at it as how I run my own bank account. The reserve policy is key. Do we have enough money to cover expenses in times of, say we get a hurricane? We are not only going to have to pay for insurance and damages, but we are also going to have decreased home values. When you take a hit like that, you want to be sure that you have a reserve fund that is established and accounts for that type of thing. I think every year we do lapse money. I know it is a budget methodology. I am not opposed to lapsing money. This reserve policy comes in where once we hit our reserve, once we say we have the comfortable amount of the money in our reserve, and we lapse another five million dollars (\$5,000,000) or six million dollars (\$6,000,000), then we take that money and say, "what do we do with this money? What are our priorities for this money?" That is the same way as I budget. I need to pay for my expenses. Any lapses go into my savings. If my savings is comfortable, then are there other things I want to spend out of my savings, not out of my checking? On first reading, I said I was hesitant. I am open to the discussion, but I am very much more comfortable allowing us the flexibility through the budget process and work with the Administration. We have unanticipated costs that come up all the time. I think every year we have collective bargaining increases. Every year we hope that our real property taxes can cover all of these increases. In the end, it comes down to priorities. If we have money in the end, how do we prioritize and how do we spend it? We definitely need to make sure that we have enough money in our reserve fund to cover anything. Anything in addition to that, yes, we allocate it to something, whatever priority it is. That is the way I want to budget.

At first reading, I gave three (3) options. Rather than putting money in a reserve, we just say "any lapsed amount at the end of the year, we take a percentage and put to roads." The other option would be we establish our reserve, any extra in the years coming, we prioritize that and putting it to something. The third one is really getting the Administration to say, "We are going to make a commitment to funding more roads." We did an increase from zero dollars (\$0) to one million two hundred thousand dollars (\$1,200,000). Maybe the Administration says, "This year we are going try to bump that number to two million dollars (\$2,000,000) or something," and then we will have an extra eight million dollars (\$8,000,000) each year. Then when we go out to bid every other year, we have an extra one million six hundred thousand dollar (\$1,600,000) to bid. I think that is where the flexibility comes in. I just have a hard time getting our hands tied with voters voting on it and we basically tie our hands, and then we do not have the flexibility to move around as

we need to. I completely agree. We need to watch our spending. That is important, and we also need to prioritize what we spend our money on. I think all of that comes through the budget process. Again like I said, I have my notes from the last meeting. If we were in the budget process that we just went through a few months ago, where would this two million dollars (\$2,000,000) come from and what would we do to fill that gap? It is easy to say, "We are going put two million dollars (\$2,000,000) here," but to look at our budget, we did a balanced budget, we had maybe three hundred fifty thousand dollars (\$350,000) in cuts, we did not two million dollars (\$2,000,000) this cuts, the budget was balanced, and if we take two million dollars (\$2,000,000) to roads, then where does that money come from and how do we fill in a gap? Like Wally said, where are we taking it from? What programs are we taking it from? Are we willing to live without it or how are we going to fund it? This ultimately comes down to what I am comfortable with, and I think we should concentrate on our reserve fund and allow us the flexibility to do what we need. That is just my personal opinion.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I just want to put out there procedurally that I know it is hard to get to five (5) votes, but on the discussion with the Director of Finance, I am willing to propose an amendment either to cut it in half ($\frac{1}{2}$) or even to a quarter ($\frac{1}{4}$) just to establish this as a further budget tool that the voters could put in our hands as a Council. I do not know. I want to hear if there is even any interest. If we cannot get to five (5) votes with such an amendment, then I will not bother.

Council Chair Rapozo: Members? Nobody? Are you folks ready to vote? I am trying to get them to answer, but they are not answering. We will just go to the vote.

Councilmember Kualii: Let me make my comments.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Kualii: Further on my comments, I just want to say and I do not know if you remember in my budget message or closing remarks about the budget, I did provide all of the spreadsheets with the actual numbers. I agree and they said it better than I did as far as us having a spending problem. Part of that spending problem is a growth in spending problem. If you look from just 2006 through 2015, a span of less than ten (10) years, nine (9) years, we went from total government expenditures of one hundred twenty-seven million four hundred thousand dollars (\$127,400,000) to one hundred ninety-three million seven hundred thousand dollars (\$193,700,000). So that is a sixty-six million dollar (\$66,000,000) increase or a fifty percent (50%) increase in overall county spending in a nine (9) year period. At that time, we went from in 2006, one thousand forty (1,040) full-time equivalent employees to in 2015, one thousand two hundred ninety-two (1,292). So an increase of two hundred fifty (250) full-time equivalent employees or twenty-five percent (25%) increase. Now, I wonder if the voters would actually see, the constituents, would see that we really increased our services to the community at that level. Now is the time. I believe during the budget we got the sense that the Administration was catching on to that we had a county spending problem and that they were trying to curb that just to the point of stopping the bleeding. But now, we have to go further. The only way we can go further is that we focus more on finding cost-savings and that the Vacancy Review Committee keeps working on vacant positions and eliminating them where

we can at an accelerated rate because this is blown out of the control. This one hundred million dollar (\$100,000,000) backlog is very real. We have to deal with it and no one has come up with any other way. As far as the tying our hands and having the flexibility, we are literally only talking about less than one percent (1%) of our entire government expenditures, one hundred ninety-three million seven hundred thousand dollars (\$193,700,000) by CAFR in 2015. Two million dollars (\$2,000,000) out of one hundred ninety-three million seven hundred thousand dollars (\$193,700,000) is around one percent (1%). We need something. I think the voters should have the choice. It takes five (5) votes to go to the voters. We could do something ourselves with four (4) votes. If we can only get the four (4) votes, I will come back with a bill. Council Vice Chair Kagawa talked about the reserve policy and the talk about that for the last ten (10) years. Yes, that is fine. If it comes forward in two (2) months, that is great. We can use all of the different tools and keep moving in this direction. But I think it is only fair and right that we give the voters a chance not to be put in the position again with something like a new General Excise Tax. I have an amendment if anybody wants it for either half ($\frac{1}{2}$) the amount or quarter ($\frac{1}{4}$) of the amount.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I will be voting against the Resolution. I think our Budget & Finance Committee Chair made a good argument about this past budget's experience where we all tried to cut and only cut three hundred fifty-five thousand dollars (\$355,000). If we were to have to cut two million dollars (\$2,000,000), the hardship on County employees and departments would be quite substantial. We already saw some of that when departments are told to be under a certain level and they forego preventative maintenance or supplies thinking "well, maybe next election, if it is better we will get it." In the long run, often that will cause more costs just like putting off repaving. Our roads will cause more costs in the long-run. So earmarking two million dollars (\$2,000,000) off the top for road repair is not a good option because we have not really assessed the impacts on other operations and other employees. If we were to earmark, I would prefer to do how Maui County has and earmark it for affordable housing, which does not have user fees that it could draw on. Same thing with open space. You do not have user fees that you can draw on, whereas with repair of roads, you do have user fees to draw on. In fact, why are we not saying users should pay for the cost roads that they are using? Then on top of that, two million dollars (\$2,000,000) does not stop the bleeding. I mean, we need ten million dollars (\$10,000,000) a year and my guess is we are going to have more damage than two million dollars (\$2,000,000) per year if we only spend two million dollars (\$2,000,000) per year. If we really want to address this problem, we have to do it effectively and it is going to take a substantial amount. The longer we wait, the more it will cost. So that is why we have to bite bullet and find a revenue source to do this or we are failing in our responsibility.

Council Chair Rapozo:
Chock.

Thank you. Anyone else? Councilmember

Councilmember Chock: I will just say where I am with this. First of all, I want to thank Councilmember Kualii. I think it is true. With the GET not passing, I really appreciate him moving in a direction of trying to come up with a solution, and this is one (1). First and foremost, I guess where I am having a hard time is on the timing. It does seem based on all of the efforts moving forward with

our finance task force and GFOA, that we might be premature to make a big decision like this. It would be my interest to really look at the bigger, broader-picture of a comprehensive budget plan that we have talked about in addressing this because I do not want to look at this as a Band-Aid. I do think, just as our housing issue, we are going to need to come up with a combination of remedies, and that is really one (1) of the reasons why I wanted it keep the GET alive as one of the options for us to consider. I would be happy to keep this alive, except timewise, I think today is the day if it is going to go on the ballot. I do not think I would be able to move on the amendment unless we had some support from the Administration that they could agree to it at this point at a quarter percent (0.25%). I think there is more time for us to talk about this and we need that in order to solve this bigger problem.

Councilmember Hooser: I am not able to support this for many of the same reason as expressed by the Budget & Finance Committee Chair and others. This generates no new income and kind of sidesteps the reality of the pain that it is going to take to solve this problem. That pain is either cutting two million dollars (\$2,000,000) if we want two million dollars (\$2,000,000) off the budget, which is impossible to do, or raising taxes by two million dollars (\$2,000,000). The reality is that the only way to get two million dollars (\$2,000,000). This just puts something on the ballot to put off the decision and lets the people choose. At the end of the day, if it passes, we would still have the same choice; either raise taxes or cut the budget by two million dollars (\$2,000,000). While it is perhaps a good-faith effort, I see it as not moving us in the direction that we need to go. We will have to take and make some hard choices. Again, I did not support the GET increase. In the future, I will look at direct impact user fees like the gas tax, but I am more interested in looking at the visitor industry and how they can carry a greater load than they are carrying right now. I understand the impacts of that would not occur if we raise property taxes, for example, on hotels. It would not occur until next budget. But I am unable to support this. Also, it is important to me with anything I support moving forward, we have to have traffic congestion as part of the plan. It cannot just be bridges and repaving. We have to have a plan perhaps working with the State, but a plan and a willingness to invest in the infrastructure needed, even minor infrastructure needs that will help specifically on the eastside. The Kapa‘a traffic is a nightmare and we cannot sidestep our responsibility by just saying it is the State’s job. Thank you.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: I will try to keep it brief. I agree with Councilmember Hooser on the Kapa‘a congestion being priority number one for this County. I think there was a plan to go behind Coco Palms, connect to somewhere near the bypass, and that would alleviate traffic out of Kapa‘a town to service residents in Wailua Houselots and Wailua Homesteads. That was looked as a plan to ease congestion on the main highway. From my understanding, I think the former Managing Director had proceeded with another community meeting and the residents in Wailua Houselots that the road was coming through had objected for a second time. It is not easy for the Department of Public Works to get there, but at some point, what is going to be the way to ease that congestion because the Kapa‘a crawl is bad? We cannot just keep saying “next year, next year, next year.” Councilmember Kualii, I think it is out of frustration that how to we put more moneys in the hands of the Department of Public Works to do some of these things and get it done, not just talk about it and pave these highly used roads like Olohena Road. Once school starts, it is super busy. Every parent that takes their children from Wailua

Homesteads goes through Olohena Road to take their children to the Kapa‘a Middle School, Kapa‘a Elementary School, Kapa‘a High School. How do we fix that road that is in terrible condition right now? How do we fix roads on the west side that are in terrible condition? I think that the way this County government can help the private sector who puts the money to the best use and gets the job done, is we need to bring on those projects and get those projects out. How can we generate thirteen million dollars (\$13,000,000) more over the prior year and have nothing to go out to the private sector? Well, not nothing. We have the Transportation Investment Generating Recovery (TIGER) grant that is going through and Puhi Road is going through. I would like to recognize the Department of Public Works for getting those projects out that is stimulating the private construction industry. But we need more and we need those that are in bad shape, as Lyle told us many times. If we neglect it, it just compounds. You have to do more work. You have to go down to the base cores and fix that. I think getting more money into the hands of Lyle, but it is going to take cooperation. We cannot just be giving more money via tax and letting government grow as Councilmember Kualii pointed out in his presentation. The County budget has doubled over twelve (12) years. How can we say we have a revenue problem? It is a spending and maybe just cost problem that how do we improve it then? Are we going keep giving twenty-four percent (24%) pay raises over four (4) years? Is that going to get us there? No. It has to stop. The private sector is not giving raises. Just because we show a fund balance that is large, does not mean we have money. The people are suffering. Somehow the State negotiates these large pay raises for the Counties because the State does not have to pay the tab. It is amazing how that happens. Yes, they give their prison guards and what have you small pay raises, but when comes to police and fire, which they do not pay the tab, they look at our fund balance and say, “Well, Kaua‘i County, you have a lot of money. So we will give the maximum pay raise.” It is amazing. I think that cycle needs to be stopped or least controlled a little bit because if that keeps happening, no matter what we tax, it will just keeping going out to labor cost and pay raises. Again, we will end up in the same place, even though we are taxing more with not enough money for Lyle to get the job done as far as catching up on the repaving and fixing of the bridges. It is a large problem. We have a new Council on board in next budget and that is your task number one. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Anyone else? Councilmember Kualii.

Councilmember Kualii: I just want to say that for me, this is primarily about protecting our fixed income seniors and struggling families from any kind of new regressive tax like the GET, a tax that they could not vote on because the Charter does not allow it. But what they can vote on is creating a fund that puts aside existing taxes for a purpose that everyone agrees is needed, the backlog. You hear the scary talk about cuts, the pain it will take, and the hardship it will take, but we are forgetting about the Unassigned Fund Balance. With budgeting, it is about priorities. We say that we were unable to, we were unable to because we could get away without making the necessary cuts. If the voters held us accountable even just for five hundred thousand dollars (\$500,000) or two million dollars (\$2,000,000), we would find the cuts. We have seen the growth. We have seen the blowing up of the budget. We can start doing the opposite. We can start finding the cost savings, not with the scary, painful hardship. I do not believe that. Look at our Unassigned Fund Balance. For the past ten (10) years, it has been over ten million dollars (\$10,000,000). Two million dollars (\$2,000,000) out of ten million dollars (\$10,000,000), so we are in a less ideal situation, but this is critical. This is something that we have to do and I

think we have to give the voters a choice here. In 2005, we have an Unassigned Fund Balance of eleven million eight hundred thousand dollars (\$2,800,000). In 2010, we had an Unassigned Fund Balance of forty-three million dollars (\$43,000,000). We talked about 2015 before, which was twenty-seven million nine hundred thousand dollars (\$27,900,000). Let us figure out this reserve policy, but let us do some little measure. Let us let the voters have the chance to vote on a tool that will force us at budget time as an administration and a County to do better with our budgeting. We must do better. Three hundred thousand dollars (\$300,000), yes, we found more cuts and then we had some additions. If the voters mandate us to do it, we will do it whether it is two million dollars (\$2,000,000) or even five hundred thousand dollars (\$500,000). This is such a small amount when you talk about the one hundred ninety million dollar (\$190,000,000) government expenditures as a whole. I think it is kind of sad that we are hearing all these kind of arguments and making it like a scary thing about hardships. Our number one job as a Council is the budget, and we are not doing it.

Council Chair Rapozo: Anyone else? If not, let me just say to Councilmember Kualii, I have not forgotten about the Unassigned Fund Balance. We call it the Unassigned Fund Balance and the public says, "What the heck is the Unsigned Fund Balance?" It is the surplus. It is the extra money, money that we budgeted that we did not spend. That is really what it is. Many people have deferred compensation plans or savings plans that automatically take money out of their paycheck. If not for that automatic payroll deduction, they would not save. They would spend that money. They just would. You go to the store, you see that impulsive shopper rack, and you are going spend money. You might go to the movies more. You are going to always find a reason to spend that money. That is what has occurred with this County. We have the money, so we spend it. If you do not believe me, like I said, look through the internal transfers that goes on the last quarter of the fiscal year. We move moneys from this account to this one so we can either travel or buy another computer. All of that can wait. All of those funds should be directed to the Unassigned Fund Balance. That all should be part of the surplus, but no. We go out and spend and spend. "Hey, we get some extra money folks, let us spend the money." I think that is what Councilmember Kualii is talking about. If we had to, we would. If we start looking for the reductions mid-year, mid-budget, budget versus actuals, we would have a pretty good indication that we over budgeted with this one so we know where we can reduce. You cannot tell me we cannot find two million dollars (\$2,000,000) out of a twenty-nine million dollar (\$29,000,000) surplus. What this will do is this will force the County to be disciplined and this will force us, the Council and Administration, to live within our means. It will force us because we will not have a choice. It will automatically come out. Political will is not always present. Again, to raise any additional taxes when we have a thirty million dollar (\$30,000,000) surplus, that is not right. That is absolutely not the way to do it to me. We have to make the tough decisions. In other words, this Council has to be accountable to the public and this Council has to say, "Do you know what? If we cannot manage to get it done with the funds that we currently have and we do not have four (4) votes, or five (5) votes, or whatever it is on the budget session to cut, then that need of fixing roads just disappears." I happen to be agree with Councilmember Hooser and Councilmember Kagawa, and I think all of us share the same concern about congestion. But right now, this a priority. This was such a priority not long ago that we were going to raise the General Excise Tax. The Administration came in and said, "We need this because we have to fix the roads." If it is that much of a priority and we cannot find two million dollars (\$2,000,000) to fill up or back-fill the need that has been created? I

am going support this. Obviously, I can count. This is going to go nowhere, but I would expect Councilmember Kualii to come back with a bill. I am going support this because I think it is important. I think the public should be informed and this is not new money. This is not tapping the taxpayers for more money. This is using existing money out of the moneys that we do not spend, but earmarking it for a specific cause, which again, was of such importance we were going to raise taxes. This is a no-brainer to me. It is. Hey, let us force us to start doing it. Is it the silver bullet? Absolutely not. But does this help? Of course it does. I applaud Councilmember Kualii for coming up with this. This is going fizzle away today and I am hoping that the bill will follow shortly. I hope we can get that passed because we can talk about reserves. Like I said it is been over ten (10) years that we have been waiting for a reserve policy. I think the last time the Council came up with a resolution was probably ten (10) or twelve (12) years ago establishing the reserve fund/policy and nothing. We spend the money. We can talk all we want about the reserve policy. At the end of the day, we have to take care of core functions and this is one of them without having to raise taxes. I will be supporting the Resolution. Thank you. Councilmember Yukimura.

Councilmember Yukimura: We are never going to achieve the kind of discipline of a reserve policy if every time we have extra money we say, "We should spend it," and that is what I hear right now that. We have this extra money, so we should earmark it for road repair. But by that theory, you are just constantly earmarking away your reserves and then you also have unanticipated or anticipated costs like lifeguard pay raises. If we spend all the Unassigned Fund Balance amounts, then we do not have it for those kind of needs. So that is not very responsible. We tried. We looked for additional "fat" in the budget and we could not come up with more than three hundred fifty-five thousand dollars (\$355,000), which was not really additional "fat" if you have to spend it for road repair. That did not even begin to address road repair. To say we have all of this extra money that we are not spending is not true.

Council Chair Rapozo: The CAFR does not lie. Our financial statement that the auditors do every year does not lie. We cut much more than three hundred thousand dollars (\$300,000). We cut a lot more, but out of what we cut, we had to put to fund raises and put to our audit account. We cut more. But I think Councilmember Kualii is correct. The reason why this body did not cut more is because we did not really have to because we could get by with what we did. But we did not have the money. Really, we are talking about two million dollars (\$2,000,000) out of a twenty-nine million dollar (\$29,000,000) surplus. We are not spending away and it is not foolish either because this is paving that we need. We can characterize it however you want. At the end of the day, it is almost like when you take your kid to the bank and say, "We are going to start a savings account for you. We are going to take a certain percentage out of your allowance every month and we are going to put into the bank whether you like it or not, and that will be saved that way you cannot spend it. You cannot go buy the extra manapua or the ice cream at the wagon. You will save this money. You do not have a choice." In this case, it is "no, we are going to take the money out for you, and you will spend it on road repair. You are not going to be able to use that for anything else." I look at almost like a training too that "hey, this is the way we are going to do it because we cannot do it on our own." With that, roll call.

The motion for adoption of Resolution No. 2016-48, Draft 1 was then put, and failed by the following vote:

| | | |
|-----------------------|------------------------------------|------------|
| FOR ADOPTION: | Kagawa, Kualii, Rapozo | TOTAL – 3, |
| AGAINST ADOPTION: | Chock, Hooser, Kaneshiro, Yukimura | TOTAL – 4, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Motion fails.

Council Chair Rapozo: Thank you. Can I get a motion to receive, please?

Councilmember Kualii moved to receive Resolution No. 2016-48, Draft 1 for the record, seconded by Councilmember Yukimura.

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

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

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

The motion to receive Resolution No. 2016-48, Draft 1 for the record was then put, and unanimously carried.

Council Chair Rapozo: Thank you very much. We will take a break. Be back at 1:30 p.m. We have a certificate presentation and then we will conclude with the rest of the agenda.

There being no objections, the meeting recessed at 12:41 p.m.

The meeting reconvened at 2:17 p.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: Clerk, could we have the next item, please?

BILL FOR SECOND READING:

Bill No. 2629 – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE

Council Chair Rapozo: Can I get a motion?

Councilmember Kualii moved for adoption of Bill No. 2629 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion? I understand there may be an amendment to this. Is there an amendment? We will take the amendment and then have the discussion. Is there anyone here in the audience wishing to testify on this matter?

Ms. Fountain-Tanigawa: Chair, we have one (1) registered speaker so far.

Council Chair Rapozo: Why do not we go ahead and suspend the rules with no objection.

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

Ms. Fountain-Tanigawa: Alice Parker.

ALICE PARKER: Alice Parker, for the record. I would really like to somehow protect our children against cigarette smoke and other smoke in cars because combined with the odors from gasoline and motor vehicles on the road, it is very hard on their lungs. Here we have a lot of problems with asthma, maybe partly due to the pesticides. I am suspicious about the ringed-neck parakeets because that is how I got Chronic Obstructive Pulmonary Disease (COPD). It was citizen birds; parrots, cockatiels, and such. I wish there was some way we could protect the kids. I do not know how we are going do it, but please keep trying. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: Is there any further discussion? There is an amendment that was circulated. I am going to ask one of you here to go ahead and introduce this.

Councilmember Kualii moved to amend Bill No. 2629, as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. The amendment is basically reducing the age. The original Bill says smoking in a vehicle is prohibited "in any motor vehicle, whenever occupied by a person less than eighteen (18) years of age." The amendment drops that to less than thirteen (13) years of age. That is what is on the floor. Is there any further discussion? Councilmember Yukimura.

Councilmember Yukimura: Can someone give us the rationale for the amendment?

Council Chair Rapozo: Is there any other discussion while we wait for Councilmember Kagawa?

Councilmember Yukimura: Is he still here?

Council Chair Rapozo: Yes, he is here.

Councilmember Yukimura: Then we should wait for him.

Council Chair Rapozo: Is there any other discussion? I will say that I was not sure how the age was determined to begin with. The State law prohibits possession or purchasing of tobacco by anyone under twenty-one (21) years of age. This here was basically eighteen (18) years of age. I had a concern, and I talked about it at the last meeting. I do not want to rehash the details, but basically, you can go to fight for your Country and you can actually enlist at age seventeen (17), and yet, you cannot make a choice to smoke a cigarette and be legal. That was my concern about the smoking law going to twenty-one (21) years of age to begin with. I had suggested or asked if anyone would have considered reducing the age down to a person where an age of a person who really did not have a choice. In my opinion, at age seventeen (17), sixteen (16), or fifteen (15), you can still make a choice. You can catch the bus or whatever the case is. I think this was Councilmember Kagawa's response to some of my concerns. But until he is here, I will not speak for him. I am curious to know how the others feel because if this is not satisfactory to you folks, then we may as well prolong the agony and kill it. I am curious to know how you folks feel. Go ahead, Councilmember Yukimura.

Councilmember Yukimura: I do not know that a fourteen (14) year old or a fifteen (15) year old really have choices to not be in a car. I think they should be included. At this point unless I hear something otherwise, I am not convinced that this is a good amendment or at least something that I would vote for.

Council Chair Rapozo: Thank you. Anyone else? We will vote on the amendment as circulated. Roll call.

The motion to amend Bill No. 2629, as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by the following vote:

| | | |
|-----------------------|-----------------------------------|------------|
| FOR AMENDMENT: | Kagawa, Kaneshiro, Kualii, Rapozo | TOTAL – 4* |
| AGAINST AMENDMENT: | Chock, Hooser, Yukimura | TOTAL – 3, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.)*

Council Chair Rapozo: Great, tied. Let us take a recess until Councilmember Kagawa is available.

There being no objections, the meeting recessed at 2:23 p.m.

The meeting reconvened at 2:23 p.m., and proceeded as follows.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Councilmember Kagawa your amendment...

Councilmember Kagawa: Move to amend as circulated.

Council Chair Rapozo: It was already introduced as a courtesy.

Councilmember Kagawa: Sorry.

Council Chair Rapozo: We took the vote and it is 3:3.

Councilmember Kagawa: Okay.

Council Chair Rapozo: It is a tie on the amendment.

Councilmember Kagawa: Okay, let us vote again.

Council Chair Rapozo: Go ahead, Councilmember Chock.

Councilmember Chock: Along the same lines of the discussion earlier, I think I would be more willing for a sixteen (16) years of age cutoff based on some of the concerns you talked about. I know that from the standpoint of the Tobacco-Free Hawai'i Group, that is probably where they would like to draw the line as well. I am willing to support that moving forward if that makes a difference. If not, then let us just take the vote.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: If I can explain. I was hesitant to support the Bill at eighteen (18) years of age because I do not want to put more burden on our police force, which I believe is already overburdened. I wanted to make it at an age where it kind of would be an obvious violation. It is much more difficult to determine a fifteen (15) year old or a sixteen (16) year old, whether they are eighteen (18) years old or older, whereas it is pretty clear when a twelve (12) year old or under individual is in a car and seeing an adult smoking. It is a clear violation. It is easy for the police to make a judgment because they are not making a judgment at a standstill. Cars are moving. I would say, let us look at passing something like this, taking a step, and at some point in time, whether it is three (3) months or six (6) months from now, let us get an update from the Police on any success or areas that would tell us that "hey, this not much work on our part. We can go up higher to eighteen (18) years of age." But having something first as a trial to see what kind of burden it would be on our police force with a real clear distinction that this is a minor under the age of twelve (12). It is very easy to tell whether children are twelve (12) years of age or younger to me. That is how I feel. I just wanted to do something practical. Let us have the studies, let us have the due diligence, and the response from the Police before we just set it at a number higher and closer to the age of eighteen (18).

Council Chair Rapozo: Anyone else? No one else? Well, we are at the main motion right now. The amendment failed for thirteen (13) years old. I am not sure if Councilmember Chock is interested or willing to introduce another amendment. I am just going to consult with staff. I am not sure of our options are. Can we take another vote with Councilmember Kagawa here now? We can?

Ms. Fountain-Tanigawa: The vote is currently 3:3, as Councilmember Kagawa was out of the room. I know you were waiting for him to cast his vote. You could cast his vote, or you could revote, or he could cast his vote at this time.

Council Chair Rapozo: Okay.

Councilmember Hooser: I have a question.

Council Chair Rapozo: Go ahead, Councilmember Hooser.

Councilmember Hooser: When you are out of the room, that is like a silent vote. What does that go with what?

Council Chair Rapozo: The motion.

Councilmember Hooser: It goes with the motion?

Council Chair Rapozo: I guess it would be a “yes” vote. Okay. So then the motion passes.

Ms. Fountain-Tanigawa: Yes.

Councilmember Kagawa: Can I vote now?

Council Chair Rapozo: We are back to the main motion. No, we voted. It ended up 3:3, but you were...

Ms. Fountain-Tanigawa: We counted Councilmember Kagawa as a silent vote.

Council Chair Rapozo: We are back to the main motion right now, which is amended, and it reflects the age of thirteen (13) years and below. Is there any further discussion on that? Councilmember Kagawa and then Councilmember Kaneshiro.

Councilmember Kagawa: Again, I think Councilmember Kaneshiro and I mentioned that if we truly wanted to make a larger impact, then we would ban smoking at all times whether you are at home, at a park, or anywhere. But that is not the motion before us. It only prohibits smoking while in a vehicle with a minor. It is a step; however, it is a very small step. If we are after curing the main problem, I think the burden is upon the anti-smoking groups to do the education to make sure that this action is prevented at all times, not just when they are riding in cars. I had my dad who smoked a lot. He was the greatest dad I could ever imagine. The last thing he would do is harm my health, but it was just the way it was before where a lot of people smoked in the past. I did not like the smell as a child, but in the old days, you were not able to speak up as much. I think now children are more vocal with their parents. They do speak up a lot more than before. I think that has changed and we need to acknowledge that. When I hear discussion about this Bill, it is almost like the children are still in the 1960s and 1970s where they are not allowed to speak up, and that is totally not true. The children nowadays speak up far more than they ever did in the past. They tell their parents, “do not do this,” “do not do that,” or “it is stink.” We need to acknowledge that times have change and they are not little

puppets in the car. They do speak up. It is upon the parents to know that “hey, my child is more educated now about this.” We have to hold the parent’s judgement in high value. I hope that the majority of the parents, if their child told them by education that getting smoke in the car is not good, that the parents would listen, abide about it, and abide by it at all times. I will be supporting this small measure. I do not totally like it. I think as we get into parenting laws, it is not a good idea for the Council because like I said, it is just one (1) small aspect of parenting. If we are going to get into judging parents, I think we are going beyond our scope. We have larger duties here to do for the taxpayers. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Kaneshiro.

Councilmember Kaneshiro: I will not be supporting this Bill although I agree tobacco is bad and secondhand smoke is detrimental to the people around, especially when in an enclosed area like a car. I am not comfortable legislating every aspect of a person’s life, especially common sense items. If that was the case, we could sit here and probably make laws all day protecting each other from ourselves. I am not comfortable doing that. It all comes down to where your threshold lies and everyone is different. Some may think it is a no-brainer, but then again, why pass this if the very people we are trying to stop from smoking in their cars with minors can go home and smoke in the house with the same minor? Again, where is the threshold? I do not think someone who smokes in the house all day next to a minor is any safer than someone smoking in a car with a minor. We will go ahead and make a law, I guess. What is the next step? Do we go ahead and make a law that bans smoking in your house with a minor. Ultimately, this Bill sounds good, feels good, but does it accomplish its intended purpose? I mentioned earlier, Big Island has had this law in place since 2010 and has only issued one (1) citation. That came from their Chief of Police. Does that mean people are not smoking in their cars anymore? We have a law that bans using an electrical device while operating a vehicle. Does that mean no one is using or talking on their cell phone? I see a lot of people using or talking on cell phones while driving. It is just what you are comfortable with. It is a gray issue because where do we stop on this? Do we start telling parents what they can or cannot feed other people’s kids or their own kids because food may not be healthy or perceived unhealthy? I think the most important thing is education and outreach, and that is where the effort should be. It should not be on creating a law. We had Keiki to Career here earlier today. They are educating the children and parents on the fact they should be eating dinner together because it provides a stronger bonds. Same as this. There should be advertisements on television, YouTube videos, or whatever it is to say “smoking in a car with a child is bad and do not do it” and make everyone aware of that. That is where I think it should be, not in us making another law.

Council Chair Rapozo:
Chock.

Thank you. Anyone else? Councilmember

Councilmember Chock: I just want to thank the Members for entertaining this discussion and this Bill. I know it may seem somewhat insignificant in light of the all of the things that we need to be focusing on. I just appreciate that we can take a small step as a community towards advocating for health. I think that it is a statement that we are saying as a governmental body that says we do care about our community and we care about our youth. It is a small step and a first step, but I am glad we are taking it. I was also happy to hear based on today’s certificate,

families sharing meals that there is data that supports it and that education is happening around the table that can deter these kind of behaviors in a car. I think it is a combination effect. I would agree with the previous statements that it takes a lot of different initiatives to accomplish what it is that we want to see collectively. But this is one (1) thing that we can do as a governing body to say “we believe we are going to be responsible and commit to being responsible.” Thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I do not see this as a parenting bill. I see it as a child protection bill. A child in a car that can be seen by a police officer is in a public place. It is not in a private home. I think this is, yes, a small step, but an important step to protecting our children against secondary smoke. As our Budget & Finance Committee Chair noted, we started the morning with this really wonderful campaign, Keiki to Career, that seeks to support our young people to be caring, competent, confident, and healthy children, and “healthy” is a big part of it. You cannot do anything if you are not healthy or well. I think this is important. I thank Councilmember Chock for introducing it, and I hope we can help in this small way.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I agree with some of the comments of Vice Chair Kagawa and Councilmember Kaneshiro. I would much have rather seen this be a resolution instead of an ordinance. I do see it as differentiating between public space versus private space and safe space versus safe behavior. I think as legislators, we have an obligation, if you will, to look at making public spaces safe. So that is why you have laws about smoking in restaurants and bars and what have you. In fact, all of those laws; seatbelts, riding in the back of a pickup truck, and not using your cell phone while driving, are all State laws. I really think this should be a State law and that we should be passing a resolution that supports the legislature passing a State law. I think they eventually will. They are probably pretty close. Having said all of that, I think passing our law would help with more education and more outreach, maybe even giving the kids a tool to use to talk to their parents. I guess I am not really sure, but when we vote, I will know. I might even be silent.

Council Chair Rapozo: Anyone else? If not, thank you for the amendment. I would not support this Bill if the age was at eighteen (18). I am still struggling with the reach by the County. I am not sure that the Police will actually go out and actively enforce it, but I think it does act as Councilmember Kualii just said, a tool that kids can use that gives parents an incentive to, my golly, do not light that cigarette up if you have a ten (10) or fifteen (15) minute drive. Gosh, can you not wait? It is just another tool whether or not it gets enforced. I will be supporting the Bill today because I do think it is a small step. I can really relate to what Councilmember Kaneshiro said. When I was thinking about it last night, I was kind of on the same track with his reasoning because it does seem like that. When do we stop? At what point do we stop legislating behaviors? But I do not think anyone can deny that smoking in a vehicle with a kid...again, the reduction in the age is what did it for me. I can support this with that reduction. I will be voting accordingly. With that, roll call.

The motion for adoption of Bill No. 2629, as amended, 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, Hooser, Kagawa, Kualii, Yukimura, Rapozo | TOTAL – 6, |
| AGAINST ADOPTION: | Kaneshiro | TOTAL – 1, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

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

Council Chair Rapozo: Thank you. With that, we have three (3) pending items that we need to go into Executive Session first. Can you read us into Executive Session, please? Can you read ES-859 and ES-862 first because I wanted to make some comments regarding ES-860 and ES-861 before we take the vote?

EXECUTIVE SESSION:

ES-859 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued representation of the Planning Department in Transient Vacation Rental (TVR) Appeals and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-862 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on Pending and Denied Claims. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Can I get a motion to go into Executive Session for ES-859 and ES-862?

Councilmember Kagawa moved to convene in Executive Session for ES-859 and ES-862, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion?

Councilmember Kagawa: Yes.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Is this about the Police Commission?

Council Chair Rapozo: No, this is ES-859 and ES-862. We are going to do Police Commission next because I wanted to vote on that separately.

Councilmember Kagawa: Okay. Thank you.

Council Chair Rapozo: Is there any public testimony?

There being on objections, the rules were suspended to take public testimony.

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

Council Chair Rapozo: With that, roll call.

The motion to convene in Executive Session for ES-859 and ES-862 was then put, and carried by the following vote:

| | | |
|----------------------------|--|------------|
| FOR EXECUTIVE SESSION: | Chock, Hooser, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Can we have ES-860 and ES-861?

ES-860 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Bernard P. Carvalho, Jr., in his official capacity as Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-861 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Is there a motion?

Councilmember Kagawa moved to convene in Executive Session for ES-860 and ES-861, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: For the general public, I had numerous calls from various individuals, some of them are former Councilmembers who are very frustrated with this whole item or incident. It came before I came on the Council and back then, I wished the Council had put a fork in this one. In a nutshell, what is the reason why they are asking for more money and just the status? This is again, before Councilmember Kaneshiro, Councilmember Chock, Councilmember Hooser, and I came on. Just bring us up-to-date on why we are here, what occurred, what decision was made, and why we are asking to continue this issue any further?

Council Chair Rapozo: Hang on. Is there any other discussion?

Councilmember Kagawa: I think that should be discussed in open session for the public.

Council Chair Rapozo: Yes. Mr. Trask.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: Thank you, Honorable Chair and Councilmembers, for the record, Mauna Kea Trask, County Attorney. To answer Councilmember Kagawa's question, I can tell you that the Office of the County Attorney is here today and I want to stress that the Office of the County Attorney is requesting Special Counsel funding today. The reason why we are doing this is the original complaint was filed by the Police Commission in the Fifth Circuit Court on or about June 2012. Prior to that, this body had authorized Special Counsel to represent both the Police Commission and the Mayor respectively because obviously, for obvious reasons, the Office of the County Attorney is in a poor situation to represent both of these parties. Under the Charter Section 8.04, I believe, the Office of the County Attorney is the chief legal representative for the entire County, all Boards and Commissions, as well as the Mayor. This body saw it wise to provide Special Counsel to achieve that. The Office of the County Attorney is making this request today for the sake of pursuing the best course of action for the Office of the County Attorney and the County as a whole in order to maintain the current position of the Office of the County Attorney, which is impartial. We work with the Mayor on a daily basis. This Office works with the Police Commission on a daily basis. In fact, there a Police Commission meeting this Friday. The difficulty about this case is that it does not include any monetary damages. This is strictly a declaratory action regarding the extent of executive authority. The Police Commission is part of the executive branch as the Police Department is comprised of the Police Commission, the Chief of Police, and all necessary staff. This is not a case that involves purse strings.

To answer your question from a legal perspective, the pertinent case is Harris v. DeSoto which is 80Haw.425.1996. The Hawai'i Supreme Court found that where the consideration for settlement involves commitment of city funds or an

exercise of municipal authority exclusively vested in the Council by the Charter, the Council may alone pledge, grant, or commit settlement consideration. Similarly, where the consideration for settlement involves an exercise of municipal authority exclusively vested in the executive, in this case, either the Police Commission or the Mayor, the executive may alone pledge, grant, or commit the settlement consideration. In this case, we are here today to ask because the current balance of the Mayor's Special Counsel account is one thousand two hundred dollars (\$1,200) and the current balance of the Police Commission is about eight hundred seventy-nine dollars (\$879). I contacted both Counsels because on June 30, 2016, the Intermediate Court of Appeals (ICA) issued a disposition, in this case, a published opinion, overruling the circuit court order and judgment finding that the Mayor had the power to essentially discipline and suspend. The ICA found that the Police Commission has this power. When the judgment is filed by the Intermediate Court of Appeals, should the Mayor decide to appeal further, he needs to talk with his attorney. He cannot talk with his attorney and proceed further responsibly, in order to manage the funds and make sure that any legal fees are incurred beyond what the balance is, without coming to you first and asking for more money. Similarly, the Police Commission cannot engage meaningfully with its Counsel without a replenishment of their funds. I called both Counsels and got an estimated amount from both of them respectively. That is why I am here today. They have attorneys. I do not feel comfortable advising either party on the merits of the case. I have never been involved in the past, so therefore I am requesting this. We have the money for this, it is budgeted, and under the Charter, this is definitely clearly a special matter necessitating Special Counsel. Whatever your opinions are in the underlying issues regarding legality and the legal questions, I think we can all agree that maintaining the impartiality of the Office of the County Attorney so we can continue to provide competent, comfortable, and confident service to the client, all parts of the client, it is reasonable to ask and it is necessary.

Councilmember Kagawa: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Was the last decision that the Police Commission has the sole power to discipline or fire the Chief of Police?

Mr. Trask: The most recent, correct.

Councilmember Kagawa: That was the most recent decision?

Mr. Trask: Per ICA.

Councilmember Kagawa: What is the continued fees for? Is it to appeal that?

Mr. Trask: If appropriate, if decided by the Mayor after speaking to his attorney, to seek a writ with the Hawai'i State Supreme Court.

Councilmember Kagawa: Or we could not seek a writ, right? Could we just accept the decision?

Mr. Trask: That is the Mayor's choice to make.

Councilmember Kagawa: The Mayor's choice? If the Council appropriates the money, can we say "enough fighting, accept the decision, and let us move on," right?

Mr. Trask: This is what I am concerned about, if the Council does not appropriate the money in this case to either party, the parties are still entitled, via the Charter, to attorney representation. That means it would fall to me, and that means I would have to provide the Mayor counsel and/or possibly the Police Commission counsel. I think that given the high degree of emotionality surrounding this issue, at least the appearance of the impropriety, and the confidence with everything else we do, and this is one (1) case. We have one hundred (100) pending cases, daily issues that happen, paperwork, advice, and everything. To put all of that and compromise those good relationships that we have with the client because of one (1) case, I think would be ill-advised.

Councilmember Kagawa: Would you say it is normal practice for the Council to allow appeals upon appeals upon appeals? When is a decision good enough for this legislative body to just accept it? We may not agree with it, but because we hold the purse strings we say, "Enough. We accept the decision. No more funding from taxpayer moneys for appeals" because appeals are done because you do not agree with the decision. At some point, when does legislative branch say, "We accept the decision because going further is just wasting taxpayer money when we are broke?"

Mr. Trask: This Council has plenary authority not to authorize this today. That is correct; however, that will not stop the appeal. If the Mayor decides to appeal further, it will be done via the Office of the County Attorney because it is a declaratory action. So you cannot settle this case, and that is really what I am here to avoid. I am not here to advocate either way. I understand the legal arguments and we could engage in a legal discussion all day. But really what this is about is the continuing impartiality of the Office of the County Attorney.

Council Chair Rapozo: In the past, I thought the Council voted whether or not we were going to appeal certain cases?

Mr. Trask: Certain cases, correct.

Council Chair Rapozo: And we do not have a say with this one?

Mr. Trask: The Police Commission did not sue for any kind of damages. There is no monetary damages involved. This is strictly a legal declaratory question regarding executive authority, which clearly is not Council purview. It is between two (2) executive departments.

Council Chair Rapozo: You said earlier that they both have lawyers, so are you not really able to talk to them?

Mr. Trask: I spoke with their lawyers, but I did not speak to the Police Commission about merits of the case and I did not speak to the Mayor about the merits of the case.

Council Chair Rapozo: Who told you that we needed to move forward on appeal? Was it one of the attorneys?

Mr. Trask: No, I decided to. It is a difficult ask and this is an uncomfortable situation, but in order for the client to get advice and I do not want them to incur and go beyond their allocation, this was a big issue for the Office of the County Attorney in the past, incurring Special Counsel fees without going to Council first. This was on hold for a couple of years given that ICA took a year or two (2) to come to a decision. So we never revisited the balance. I did not want to come and get more money for no purpose. As soon as the June 30th decision came down, that was a Friday, I believe within the next week, I prepared and sent the request over to get agenda time. It has taken a couple of weeks.

Council Chair Rapozo: Okay. If we do not approve the funding today, your Office becomes the attorneys for the Police Commission and for the Mayor?

Mr. Trask: Correct.

Council Chair Rapozo: At that point you would make the determination, together, your Office, would decide whether to move forward or not?

Mr. Trask: The client would. Under the rules of professional conduct, that is the client's decision to make whether or not to appeal.

Council Chair Rapozo: Right, but I would guess your input is going to play heavily on what they decide to do.

Mr. Trask: We would have to advise both diligently. As difficult as it would be, we are obligated to do it, and we all took the Oath of the Constitution and the Charter.

Council Chair Rapozo: Yes. It is an appeal. It is just appealing the findings of the ICA, correct?

Mr. Trask: Correct.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Given the history, is the Office of Disciplinary Council okay with you and whoever in the County representing and taking over this case?

Mr. Trask: Under the Klattenhoff case, government firms and attorney's offices are viewed differently. As you know, compared to the private sector, conflict of one (1) attorney impugns the whole office. The courts have recognize that government attorney's offices are different. We would have to chine a wall, it would be screened, and just to be safe, I would likely appoint separate staff on it. That will take staff time. You have thirty (30) days to file your writ after judgment is entered. Judgment has not been entered yet. That would dramatically shift the current work flow and processing of whoever was assigned to this, plus we have another case pending right now that we anticipate is going to involve of the work of four (4) attorneys. It is a bigger case, it is broader, and we believe those attorneys would be conflicted from that. So that leaves largely would be me, because I have litigation experience to do one (1) of the parties, and I would have to put an advice and counsel attorney on the other one. It would just be a tremendous draw on

resources and extremely difficult to manage appropriately, but I believe it would be legal nonetheless.

Councilmember Hooser: Up to this point, neither you nor other members of the Office of the County Attorney are up to speed? Have you been arguing the case for or against?

Mr. Trask: Not at all.

Councilmember Hooser: So the private counsel has been doing that?

Mr. Trask: They have been, from the beginning since June 2012.

Councilmember Hooser: They can hit the ground running, but you cannot. In essence, it seems like it would take a lot more time and resources, not to mention the conflicts?

Mr. Trask: It would pretty much stop work flow for a lot of issues.

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: How much have we spent on attorney fees for the case involving the Mayor's Special Counsel?

Mr. Trask: Pardon me.

Council Chair Rapozo: And also the Special Counsel for the Police Commission?

Mr. Trask: One (1) moment.

Council Chair Rapozo: For some reason, I am thinking that Special Counsel for the Police Commission was not being charged. I thought they were doing that pro bono. I thought we were told that. I am going off of memory, so I could be wrong. I thought they said they would carry the appeal all the way to the Supreme Court.

Mr. Trask: For the Office of the Mayor...

Council Chair Rapozo: No, for the Police Commission.

Mr. Trask: Okay. To answer your first question, for the Office of the Mayor, aggregate up until today since 2012 was fifty thousand dollars (\$50,000) has been approved, and forty-eight thousand seven hundred forty-four dollars (\$48,744) has been spent. Deputy County Attorney Peter Morimoto has the amount for the Police Commission. I did speak with Corlis Chang, who represents the Police Commission. After speaking with her, she did the ICA appeal work pro bono or gratis, but she would like to charge for the Supreme Court. So that is the fifteen thousand dollars (\$15,000).

Council Chair Rapozo: I know what she wants. I am trying to figure out what we were promised at that time. I swear it was to the Supreme Court.

Mr. Trask: My understanding was for the ICA. So far what was appropriated was thirty thousand dollars (\$30,000) for the account for the Police Commission, and funds spent is twenty-nine thousand one hundred twenty dollars (\$29,120).

Council Chair Rapozo: Are there any other questions for Mauna Kea? If not, thank you.

Mr. Trask: Thank you.

Council Chair Rapozo: Anyone in the audience wishing to testify on this matter before we take the vote?

There being on objections, the rules were suspended to take public testimony.

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

Council Chair Rapozo: Is there further discussion? Councilmember Hooser.

Councilmember Hooser: Is this a vote to go into Executive Session?

Council Chair Rapozo: Yes.

Councilmember Hooser: I support going into Executive Session. I do not have a question.

Council Chair Rapozo: Anyone else? Everything that we were going to be briefed on we just got briefed on. Number one, Mauna Kea is not the legal counsel of the Mayor. He is not the legal counsel of the Police Commission. I cannot imagine, like he said, he does not have the strategies. He does not have it to discuss it. So I do not see the need to go into Executive Session. I appreciate Councilmember Kagawa asking those questions in the open. Number two, there comes a point in time where you just have got to accept it and move on. We have already spent forty-eight thousand dollars (\$48,000) plus twenty-nine thousand dollars (\$29,000), which is basically about eighty thousand dollars (\$80,000), and because someone is not satisfied with the ruling, we are going to spend another forty-five thousand dollars (\$45,000) and who knows what after that into a matter that do you know what? Move on. Both sides, put the egos on the little chair and move on and start working to rebuild the relationship. I have everything right here. All of the Councilmembers read these minutes from 1964, 1967, and this goes back to the days the framers of the Charter, that it is very clear. We do not want the Mayor to have the authority over the Police Department. I mean it said it in here, that is what the Charter says, and that is what the ICA found. It is clear. I do not need to spend another forty-five thousand dollars (\$45,000) of public money to be told that again by the Supreme Court.

Last week, Tom Brady, Mr. Deflategate, canceled and said, "I am done. I am done with the appeal. I am not going to allow this matter to distract from our team's goals." I think at some point the Mayor, Police Commission, or whoever it is needs to say the same thing. Let us stop it. Let us stop the distractions and let us work on moving forward. If the Mayor, or the Police Commission, or whoever it is wants to change the authority and wants to give the Mayor the authority to discipline any department head that is appointed by a Commission, then do a charter amendment. Do a charter amendment. Stop already. Stop the bleeding, stop the games, and just move forward. I have absolutely no doubt in my mind what the intent of the Charter Commissions way back fifty (50) years ago said. It is free for anybody that wants to read it. I also have the minutes that are available to Councilmembers of all of the discussions we had. I cannot release to the public, but this is for Councilmembers. This is all of the Executive Session minutes that we had as we went through this ordeal. There is some very telling things in here as well. I am not an attorney, I am not a judge, and who know what the Supreme Court would rule, but I know I am satisfied with the ICA's ruling. I think all of the parties involved should accept that, move forward, and stop taking money already. I do not need to go into Executive Session unless there is some compelling reason we need to go. Based on what Mauna Kea said earlier about he is not their attorney and cannot talk to us about the legal arguments of this case, there is really no real reason to go into Executive Session. Councilmember Hooser.

Councilmember Hooser: I am not clear there is or is not a reason to go into Executive Session. It is my understanding there may be implications to the County above and beyond the Police Commission as a result of the ruling made. I am not sure if it is appropriate to discuss that in open session.

Council Chair Rapozo: Okay. Councilmember Yukimura.

Councilmember Yukimura: I, too, think there are a lot of issues that we should at least discuss with the two (2) attorneys probably separately so we can understand what the issues are. But I am not ready to say that we should just stop here. I would like a chance to discuss the various implications with both attorneys.

Council Chair Rapozo: Both attorneys meaning Corlis Chang and who is the other attorney? Is it Mr. Fuji?

Councilmember Yukimura: Yes, whoever they are.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I do not mind going into Executive Session. I value Mauna Kea's judgment too much. I may not agree on him whether or not we need to continue the funding for this, but as far as at least going in there and listening to what he has to say, share, and enlighten us on anything that cannot be answered here, I do not mind going in. I feel the people that have contacted me about this are members of the previous Councils and it was the same thing as you said. They said it was crystal clear what Morris Shinsato's intention was when he drafted the Charter. The Police Commission would have the authority. That is what the frustration was. There is so much hoopla about what happened back then and all of those people that had the experience that served on Councils prior knew what the Charter meant, and yet, we still went through all of this legal things. We even had

an officer on paid-leave for years because of the bad decisions that were made. It is just frustrating that we are going to continue to discuss something that everybody with history about this issue knew. Are we going to keep riding the hamster wheel or we are going to stop it? We are going throw away the hamster wheel away today. Enough.

Council Chair Rapozo: Is there any other discussion? Mauna Kea, if you could come up again?

There being no objections, the rules were suspended.

Mr. Trask: For the record, Mauna Kea Trask.

Council Chair Rapozo: Are you in the capacity or in a position to discuss the legal aspects of this case in Executive Session?

Mr. Trask: I am ready to discuss the legal aspects of the decision and effect beyond. We have five (5) department heads appointed by Commissions. I can talk about those issues. I can talk about what I see are legal issues right now and what could be raised, but again, I am not privy to attorney-client privilege things between the parties and their attorneys. I could definitely talk to you about issues you may have and other pending cases that I think are relevant to this that I can only talk to you about, and the potential effect of failing to fund this single proceeding on those other proceedings.

Council Chair Rapozo: Are there any other questions? If not, thank you. Do you have a question? Go ahead.

Councilmember Hooser: Thank you, Council Chair Rapozo. It seems to me that there are many ramifications to the County as a result of this decision; whether or not the Police Commission is prepared to supervise the Chief of Police might be one of them, the roles of the Police Commission and the Mayor, other Commission appointees, and that kind of thing. Can we discuss that? Is that something that we can discuss in open session or do we need to do it in Executive Session? Do we need another item only the agenda? From my perspective if in fact, the Police Commission is charged with supervising the Chief of Police, they do not have staff, they meet once a month, they have Sunshine Laws, and they are volunteers so they are not in the position to be able to do that. This thing is really complicated as you know. How do we have that discussion? Do we have it in Executive Session or do we have it out here?

Mr. Trask: As the client, the Council can make those calls. This body would hold the privilege. I would feel much more comfortable speaking about the legal issues in Executive Session. If you speak them out here, you waive them. I would not feel comfortable about some things, like pending cases and potential effect just because we are presently in adversarial proceedings. I would refrain from those things. It would be kind of difficult, but you bring up issues that are true; both practical, legal, and even ideal types of things.

Councilmember Hooser: Are you saying in order to have this discussion, we need to be in Executive Session? Is that what I heard?

Mr. Trask: It is your choice to make. If you want to have that discussion in the open floor, some things I will just respectfully refuse to answer because I just think it is very ill-advised for it effects people beyond this Council.

Councilmember Hooser: Thank you.

Council Chair Rapozo: Are there any other questions? If not, I will call the meeting back to order. Thank you, Mauna Kea.

Mr. Trask: Thank you.

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

Council Chair Rapozo: Just so that you all know, if it does not come under the exemptions of Hawai'i Revised Statutes (HRS) Section 92, we are not going to have the discussion in Executive Session. The only thing back there is only thing we cannot have out there. I do not want to go in and have a discussion of opinions and philosophies. We go in there to make sure we ask the legal questions that are not exempt and cannot be heard out in the open. As long as everybody understands that, I am ready. Are you folks ready? Is there any other discussion? With that, roll call. This is for ES-860 and ES-861.

The motion to convene in Executive Session for ES-860 and ES-861 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: With that, we will break here. I honestly cannot tell you how long this will be. We will take a break, B.C. It is going to be at least a caption, but it will probably be more like a forty-five (45) minute break. Thank you.

There being no objections, the meeting recessed at 3:10 p.m.

The meeting reconvened at 4:09 p.m., and proceeded as follows:

Council Chair Rapozo: Can we have the next item, please?

COMMUNICATIONS:

C 2016-161 Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued services provided for the Planning Department in Transient

Vacation Rental (TVR) Appeals, and related matters: Councilmember Yukimura moved to approve C 2016-161, seconded by Councilmember Hooser.

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

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

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

The motion to approve C 2016-161 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: Motion carried. Next item.

C 2016-162 Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued representation of Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters: Councilmember Yukimura moved to approve C 2016-162, seconded by Councilmember Hooser.

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

Councilmember Kagawa: I would like to request a roll call vote please.

Council Chair Rapozo: Okay. Is there any discussion before we vote? No discussion? I am going say a few words because I think this issue has gone on for way too long. The request is to fund the potential appeal of the ruling that was recently made by the Intermediate Court of Appeals regarding the authority of the Mayor to discipline the Chief of Police. My comments will apply to both C 2016-162 and C 2016-163 because funding is being requested to represent the Police Commission as well. We are asking for forty-five thousand dollars (\$45,000) more dollars to fund an appeal because potentially, the Mayor is not satisfied with the result of the ICA ruling. I think it is time we put this thing to rest. If you read the ruling, it spells out the reasons why our Charter is set up the way it is. It is basically to take the politics out of the Police Department, and I agree with that. I think the Police Commission is the oversight. I think the Police Commission made up of civilians and citizens is where it is supposed to be. I think if you look at minutes and I talked about earlier, the minutes from the Charter Commissions back fifty (50) years ago, made it very clear that they wanted the Police Commission to have that authority. I am not going to be supporting the funding. I understand that if we do not support the funding than the duty to represent the Mayor and the Police Commission will fall on the Office of the County Attorney. Basically, the ball is in the Mayor's court right now. I am not going support the funding. I do not know how vote goes here, but if it does not get funded by the County, by the taxpayers, it is going to be up to the Mayor if he wants to continue on this journey. The legal remedy

for this County, for the Mayor, or whoever believes that the Mayor should have that authority is to go down the charter amendment road and let the people decide if, in fact, they want to change the Charter so that the Mayor has the authority to hire, fire, and discipline the Chief of Police. I am not going to be supporting the funding. I think that enough is enough. I think that as we keep talking about working together, let bygones be bygones or however you want to say it, and start rebuilding the relationships, this is the way to do it. Let us do it. Let us practice what we preach and let us move forward and not backwards because the ruling came out not how we wanted it to. With that, I am not going to be supporting the funding. Councilmember Yukimura.

Councilmember Yukimura: This case is more than whether the Mayor properly suspended the Chief of Police. It is about the structure of County government. I do believe that the writers of the Charter wanted to put some buffer between the Mayor and the Chief of Police; however, exactly what that buffer is, is not clear. One could argue that the appointing and firing power is in the Police Commission, but that there are other intermediate steps of management that are within the power of the Mayor, who is a day-to-day manager and the Chief Executive Officer (CEO) of a corporation. I am all in favor of amending the Charter once we get the final interpretation of what the Charter says, and until we go to the Supreme Court, we will not know what that final interpretation is. I think it is our responsibility to get that final interpretation, and then if we think that changes or clarifications need to be made, then to do that. In the meantime, having this really vague area, or a potentially unclear interpretation, or maybe even an incorrect one because you do not know because the Supreme Court is the final interpreter in our state of this Charter law, I think we need to get that.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: Thank you, Council Chair Rapozo. One of the things for me that is a constant is I have several Councilmembers from the past that served on this body that talked to me. Some of the things that I do hear on the Council, they like and some of the things they do not like. One (1) thing constant among all of their talks with me about this subject is that they all agree that is was the intention from the beginning when Morris Shinsato wrote the Charter, that the Chief of Police could not be hired and fired by the Mayor. That was the separation of power that was intentionally left out of the Mayor's power. The reason for it was that a political decision could affect the most important public safety operation that we have. They wanted to keep the politics out of the Police Department. So that is one (1) constant, and I think sometimes we have to look at our past, learn from them, and listen to them. It is frustrating for them to watch years and years, I think they were probably giving the Mayor that advice back when this happened, and somebody forgot to listen and carried this thing on, spent eighty thousand dollars (\$80,000) so far of moneys that could have been saved for roads or whatever. It might even cause more lawsuits? The time is now to listen to the people that served before us, or do your homework, or read what Council Chair Rapozo has right there on the desk. Hawai'i Campaign Sending Commission (CSC) got it right. I think the first ruling got it wrong. I am not going second guess a Judge's decision, but I think the CSC ruling follows what like I said, the unanimous consent of the Councilmembers that have talked to me before that served on this body. They told me that they advised the Mayor of this back when this all happened, and again, I think he was given bad advice on this decision. I do not expect our Mayor to be perfect, but I think it has to

stop at some point. We have got to stop the nonsense and today is a good time to stop it. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: The question before the Court is not whether the Chief of Police can be hired or fired by the Mayor. That is clear under the Charter. It is the Police Commission that does that. The question before the Court is whether the Mayor can be involved in intermediary steps of discipline. That is a key one that is not explicitly addressed by the Charter. It really affects the day-to-day operations of the County. It is a very tricky situation, which is why really careful interpretation of the law in the context of operations of county is so important. We cannot ask former Councilmembers to be the final interpreter of the law, or even ourselves, or even the Intermediate Court. I really think we need to have the Supreme Court be the final say on that.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: I will be supporting this. This is obviously very important decision and a very important point of principle in terms of who is in charge of the Police; whether it is how much power the Mayor has, how much power the Police Commission has. We have gone this far and I think we need to settle this once and for all. I also believe that the reality of it is number one, both the Police Commission and the Mayor deserve legal representation. We are obligated to provide that to them. If we do not provide funds then we will provide funds through the Office of the County Attorney staff time. There is a cost no matter what. I believe this is a more efficient way to deal with it. I think we are obligated to deal with it and I, too, would like to get it over with and look at how to improve the process through possible charter amendments in the future regardless of which way the final court would rule. I believe the Charter probably needs some amendments to it. Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: I am reminded that it is pretty sad what happened in this case, and this was before us, so before me, that our leadership decided not to address this gray area and work collaboratively towards some sort of agreement before subjecting our system and our taxpayers to this discrepancy about disciplinary action. Now, this is where we are on the track, just like we are on the track to a lot of our court hearings process, which leads from one to another. I want this to end, but I realize that we also have some obligations to our employees and to people within the County, who are in conflict here, to have representation. The question is really about do we put it on our County Attorney to choose or be in the middle, or do we provide the representation that is necessary? I think that there is some sense of the responsibility that is included in here, but it does not feel good in any way. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: It is not CSC, it is the ICA that I meant. Since we talked about listening and talking and collaborating with former Councilmembers, that is what I do. That is the way I do business. I listen to people that came before us that I have trusted. I prefer doing that then listening to people

who are sending me E-mails over the internet from the mainland. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: There is no simple way around this issue. I think I am torn on both ends. But I think there needs to be an end somewhere and it is going to be up to the Mayor to decide what he wants to do. I am not going move forward with funding it any further. Again, it is ultimately the Mayor's decision. What does he want to do? I think the decision was clear and we have just have to go from there. I know what kind of the predicament it puts our County Attorney in, but where does it end? I do not know.

Council Chair Rapozo: I want to make it clear that a vote against the funding is not a vote against moving forward. The difference is forty dollars (\$40) an hour for Office of the County Attorney, versus three hundred dollars (\$300) or four hundred dollars (\$400) an hour for Special Counsel. If we do not have confidence in our own Office of the County Attorney, then we have some issues. But that is the only difference, it is the cost. Forty dollars (\$40) an hour is what I have been told, and not the outrageous amounts we are charged by Special Counsel. A vote against the funding is not saying anything other than, if the Mayor chooses, not if the Council chooses. If the Mayor chooses to move forward with the appeal, then he does so at the expense of his Office of the County Attorney. That is what this does. It is that simple. Like Councilmember Kaneshiro just said, enough. If the Mayor wants to move forward, that is his prerogative, and that is the way it will go. With that, roll call.

Councilmember Yukimura: Council Chair Rapozo.

Council Chair Rapozo: Yes.

Councilmember Yukimura: I just want to say that the additional resources that it is going to take the Office of the County Attorney to muster will be affecting how they can serve and do their other duties, so there are those costs. Also, that other Commissions are involved here because the language determining or affecting the Chief of Police also applies to other Boards and Commissions.

Council Chair Rapozo: Roll call.

The motion to approve C 2016-162 was then put, and tied by the following vote:

| | | |
|-----------------------|---------------------------|------------|
| FOR APPROVAL: | Chock, Hooser, Yukimura | TOTAL – 3, |
| AGAINST APPROVAL: | Kagawa, Kaneshiro, Rapozo | TOTAL – 3, |
| EXCUSED & NOT VOTING: | Kuali'i | TOTAL – 1, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

(Council Absence, Tie Vote; Pursuant to Council Rule No. 5(e), item shall be made the Special Order of the Day at the August 3, 2016 Council Meeting.)

Council Chair Rapozo: Motion is a tie, so it gets deferred to the next Council Meeting, right? Okay. Anything else? I think that was last item on the agenda. Oh, yes, C 2016-163.

C 2016-163 Communication (07/08/2016) from the Office of the County Attorney, requesting authorization to expend additional funds up to \$15,000.00 for Special Counsel’s continued representation of the Kaua’i Police Commission and the Kaua’i Police Commission Members, in their official capacity, in Kaua’i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua’i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai’i Supreme Court, Intermediate Court of Appeals) and related matters: Councilmember Yukimura moved to approve C 2016-163, seconded by Councilmember Hooser.

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

Councilmember Kagawa: Thank you, Council Chair Rapozo. I will be voting against this, but I have a lot more confidence in the performance of this attorney as we look at the history of the other attorney and his performance. With this case, and I believe this Special Counsel for the Police Commission, has actually given us a discount or pro bono work, whatever you want to call it. Again, I would feel much better if this request was approved because I believe that this attorney has at least given up some of her free time in working on this case. Thank you, Council Chair Rapozo.

Council Chair Rapozo: The motion is to approve. Roll call.

The motion to approve C 2016-163 was then put, and tied by the following vote:

| | | |
|-----------------------|---------------------------|------------|
| FOR APPROVAL: | Chock, Hooser, Yukimura | TOTAL – 3, |
| AGAINST APPROVAL: | Kagawa, Kaneshiro, Rapozo | TOTAL – 3, |
| EXCUSED & NOT VOTING: | Kuali’i | TOTAL – 1, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

(Council Absence, Tie Vote; Pursuant to Council Rule No. 5(e), item shall be made the Special Order of the Day at the August 3, 2016 Council Meeting.)

Council Chair Rapozo: Motion is tied. It will move to the next Council Meeting in two (2) weeks. With that, there is no further business. Before I adjourn today’s meeting, I just want to make note that Congressman Mark Takai has passed away. I just want to offer our condolences as a Council to his family. He was a great person and he will be missed. I just wanted to make that announcement for the record. Councilmember Kagawa.

Councilmember Kagawa: Council Chair Rapozo, I would recommend that we do a certificate...

Council Chair Rapozo: Absolutely.

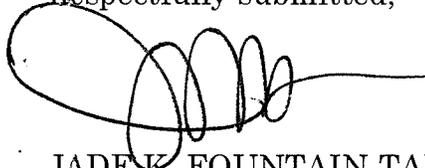
Councilmember Kagawa: ...or a resolution of the some sort to honor Representative Takai.

Council Chair Rapozo: Thank you very much. With that, the meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 4:27 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal tail stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:aa

| TESTIMONY LOG - July 20, 2016 | | RESOLUTION CONFIRMING MAYORAL APPOINTMENT | | RESOLUTION CONFIRMING MAYORAL APPOINTMENT | |
|--|---------|--|---|--|--------------------|
| Resolution No. 2016-49 - RESOLUTION CONFIRMING MAYORAL APPOINTMENT | | Resolution No. 2016-49 - RESOLUTION CONFIRMING MAYORAL APPOINTMENT | | Resolution No. 2016-49 - RESOLUTION CONFIRMING MAYORAL APPOINTMENT | |
| TO THE BOARD OF WATER SUPPLY (Beth A. Tokioka) | | TO THE BOARD OF WATER SUPPLY (Beth A. Tokioka) | | TO THE BOARD OF WATER SUPPLY (Beth A. Tokioka) | |
| NAME | SUPPOSE | OTH | ADDRESS | COMMENTS | COMMENTS |
| 1 Abellamida, Cheryl | X | | 130 Kinohi Loa Loop, Wailuku, HI 96793 | | 7/20/2016 9:26 PM |
| 2 Adam, David | X | | p.o.box 492805, Waialua, HI 96749 | | 7/18/2016 4:25 PM |
| 3 Aguiar, Terry | X | | 2420 Koa Ave, Honolulu, HI 96886 | | 7/18/2016 9:28 PM |
| 4 Ahana, William | X | | 2222 Citron St, Honolulu, HI 96826 | | 7/18/2016 5:05 PM |
| 5 Alapai, Kahealani Amber | X | | 32a ohiki rd, Hanalei, HI 96714 | | 7/18/2016 11:48 PM |
| 6 Albano, Duane | X | | 2855 Hoolako St., Lihue, HI 96766 | | 7/19/2016 9:23 AM |
| 7 Albano, Sammee | X | | 2855 Hoolako St., Lihue, HI 96766 | | 7/19/2016 4:53 AM |
| 8 Alcese, Paula | X | | Alehela place, Kahului, HI 96732 | | 7/19/2016 9:39 PM |
| 9 Allencastre, Audrey | X | | 2299 Kaupakalua Rd, Haiku, HI 96708 | | 7/19/2016 8:37 AM |
| 10 Aloua, Ruth | X | | 74-5071 Kumakami Street, Kailua-Kona, HI 96740 | | 7/18/2016 3:26 PM |
| 11 Alvarez, Thor | X | | 4561 Manulele St, Lihue, HI 96766 | | 7/20/2016 12:30 AM |
| 12 Amsterdam, Jo | X | | 3704 elau road, Kalaheo, HI 96741 | | 7/19/2016 5:21 AM |
| 13 Andrews, Lisa | X | | PO Box 423, Kapa'au, HI 96755 | | 7/19/2016 10:58 AM |
| 14 Archambeau, Elaine | X | | PO BOX 542, Kapaa, HI 96746 | | 7/18/2016 5:48 PM |
| 15 Arinaga, Paul | X | | 1434 Punahou St, #701, Honolulu, HI 96822 | | 7/18/2016 10:08 PM |
| 16 Armington, Pedro | X | | p o box 1019, koloa, HI 96756 | | 7/20/2016 11:25 AM |
| 17 Asumen, Harlisa | X | | 92-608 Malahuna Lop, Kapolei, HI 96707 | | 7/18/2016 5:36 PM |
| 18 Atteberry, Daniel | X | | 1000 Kai Hele Ku St, Lahaina, HI 96761 | | 7/18/2016 2:46 PM |
| 19 Avallone, Erin | X | | 480 Kenolio Road, 8-101, Kihei, HI 96753 | | 7/19/2016 7:09 AM |
| 20 Avina, Maya | X | | 2200 Bonforte Blvd., Pueblo, CO 81001 | | 7/19/2016 6:47 AM |
| 21 Avina, Robin | X | | Kala Kea st, Kapaa, HI 96746 | | 7/19/2016 6:45 AM |
| 22 Axtell, Marilyn | X | | PO Box 3816, Lihue, HI 96766 | | 7/18/2016 5:32 PM |
| 23 Ayers, Katharine | X | | 99 Ala Apapa Place, Makawao, HI 96768 | | 7/18/2016 6:50 PM |
| 24 Azar, Daniel | X | | po box 779, honaunau, HI 96726 | | 7/18/2016 3:00 PM |
| 25 Baker, A. | X | | PO Box 1212, Lihue, HI 96766 | | 7/18/2016 4:21 PM |
| 26 Baker, Carolyn | X | | 6490 PUUPILO RD, Kapaa, HI 96746 | | 7/18/2016 3:54 PM |
| 27 Baker, Cory | X | | 4376 Piedmont Dr., San Diego, CA 92107 | | 7/19/2016 7:21 PM |
| 28 Balcells, Remo | X | | 1427 Nanaloko Place, Kailua, HI 96734 | | 7/18/2016 3:02 PM |
| 29 Bandsma, Gloria | X | | 6398 Kalama Road, kapaa, HI 96746 | | 7/19/2016 11:40 AM |
| 30 Bandsma, Gloria | X | | ghandsma@hawaii.rr.com | | 7/23/2016 9:05 AM |
| 31 Bargiel, Jacques | X | | 1054 Kainui Dr., Kailua, HI 96734 | | 7/18/2016 8:41 PM |
| 32 Barosh, Jan | X | | 70 Akilolo Street, Honolulu, HI 96821, Honolulu, HI 96821 | | 7/18/2016 8:51 PM |
| 33 Barry, Barbara | X | | 13516 95th ave ne, Kirkland, HI 98034 | | 7/20/2016 9:37 AM |
| 34 Barry, Lynda | X | | 493 Pio Drive, Apt 206, Wailuku, HI 96793 | | 7/18/2016 2:43 PM |
| 35 Bartlett, Mary | X | | P.O. Box 826, Koloa, HI 96756 | | 7/19/2016 6:00 PM |
| 36 Bassett, Barbara | X | | 2 Skye Lane, Aquinnah, MA 02535 | | 7/21/2016 3:28 PM |
| 37 Bassett, Meadow | X | | 3923 omao rd, koloa, HI 96756 | | 7/20/2016 9:49 AM |
| 38 Bauer, Jennifer | X | | p.o. box 399, Haiku, HI 96708 | | 7/24/2016 1:23 PM |
| 39 Beall, Charlotte | X | | 1641 Makaanui Road, Koloa, HI 96756 | | 7/18/2016 6:33 PM |
| 40 Beall, Elif | X | | PO Box 1304, Kilauea, HI 96754 | | 7/18/2016 3:10 PM |
| 41 Beardmore, Carol | X | | 1051 Puuopae Road, Kapaa, HI 96746 | | 7/18/2016 4:25 PM |

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|----|---------------------|--|--|---|--|--------------------|
| 42 | Beaudry, Bob | | | | 435 Kalalau Place, Kihei, HI 96753 | 7/18/2016 7:38 PM |
| 43 | Beimler, Pablo | | | X | 55-493C Ilna Rd., Hawi, HI 96719 | 7/19/2016 7:15 PM |
| 44 | Belardo, Maria | | | X | Makamaka St., Kapaa, HI 96746 | 7/18/2016 8:51 PM |
| 45 | Bellinger, Marsha | | | X | 3877 C Omao Rd., Koloa, HI 96756 | 7/18/2016 5:02 PM |
| 46 | Bennett, Virginia | | | X | 1201 Wilder Ave., #1704, Honolulu, HI 96822 | 7/18/2016 3:27 PM |
| 47 | Berman, Mitchell | | | X | 10825 Kula Hwy, Kula, HI 96790, Kula, HI 96790 | 7/18/2016 4:12 PM |
| 48 | Bernaert, Ruthie | | | X | 46-4091 Old Mamalahoa Hwy, Honokaa, HI 96727 | 7/19/2016 2:49 AM |
| 49 | Bernal, Lydi Morgan | | | X | 2218 Hunnewell Pl, Honolulu, HI 96823 | 7/18/2016 5:41 PM |
| 50 | Berry, Linda | | | X | King Kamehameha bl, PO Box 884, Keaau, HI 96778 | 7/19/2016 2:13 PM |
| 51 | Berry, Lisa Alvarez | | | X | 1166 milia, Kalaeo, HI 96741 | 7/19/2016 9:08 PM |
| 52 | Beutner, Katharine | | | X | 3029 Lowrey Ave Apt E-1219, Honolulu, HI 96822 | 7/18/2016 9:57 PM |
| 53 | Bickerton, Yvonne | | | X | P.o. box 1040, Waialua, HI 96791 | 7/18/2016 11:11 PM |
| 54 | Bicoy, Sophia | | | X | 3142 Bear Springs Dr, San Antonio, TX 78245 | 7/20/2016 5:32 AM |
| 55 | Blair, Patricia | | | X | 25 Aulike St, Kailua, HI 96734 | 7/18/2016 2:43 PM |
| 56 | Blair-Stahn, Chai | | | X | 2115 Damon Street, Honolulu, HI 96822 | 7/18/2016 8:40 PM |
| 57 | Blanchard, Cydney | | | X | 3652 Albert Rd, Princeville, HI 96722 | 7/19/2016 6:21 AM |
| 58 | Blanchard, Holt | | | X | 3652 Albert Rd., Princeville, HI 96722 | 7/19/2016 6:51 AM |
| 59 | Bohn, David | | | X | 1 Ihoiho Place, #310A #310A, wahiawa, HI 96786 | 7/21/2016 11:25 AM |
| 60 | Bothe, Linda | | | X | P.O. Box 99, Kalaeo, HI 96741 | 7/24/2016 10:41 AM |
| 61 | Bothie, Dawn | | | X | 4100 Queen Emmas Dr #36, Princeville, HI 96722 | 7/18/2016 5:01 PM |
| 62 | Botz, Liza | | | X | 6, hana, HI 96713 | 7/18/2016 8:30 PM |
| 63 | Bouret, Miriam | | | X | 3971 Ahonui Pl, Princeville, HI 96722 | 7/19/2016 7:13 AM |
| 64 | Bowen, John | | | X | 4207 Kekuaaoa, Princeville, HI 96722 | 7/18/2016 10:35 PM |
| 65 | Bower, SarahLynn | | | X | 448 Waanee St, Lahaina, HI 96761 | 7/20/2016 11:17 AM |
| 66 | Boyer, Sharon | | | X | 66-073 Alapii St., Haleiwa, HI 96712 | 7/19/2016 10:25 AM |
| 67 | Boyne, Jonathan | | | X | Kakela Dr., Honolulu, HI 96822 | 7/18/2016 4:01 PM |
| 68 | Bradley, Garrett | | | X | 4420 Kai Ikenu dr, Kalaeo, HI 96741 | 7/19/2016 10:35 AM |
| 69 | Brandford, Virginia | | | X | Po Box 6455, Ocean View, HI 96737 | 7/18/2016 3:58 PM |
| 70 | Braun, Daniel | | | X | 2891-B Kamoooka Road, Kilauea, HI 96754 | 7/19/2016 10:02 AM |
| 71 | Breda, Bo | | | X | Kahukai Street, Pahoa, HI 96778 | 7/18/2016 4:27 PM |
| 72 | Brekke, Laurie | | | X | 3888 Sierra Dr, Honolulu, HI 96816 | 7/19/2016 2:38 PM |
| 73 | Brightenti, Janet | | | X | 67-348 Kupahu St, POB 688, Waialua, HI 96791 | 7/19/2016 1:04 AM |
| 74 | Bronfman, Stace | | | X | 630 E. Kuiaha Rd., Haiku, HI 96708 | 7/18/2016 4:53 PM |
| 75 | Broussard, Chris | | | X | 115 Aleo St, Kapaa, HI 96746 | 7/18/2016 5:42 PM |
| 76 | Brown, Ashlyn | | | X | 311 Pond Rd, Port Townsend, WA 98368 | 7/19/2016 7:06 AM |
| 77 | Brown, Kevin | | | X | 8795 Kamehameha V Hwy, HC 1 Box 628 HI 96748, Kaunakakai, HI 96748 | 7/18/2016 3:15 PM |
| 78 | Brown, Kristin | | | X | Opelu St., Hanalei, HI 96714 | 7/18/2016 5:55 PM |
| 79 | Brown, Marcy | | | X | 5304 Makaloa Street, Kapaa, HI 96746 | 7/18/2016 7:29 PM |
| 80 | Brusnyk, Kelsey | | | X | PO Box 211, Anahola, HI 96703 | 7/19/2016 2:18 PM |
| 81 | Bryant, Lisa | | | X | 130 Kinohi Loa Loop, Wailuku, HI 96793 | 7/20/2016 10:13 PM |
| 82 | Buchanan, Joe | | | X | 2630 Puuone St, Koloa, HI 96756 | 7/19/2016 6:21 AM |
| 83 | Bunyan, SW | | | X | Po Box 445, Hanalei, HI 96714 | 7/18/2016 6:38 PM |
| 84 | Burroughs, Kate | | | X | 8521 Sonoma Ave., Laupahoehoe, HI 95472 | 7/19/2016 6:24 AM |
| 85 | Burval, Daniel | | | X | po box 1962, santa cruz, NM 87567 | 7/19/2016 2:15 PM |
| 86 | C., Liz | | | X | 3-3400 Kuhio Hwy, Lihue, HI 96766 | 7/20/2016 6:21 AM |

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|-----|---------------------|--|---|---|--------------------|
| 87 | Cabebe, Hoku | | X | Kuhio Hwy, Hanalei, HI 96714 | 7/18/2016 6:29 PM |
| 88 | Cabral, Sylvia | | X | pob 746, puunene, HI 96753 | 7/18/2016 5:44 PM |
| 89 | Cacal, May | | X | 3945 Hoohana Street, Lihue, HI 96766 | 7/19/2016 12:53 PM |
| 90 | Cahan, Melanie | | X | 1362 Akalani place, Kailua, HI 96734 | 7/18/2016 6:04 PM |
| 91 | Cajandig, Gabriela | | X | 1667 Kilauea Ave., Hilo, CA 96720 | 7/18/2016 7:45 PM |
| 92 | Calhoun, Heidi | | X | p.o. box 771, Kapaa, HI 96755 | 7/18/2016 2:39 PM |
| 93 | Call, AnneMarie | | X | 3470 Woodside Lane, San Jose, CA 95121 | 7/18/2016 4:06 PM |
| 94 | Cameron, Alison | | X | 67-1274 Puena St., Kamuela, HI 96743 | 7/18/2016 5:55 PM |
| 95 | Cantrell, Judith | | X | 2747 S.Kihei Rd., Kihei, HI 96753 | 7/19/2016 9:32 AM |
| 96 | Carapetyan, Snow | | X | po box 44, koloa, HI 96756 | 7/19/2016 12:00 PM |
| 97 | Cardoza, Bonni | | X | PO box 223492, Princeville, HI 96722 | 7/20/2016 6:51 AM |
| 98 | Carlson, Ken | | X | PO 698, Kilauea, HI 96754 | 7/18/2016 5:28 PM |
| 99 | Carlson, Ron | | X | 2564 Ferdinand Ave. Ste. 8, Honolulu, HI 96822 | 7/18/2016 3:32 PM |
| 100 | Caswell, PHD, Susan | | X | pob 347, paaulo, HI 96776 | 7/20/2016 11:55 AM |
| 101 | Cayton, Chris | | X | 733 n honokala rd, Haiku, HI 96708 | 7/19/2016 3:37 AM |
| 102 | Cayton, Marcy | | X | 733 n Honokala rd, Haiku, HI 96708 | 7/18/2016 3:31 PM |
| 103 | Cender, Jonathan | | X | PO Box 982, 3833B Ohuohu St, Koloa, HI 96756 | 7/18/2016 3:30 PM |
| 104 | Chabg, Jade | | X | 1624-C Liholiho St., Honolulu, HI 96822 | 7/18/2016 3:21 PM |
| 105 | Chase, Faith | | X | 11A Keola Pl., Makawao, HI 96768 | 7/18/2016 9:05 PM |
| 106 | Chong, Camille | | X | 1617 Young Street, Apt. A101, Apt. A101, Honolulu, HI 96826 | 7/18/2016 4:15 PM |
| 107 | Choy, Mel Cup | | X | 45-396 Kamehameha Highway, Kaneohe, HI 96744 | 7/19/2016 12:45 AM |
| 108 | Christe, Fabienne | | X | 139 royal dr, Kapaa, HI 96746 | 7/18/2016 11:03 PM |
| 109 | Chun, Karen | | X | 87 Lae St, Paia, HI 96779 | 7/18/2016 5:54 PM |
| 110 | Clark, Maria | | X | P o box 836, Anahola, HI 96703 | 7/19/2016 8:15 AM |
| 111 | Clay, Yolanda | | X | 74-5602 Alapa St. PMB 986, Kailua-Kona, HI 96740 | 7/18/2016 9:46 PM |
| 112 | Cohen, Paula | | X | 3854 Ahonui Pl., Princeville, HI 96722 | 7/19/2016 2:08 PM |
| 113 | Colby, Marilyn | | X | 529 townshend, st.lambert, QC J4R1M4 | 7/23/2016 6:16 PM |
| 114 | Conger, Arianna | | X | 3318 Iuka Place, Koloa, HI 96756 | 7/20/2016 12:42 AM |
| 115 | Conger, Cynthia | | X | Waha, Kalaheo, HI 96741 | 7/20/2016 6:25 AM |
| 116 | Conley, Carol | | X | 3249 kalihiwai road, Kilauea, HI 96754 | 7/18/2016 4:46 PM |
| 117 | Conrad, Eileen | | X | 5061 Lawai Road No. 212, Koloa, HI 96756 | 7/18/2016 6:23 PM |
| 118 | Conrad, Richard | | X | 84-1330 Mauna'olu St, Waianae, HI 96792 | 7/18/2016 4:49 PM |
| 119 | Coon, Michael | | X | PO 223098, Princeville, HI 96722 | 7/20/2016 6:53 AM |
| 120 | Coots, Mike | | X | 2242 ioela st, Kilauea, HI 96754 | 7/19/2016 8:35 AM |
| 121 | Corbo, Janice | | X | P.O. Box 649, Kapaa, HI 96746 | 7/19/2016 10:02 PM |
| 122 | Corcoran, Carol | | X | 902 Trumpington Lane, Arnold, MD 21012 | 7/24/2016 1:24 PM |
| 123 | Cornell, John | | X | PO Box 1334, Kilauea, HI 96754 | 7/18/2016 9:16 PM |
| 124 | Cosgrove, David | | X | PO Box 1434 Honokaa HI 96727, Honokaa, HI 96727 | 7/19/2016 2:14 PM |
| 125 | Costello, Francine | | X | 1735 Ala Aolani Street, Honolulu, HI 96819 | 7/18/2016 11:21 PM |
| 126 | Costigan, Maggie | | X | 88 Heaaula St, Haiku, HI 96708 | 7/18/2016 4:49 PM |
| 127 | Cotter, Susan | | X | Kūhiō, kapaa, HI 96746 | 7/18/2016 10:39 PM |
| 128 | Coules, Ruth | | X | 1226 Aalapapa Dr., Kailua, HI 96730 | 7/18/2016 4:06 PM |
| 129 | Coules, Savannah | | X | 1368 Frank street, Honolulu, HI 96816 | 7/18/2016 6:11 PM |
| 130 | Cowden, Felicia | | X | 4191 Kilauea Road, Kilauea, HI 96754 | 7/18/2016 6:06 PM |
| 131 | Creds, Veatrus | | X | PO# 499, Mountain View, HI 96771 | 7/19/2016 8:52 AM |

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|-----|----------------------|--|---|--|--------------------|
| 132 | Culver, Carol | | X | PO Box 1673, KAPAA, HI 96746 | 7/18/2016 3:55 PM |
| 133 | Damon, Mark | | X | 150 Pulehu Nui Rd, Kula, HI 96790 | 7/24/2016 2:26 PM |
| 134 | Dana Petcu, Brindusa | | X | 3880 Wylle rd, #11B,Princeville, HI 96722 | 7/18/2016 8:35 PM |
| 135 | Dana, Collin | | X | PO Box 1329, Lawai, HI 96765 | 7/19/2016 12:34 PM |
| 136 | Dana, Ned | | X | P.O. Box 289, Lawai, HI 96765 | 7/18/2016 3:15 PM |
| 137 | Daniel, Jeff | | X | 1964 Pimauna Place, Honolulu, HI 96821 | 7/18/2016 4:36 PM |
| 138 | Dantzer, Dana | | X | 359 N. Kalaeo Ave, Kailua, HI 96734 | 7/18/2016 5:16 PM |
| 139 | Davey, Thomas | | X | 4915 Hauaala Rd, Kapaa, HI 96746 | 7/19/2016 6:05 AM |
| 140 | Davis, Pamela | | X | 2464-A Pali Highway, Honolulu, HI 96817 | 7/18/2016 4:02 PM |
| 141 | Davis-Bicoy, Candice | | X | 505 kamalu road, Kapaa, HI 96746 | 7/18/2016 11:51 PM |
| 142 | Davilantes, Nancy | | X | 45-Apt. A, Kaneohe, HI 96744 | 7/18/2016 8:09 PM |
| 143 | de Vries, Hugo | | X | 1460 Krukee Place, Kailua, Kailua, HI 96734 | 7/18/2016 10:11 PM |
| 144 | DeLeon, Richard | | X | 140 Manino CIR apt 101, Kihei, HI 96753 | 7/20/2016 5:06 AM |
| 145 | Dencker, Carol | | X | 16-1428 Pohaku Circle, Pahoa, HI 96749 | 7/18/2016 9:21 PM |
| 146 | Dennis, Mike | | X | 4486 haena place, hanalei, HI 96714 | 7/20/2016 6:53 AM |
| 147 | Derego, Laurie | | X | 94-1110 Noheaki Street, Waipahu, HI 96797 | 7/18/2016 6:44 AM |
| 148 | DeVries, Cliff | | X | 2543 Makauli Pl, Honolulu, HI 96816 | 7/18/2016 2:40 PM |
| 149 | Deycaza, Mike | | X | Pob 75671, Honolulu, HI 96836 | 7/18/2016 3:35 PM |
| 150 | DiCarlo, Bev | | X | 4201 Topanga Cyn Bl,Woodland Hills, CA 91364 | 7/20/2016 4:15 AM |
| 151 | Dieguez, Mikhail | | X | 915 e. Kuiaha rd., Haiku, HI 96708 | 7/19/2016 11:18 AM |
| 152 | Diessner, Melody | | X | 75-229 Aloha Kona Drive, Kailua Kona, HI 96740 | 7/18/2016 6:50 PM |
| 153 | Dillberg, Michele | | X | 2711 Ala Kinoiki, Koloa, HI 96756 | 7/19/2016 6:30 AM |
| 154 | Dillberg, Summer | | X | 2711 alakinoike, Koloa, HI 96756 | 7/18/2016 10:54 PM |
| 155 | Dinner, David | | X | 3007 Kaohe Rd, Kilauea, HI 96754 | 7/18/2016 4:41 PM |
| 156 | Dion, Eve | | X | PO Box 692, Anahola, HI 96703 | 7/20/2016 6:36 AM |
| 157 | Do, Olivia | | X | 9 Hookui Rd, Kilauea, HI 96754 | 7/20/2016 8:36 AM |
| 158 | Dominique, JaNee | | X | 5 Kilauea, HI 96754 | 7/18/2016 7:51 PM |
| 159 | Donohoo, Tanya | | X | 16566 Keaau Pahoa rd, 16-540 Keaau-Pahoa rd, Keaau, HI 96749 | 7/18/2016 11:00 PM |
| 160 | Doyas, Richard | | X | 15-2815 Kaku, Pahoa, HI 96778 | 7/18/2016 3:01 PM |
| 161 | Drent, Michelle | | X | 333 N Vineyard Blvd #208, Honolulu, HI 96817 | 7/18/2016 2:50 PM |
| 162 | Dunne, Andrew | | X | 809 Lower Kimo Dr., Kula, HI 96790 | 7/19/2016 9:41 AM |
| 163 | Dybul, Lynn | | X | 401 Papaloo Rd, Kapaa, HI 96746 | 7/18/2016 6:11 PM |
| 164 | Eberle, John | | X | 1637 Malakia Street, Kapaa, HI 96746 | 7/19/2016 9:33 AM |
| 165 | Economy, Louise | | X | 1055 Ahuna Rd., Hilo, HI 96720 | 7/19/2016 10:13 AM |
| 166 | Eddy, Tim | | X | 255 Kamokila, Kapaa, HI 96746 | 7/18/2016 7:49 PM |
| 167 | Edmonds, Harvest | | X | PO Box 679, Kilauea, HI 96754 | 7/19/2016 6:26 AM |
| 168 | Eggo, Teddi | | X | 2733 Ala Kinoiki Road, Koloa, HI 96756 | 7/19/2016 7:41 AM |
| 169 | Elias, Katherine | | X | Po box 1110, Hanalei, HI 96714 | 7/19/2016 8:05 AM |
| 170 | Emmett, Judy | | X | 4901 Kikala Rd., Unit B, Kalaeo, HI 96741 | 7/18/2016 5:51 PM |
| 171 | Erway, Don | | X | 77-6455 Princess Keelikolani Dr., Kailua Kona, HI 96740 | 7/18/2016 5:09 PM |
| 172 | Estep, Stasia | | X | 3833 Omao Rd, Koloa, HI 96756 | 7/19/2016 11:06 AM |
| 173 | Etemad, Marguerite | | X | 929 Broderick, San Francisco, CA 94115 | 7/19/2016 10:06 AM |
| 174 | Evans, Ann | | X | Makani, Makawao, HI 96768 | 7/18/2016 8:41 PM |
| 175 | Fagan, Maureen | | X | PO Box 12, Kailua-Kona, HI 96745 | 7/19/2016 12:25 PM |
| 176 | Faletoese, Vini | | X | 1362 Akalani place, Kailua, HI 96734 | 7/18/2016 11:50 PM |

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|-----|--------------------|--|---|---|--------------------|
| 222 | Hagan, Emma | | X | 5359 Honoiki Rd, Princeville, HI 96722 | 7/18/2016 5:32 PM |
| 223 | Hagan, Laura | | X | 34 Kareia Place, Paia, HI 96779 | 7/18/2016 4:20 PM |
| 224 | Hamilton, Samantha | | X | 5545P Kahilihoho Rd, Kilauea, HI 96754 | 7/19/2016 4:16 PM |
| 225 | Hankinson, Ipo | | X | 4821 nonou rd, Kapaa, HI 96746 | 7/19/2016 7:15 AM |
| 226 | Hannigan, Jeanne | | X | Kuulei St., Hilo, HI 96720 | 7/19/2016 5:46 AM |
| 227 | Hans, Terry | | X | 2866 Ohina St, Kihei, HI 96753 | 7/19/2016 10:44 AM |
| 228 | Harada, Kim | | X | 2921 Varsity Circle, Honolulu, HI 96826 | 7/18/2016 2:51 PM |
| 229 | Harden, Cory | | X | Kulaloa Rd., Hilo, HI 96720 | 7/18/2016 4:12 PM |
| 230 | Harris, Tracy | | X | 58-158 Wehiwa Place, Haleiwa, HI 96712 | 7/18/2016 2:44 PM |
| 231 | Hart, Carol | | X | PO Box 1200, Kekaha, HI 96752 | 7/18/2016 4:46 PM |
| 232 | Haskins, Eric | | X | PO Box 5073, Hilo, HI 96720 | 7/18/2016 5:17 PM |
| 233 | Hatch, Robert | | X | 99 Rowell Road, West Danville, VT 05873 | 7/20/2016 12:24 AM |
| 234 | Hawk, Alex 'Kimo' | | X | Momi, Kilauea, HI 96754 | 7/18/2016 3:58 PM |
| 235 | Haynes, Bret | | X | 6635E Waipouli Rd, Kapaa, HI 96746 | 7/19/2016 7:19 AM |
| 236 | Hellwig, Phillip | | X | 6695B Olohena Road, Kapaa, HI 96746 | 7/18/2016 10:19 PM |
| 237 | Henderson, Jen | | X | 1500 calming water dr, unit 102, Orange park, FL 32003 | 7/19/2016 8:47 AM |
| 238 | Henderson, Suzy | | X | 1500 calming water dr, Naalehu, HI 32003 | 7/19/2016 8:45 AM |
| 239 | Hendrix, Kathleen | | X | Ala Moana, Honolulu, HI 96830 | 7/18/2016 8:42 PM |
| 240 | Herbert, Charles | | X | 6213 KAHILIHOLE RD UNIT A, KILAUEA, HI 96754 | 7/18/2016 3:01 PM |
| 241 | Hertfurt, Claudia | | X | PO Box 1261, Hanalei, HI 96714 | 7/20/2016 7:18 AM |
| 242 | Herndon, Sandra | | X | 4853 Nonou Rd, Kapaa, HI 96746 | 7/19/2016 9:13 PM |
| 243 | Herrick, Janice | | X | 633 Waitehu Beach Rd, Wailuku, HI 96793 | 7/19/2016 7:46 AM |
| 244 | Herrick, Michael | | X | 6605 Alahahele st, Kapaa, HI 96746 | 7/18/2016 6:30 PM |
| 245 | Hill, Nastassia | | X | P. O. Box 383572, Waikoloa, HI 96738 | 7/18/2016 3:37 PM |
| 246 | Hirsch, Diana | | X | 22 Palione Place, Kailua, HI 96734 | 7/18/2016 3:20 PM |
| 247 | Holt, Casey | | X | 4810 Wailapa rd, Kilauea, HI 96754 | 7/18/2016 10:01 PM |
| 248 | Holt, Howard | | X | 3051 Pua Akala Pl, Koloa, HI 96756 | 7/20/2016 8:07 AM |
| 249 | Hooper, Paul | | X | 574 Pahi Ka St., paia, HI 96779 | 7/19/2016 1:39 AM |
| 250 | Horan, Gerald | | X | Mikohu pl., Waikoloa, HI 96738 | 7/18/2016 3:39 PM |
| 251 | Hove, D.C. | | X | 91-1014 mikohu st., po box 63072, ewa beach, hi 96706, HI 96706 | 7/19/2016 11:43 AM |
| 252 | Huntley, Haydn | | X | 582 Hoene St, Makawao, HI 96768 | 7/18/2016 3:25 PM |
| 253 | Hurley, Briana | | X | 43 Kauaule Rd, Lahaina, HI 96761 | 7/19/2016 10:03 AM |
| 254 | Huth, Terry | | X | 2104 Bristol Dr, Austin, HI 96753 | 7/18/2016 3:08 PM |
| 255 | Hyytia, Natalie | | X | 86 Ikaika Place, Lahaina, HI 96761 | 7/19/2016 2:17 PM |
| 256 | Iwata, Elisabeth | | X | 3138 Waialae Ave #525, Honolulu, HI 96816 | 7/18/2016 10:15 PM |
| 257 | Jackson, Gail | | X | 68-1907 Lina Poepoe St, Waikoloa, HI 96738 | 7/18/2016 9:51 PM |
| 258 | Jaime, Rosa | | X | 98-295 Ualo St. apt. X4, Aiea, HI 96701 | 7/18/2016 2:38 PM |
| 259 | James, Joshua | | X | 20 Brooks ave, 201, Venice, CA 90291 | 7/20/2016 8:58 AM |
| 260 | Jamgaard, Peter | | X | PO Box 11527, Honolulu, HI 96828 | 7/18/2016 3:13 PM |
| 261 | Janton, Renee | | X | P.O.Box 912, Hanalei, Hi, Hanalei, HI 96714 | 7/18/2016 8:05 PM |
| 262 | Jarvis, Scott | | X | PO Box 1664, 4427 One'One Rd., Hanalei, HI 96714 | 7/18/2016 8:26 PM |
| 263 | Jarvis, Scott | | X | PO Box 1664, 4427 One'One Rd., Hanalei, HI 96714 | 7/20/2016 3:56 PM |
| 264 | Jason, Molly | | X | Po box 1563, Hanalei, HI 96714 | 7/19/2016 10:21 PM |
| 265 | Jay, Stephen | | X | 4421 Opana Place, Haiku, HI 96708 | 7/19/2016 7:30 AM |
| 266 | Jensen, Jennifer | | X | 800 tyler creek rd, Ashland, OR 97520 | 7/20/2016 8:48 AM |

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|-----|---------------------|--|---|---|--------------------|
| 267 | Johnshoy, Lisa | | X | po 1043, waimea, HI 96796 | 7/19/2016 7:27 AM |
| 268 | Johnson, Bryce | | X | 2131 puu rd,kalaheo, HI 96741 | 7/19/2016 11:21 AM |
| 269 | Johnson, Gary | | X | 355 Aoloa St., Kailua, HI 96734 | 7/18/2016 8:40 PM |
| 270 | Johnson, Kathryn | | X | PO Box 1782, Lihue, HI 96766 | 7/18/2016 5:38 PM |
| 271 | Johnson, Marge | | X | 8737 Bluff Lane, Fair Oaks, HI 96722 | 7/19/2016 1:25 PM |
| 272 | Johnston, Joli | | X | 59-001 Holawas St, Haleiwa, HI 96712 | 7/19/2016 12:42 PM |
| 273 | Jones, Roberta | | X | PO Box 414, Kilauea, HI 96754 | 7/20/2016 7:55 AM |
| 274 | Jopling, Ken | | X | 6538 Kahuna Road, Kapaa, HI 96746 | 7/19/2016 12:56 PM |
| 275 | Kahakalau, Nalei | | X | POBox 1764, Honoka`a, HI 96727 | 7/18/2016 2:56 PM |
| 276 | Kahanamoku, Marena | | X | 64-761 Anahuualanui street, Po box 2158, Kamuela Hi 96743 | 7/18/2016 8:31 PM |
| 277 | Kaneko, Sarah | | X | 4081 Waha Rd., Kalaheo, HI 96741 | 7/20/2016 10:10 AM |
| 278 | Karlson, Fred | | X | 5779 vista dr, ferndale, WA 98248 | 7/19/2016 4:01 AM |
| 279 | Kase, Ruth | | X | 1518 Bernice St, Honolulu, HI 96817 | 7/18/2016 2:54 PM |
| 280 | Kass, Andy | | X | 302 Makani Rd, Kapaa, HI 96746 | 7/18/2016 9:00 PM |
| 281 | Kass, Sonja | | X | 302 Makani Rd, Kapaa, HI 96746 | 7/18/2016 8:57 PM |
| 282 | Kassel, Misha | | X | 2428 Sonoma st, Honolulu, HI 96822 | 7/18/2016 2:38 PM |
| 283 | Kauhaaha, Mahina | | X | Po Box 880929, Pukalani, HI 96788 | 7/18/2016 8:54 PM |
| 284 | Kaye, Kanani | | X | 4797 B Iwi Rd, Kapa`a, hi 96746 | 7/18/2016 2:49 PM |
| 285 | Kennedy, Suzanna | | X | 4810 Wailapa Road, Kilauea, HI 96754 | 7/18/2016 5:03 PM |
| 286 | Kiesel, Jenny | | X | 18600 Vixen Drive, Pacific, MO 63069 | 7/19/2016 3:24 PM |
| 287 | Kina, Nathan | | X | 1922-A Alewa Dr, HONOLULU, HI 96817 | 7/18/2016 11:17 PM |
| 288 | King, G | | X | box 1110, lihue, HI 96766 | 7/19/2016 9:39 AM |
| 289 | Kirk, Kristin | | X | Waialealua, Kilauea, HI 96754 | 7/18/2016 4:12 PM |
| 290 | Klauer, Helmut | | X | 12-4341 Lanai Street, PO Box 2208, Pahoa, HI 96778 | 7/18/2016 5:16 PM |
| 291 | Klein, Kirsi | | X | Box 871, Naalehu, HI 96772 | 7/19/2016 10:15 AM |
| 292 | Kocak, Lucia Lazar | | X | 6310 Helena Lane, Kapaa, HI 96746 | 7/19/2016 1:55 AM |
| 293 | Kohn MD, Joseph | | X | 1268 W Hiahia Place, Wailuku, HI 96793 | 7/18/2016 9:48 PM |
| 294 | Korte, Penny | | X | PO Box 1645, Kapaa, HI 96746 | 7/18/2016 3:41 PM |
| 295 | Korwin, A. | | X | Mānoa, Honolulu, HI 96822 | 7/19/2016 12:29 PM |
| 296 | Kreisler, Scott | | X | Ho`ohu Rd, Koloa, HI 96756 | 7/18/2016 7:59 PM |
| 297 | Kriegermeier, Karen | | X | 230 Mehani Circle, Kihei, HI 96753 | 7/19/2016 7:25 AM |
| 298 | Kumimura, Karene | | X | 3920 Ulu Ali St., Kalaheo, HI 96741 | 7/19/2016 11:22 AM |
| 299 | Kurata, Colin | | X | 1 keahole place #3310, honolulu, hawaii 96825 | 7/18/2016 2:39 PM |
| 300 | Kuroiwa, Keith | | X | 47-648 Alawiki Street, Kaneohe, HI 96744 | 7/18/2016 7:02 PM |
| 301 | Kuto, Cat | | X | PO Box 1502, Pahoa, HI 96778 | 7/18/2016 9:40 AM |
| 302 | Kutzer, Joan | | X | PO Box 945, Kilauea, HI 96754 | 7/19/2016 11:42 AM |
| 303 | LaBedz, Gordon | | X | 4485 Kikiaola Place, Kekaha, HI 96752 | 7/19/2016 11:28 AM |
| 304 | Lacques, Mary | | X | PO Box 14, Haleiwa, HI 96712 | 7/18/2016 3:16 PM |
| 305 | Lahey, Kati | | X | 54-5576 Pawai Place #354, Kapaa, HI 96755 | 7/18/2016 8:30 PM |
| 306 | LaMore, Karen | | X | 4627 Ala Eke St., Hanalei, HI 96714 | 7/19/2016 7:24 AM |
| 307 | Lance, Cindy | | X | 2711 Anuenue St., Honolulu, HI 96822 | 7/18/2016 5:18 PM |
| 308 | Landey, Nina | | X | 120 SE 53rd Ave, Portland, OR 97215 | 7/19/2016 9:33 PM |
| 309 | Lane, Makoto | | X | 2650 Hoonani Rd., Koloa, HI 96756 | 7/19/2016 1:00 AM |
| 310 | Lane, Makoto | | X | 2650 Hoonani Rd., Koloa, HI 96756 | 7/22/2016 6:13 PM |
| 311 | Laroque, Laurie | | X | 5347 Malino Road, Koloa, HI 96756 | 7/19/2016 10:52 PM |

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|-----|--------------------------|--|--|---|---|--------------------|
| 312 | Lawrence, Patricia | | | | 6770 Koolau Rd, Anahola, HI 96703 | 7/18/2016 9:43 PM |
| 313 | Lazo, Hollis | | | X | 4677 Kahiholo Rd, Kilauea, HI 96754 | 7/18/2016 5:48 PM |
| 314 | Learned, Chas | | | X | 4561 Alinoka St, Honolulu, HI 96821 | 7/18/2016 3:01 PM |
| 315 | LeBrun, Roanne | | | X | 15-405 Puni Makai Loop S., Pahoa, HI 96778 | 7/19/2016 10:13 AM |
| 316 | Lee, Kathi | | | X | 1655 C Puu Road, Kalaheo, HI 96741 | 7/18/2016 3:51 PM |
| 317 | Lee, Paula | | | X | PO Box 61685, Honolulu, HI 96839 | 7/18/2016 6:03 PM |
| 318 | Legacy, Carmen | | | X | 4321A Palama Street, Kalaheo, HI 96741 | 7/19/2016 1:14 PM |
| 319 | Lemes, Mary Jonna | | | X | Box 815, 4997 G Weke Rd, Kilauea, HI 99754 | 7/19/2016 4:49 PM |
| 320 | Leopold, David | | | X | PO Box 790, Waimea, HI 96796 | 7/19/2016 7:27 AM |
| 321 | Lerner, Viviane | | | X | PO Box 11187, Hilo, HI 96721 | 7/18/2016 8:09 PM |
| 322 | Lesser-Benton, Joni | | | X | 372 Likeke Place, Kapaa, HI 96746 | 7/18/2016 8:12 PM |
| 323 | Leton, Sharon | | | X | P.O.Box 1604, Hanalei, HI 96714 | 7/18/2016 5:43 PM |
| 324 | Lewin, Myra | | | X | PO Box 392, Anahola, HI 96703 | 7/18/2016 6:03 PM |
| 325 | Lewis, Holly | | | X | 6519 Ananalu, Hanalei, HI 96714 | 7/19/2016 8:17 AM |
| 326 | Lilledahl, Katherine | | | X | PO Box 581, Puunene, HI 96784 | 7/18/2016 3:00 PM |
| 327 | Lindsey-Kaapuni, Leilani | | | X | Hil, Hilo, HI 96720 | 7/18/2016 3:16 PM |
| 328 | Liu, Liz | | | X | 1330 Wilder Ave, Honolulu, HI 96822 | 7/20/2016 1:30 PM |
| 329 | Lloyd, Carol | | | X | 3277 Laoho Rd., Kalaheo, HI 96741 | 7/18/2016 8:38 PM |
| 330 | Logan, Elaine | | | X | po box 898, kilauea, HI 96754 | 7/18/2016 4:09 PM |
| 331 | Long, James | | | X | PO Box 290, Naahehu, HI 96772 | 7/21/2016 11:48 AM |
| 332 | Lorenz, Ariya | | | X | RR 2 Box 3926, Pahoa, HI 96778 | 7/18/2016 6:04 PM |
| 333 | Louis, Jamie | | | X | PO Box 269, Pearl City, HI 96782 | 7/18/2016 5:53 PM |
| 334 | Love, Allegra | | | X | Keonekai, Kihei, HI 96753 | 7/18/2016 4:21 PM |
| 335 | Lovejoy, Jennifer | | | X | 6155 Kala Kea Pl., Kapaa, HI 96746 | 7/19/2016 9:27 AM |
| 336 | Lu Kelley, Mary | | | X | POB 289, Lawai, HI 96765 | 7/18/2016 4:56 PM |
| 337 | Luckett, Emma | | | X | 4390 Anahola rd., Anahola, HI 96703 | 7/20/2016 2:31 PM |
| 338 | Luzon, Wayne | | | X | PO Box 2932, Kamuela, HI 96743 | 7/18/2016 8:52 PM |
| 339 | Lynch, Wendi | | | X | 1781 awaa pl, Kapaa, HI 96746 | 7/19/2016 4:37 PM |
| 340 | Lynne, Lora | | | X | 5451 Ka Haku Rd., Princeville, HI 96722 | 7/19/2016 6:59 AM |
| 341 | Maas, Joan | | | X | 5201 Papaa road, Anahola, HI 96703 | 7/18/2016 5:44 PM |
| 342 | Mack, Shelley | | | X | 379 Maka Hou Lp., Wailuku, HI 96793 | 7/18/2016 7:38 PM |
| 343 | Maitino, Maria | | | X | 7561 Ko'olau Rd, Kilauea, HI 96754 | 7/18/2016 9:54 PM |
| 344 | Malina, Craig | | | X | 4781 Waimiha Powerhouse Road, Hanalei, HI 96714 | 7/18/2016 3:28 PM |
| 345 | Mallini, Lori | | | X | 348H Kaelepu Dr., Kailua, HI 96734 | 7/19/2016 8:32 AM |
| 346 | Mancilla, Margaret | | | X | PO Box 147, Hanalei, HI 96714 | 7/19/2016 8:42 AM |
| 347 | Maria, Isa | | | X | PO Box 1218, Kilauea, HI 96754 | 7/20/2016 3:24 PM |
| 348 | Marie, Bertrand | | | X | coulets de naves, les vans, ot 07140 | 7/19/2016 6:58 AM |
| 349 | Marshall, Paul | | | X | 5-4344 Kuhio Highway #1012, Princeville, HI 96722 | 7/18/2016 10:22 PM |
| 350 | Martin, Lisa | | | X | 7288 Nimini Place, Honolulu, HI 96825 | 7/18/2016 3:09 PM |
| 351 | Martinez, Katrina | | | X | Po box 201, Lihue, HI 96766 | 7/18/2016 7:28 PM |
| 352 | Mary | | | X | PO BOX 1020, 28-1141 Mamalohoa HWY, Pepekeo, HI 96783 | 7/18/2016 9:40 PM |
| 353 | Massey, Rita | | | X | 613 Luana Pl, Kihei, HI 96753 | 7/20/2016 6:24 PM |
| 354 | Matlock, Rosana | | | X | 4271 Mano Street, Lihue, HI 96766 | 7/18/2016 5:58 PM |
| 355 | Matson, Michelle | | | X | 3931 Gail St., Honolulu, HI 96815 | 7/18/2016 4:00 PM |
| 356 | Matsuda, Kay | | | X | 2020 Main St, #910, Kahului, HI 96732 | 7/19/2016 11:51 AM |

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|-----|---------------------|--|--|---|--|--------------------|
| 357 | Matsunaga, Erika | | | X | Kam Hwy, Kaneohe, HI 96744 | 7/18/2016 2:40 PM |
| 358 | Matsuo, Michele | | | X | 700 Richards St. Suite 709, Honolulu, HI 96822 | 7/18/2016 3:25 PM |
| 359 | Mazzoncini, Jill | | | X | 2158 wai maka pl, kihei, HI 96753 | 7/18/2016 6:14 PM |
| 360 | McArdle, Peg | | | X | Alii, Kailua Kona, HI 96740 | 7/19/2016 9:59 AM |
| 361 | McCagh, Michael | | | X | 81-1250 Konawaena School Road, Kealahou, HI 96750 | 7/18/2016 2:44 PM |
| 362 | McCauley, Joan | | | X | 2221 Kapili Road, #45, Koloa, HI 96756 | 7/19/2016 2:04 AM |
| 363 | McDaniel, Lisa | | | X | 68-315 Mahinaa Street, Mokuleia, HI 96791 | 7/18/2016 3:03 PM |
| 364 | McGovern, Julia | | | X | 4631 Maile Road, P.O. Box 131, Waimea, HI 96796 | 7/18/2016 3:09 PM |
| 365 | McGowan, Doris | | | X | Po box 6 3865 Hanapepe Rd #C, Hanapepe, CA 96716 | 7/19/2016 8:36 AM |
| 366 | McHenry, Marion | | | X | 3609 Kaweonui Rd, Princeville, HI 96722 | 7/19/2016 7:41 AM |
| 367 | McIntyre, Richard | | | X | PO Box 585, Kilauea, HI 96754 | 7/19/2016 6:06 PM |
| 368 | McKearnan, Heather | | | X | 1520 Hickox St, Santa Fe, NM 87505 | 7/19/2016 7:55 AM |
| 369 | McOuat, Brian | | | X | Koloa Maoli Road, Kurtistown, HI 96760 | 7/20/2016 10:05 AM |
| 370 | Mei, Alain | | | X | 2904 Kaubate St, kihei, HI 96753 | 7/18/2016 2:38 PM |
| 371 | Melamed, Christine | | | X | 5728 Noni St, Kapaa, HI 96746 | 7/19/2016 7:31 AM |
| 372 | MENA, PAULINE | | | X | 896 Pamolo Place, Makawao, HI 96768 | 7/19/2016 3:37 AM |
| 373 | Mendez, Javier | | | X | 1326B Alewa Dr., Honolulu, HI 96817 | 7/18/2016 7:09 PM |
| 374 | Menoret, Marie | | | X | 3819 Monterey Drive, Honolulu, HI 96816 | 7/18/2016 4:02 PM |
| 375 | Mick, Marilyn | | | X | PO Box 15158, Honolulu, HI 96830 | 7/18/2016 3:11 PM |
| 376 | Millard, Vanessa | | | X | 310 A Front St, # A, Lahaina, HI 96761 | 7/18/2016 3:55 PM |
| 377 | Miller, Autumn | | | X | 4532 lehua st, Kapaa, HI 96746 | 7/18/2016 8:00 PM |
| 378 | Miller, Diana | | | X | 16-1583 Koloa Maoli, Keaau, HI 96749 | 7/18/2016 8:20 PM |
| 379 | Miller, Julian | | | X | 3780 Edward Rd. Alii Kai 3101, PO Box 223781 Princeville, HI 96722 | 7/19/2016 3:11 PM |
| 380 | Miller, Rebecca | | | X | Koolau Rd., Anahola, HI 96703 | 7/18/2016 3:12 PM |
| 381 | Mills, Tracy | | | X | 1209 W Kuiaha Rd, Haiku, HI 96708 | 7/21/2016 10:46 AM |
| 382 | Minn, Mikala | | | X | 490 Kaupakalua rd, Haiku, HI 96708 | 7/20/2016 5:48 PM |
| 383 | Mojo, Melissa | | | X | 5624 HOKU RD, KAPAA, HI 96746 | 7/18/2016 10:43 PM |
| 384 | Montel, Beverly | | | X | 6455 Makana Rd, Kapaa, HI 96746 | 7/19/2016 6:13 AM |
| 385 | Montgomery, Patti | | | X | 772 Kekaulike Avenue, Kula, HI 96790 | 7/18/2016 2:40 PM |
| 386 | Montgomery, Patti | | | X | 772 Kekaulike Avenue, Kula, HI 96790 | 7/21/2016 4:55 PM |
| 387 | Moore, Jeannine | | | X | 88-508 Papa Bay Dr., Captain Cook, HI 96704 | 7/18/2016 3:58 PM |
| 388 | Moore, John | | | X | 4517 Hauaala Road, Kapaa, HI 96746 | 7/19/2016 10:46 AM |
| 389 | Moore, June | | | X | 5298 Makaloo Street, Kapaa, HI 96746 | 7/19/2016 10:22 PM |
| 390 | Moore, Sherrie | | | X | RR 3 Box 1302, Pahoa, HI 96778 | 7/18/2016 3:27 PM |
| 391 | Moreno, Mario | | | X | PO Box 436, Koloa, HI 96756 | 7/18/2016 5:25 PM |
| 392 | Morgan, Michael | | | X | 3-3400 Kuhio Hwy Apt C211, Lihue, HI 96766 | 7/18/2016 4:23 PM |
| 393 | Mori, Jodie | | | X | 758 Sunset Avenue, Honolulu, HI 96816 | 7/18/2016 8:16 PM |
| 394 | Morizumi, Mindy | | | X | 1625 Aa Street, Lahaina, HI 96761 | 7/18/2016 5:17 PM |
| 395 | Morningstar, Myrica | | | X | PO Box 1019, Kilauea, HI 96754 | 7/18/2016 4:56 PM |
| 396 | Morris, Bonnie | | | X | Aiomanu Road, Anahola, HI 96703 | 7/19/2016 2:19 PM |
| 397 | Morris, Kirstin | | | X | 6335 Waipouli RD. unit B, Kapaa, HI 96746 | 7/19/2016 11:47 AM |
| 398 | Moya, Ed | | | X | 91-1071 Kanela st., Ewa Beach, HI 96706 | 7/18/2016 11:26 PM |
| 399 | Mrs. Shepard | | | X | 5210 Likini Street, Honolulu, HI 96818 | 7/18/2016 2:50 PM |
| 400 | Mudlin, Ginger | | | X | Huli Road, PO Box 636, Kilauea, HI 96754 | 7/18/2016 3:55 PM |
| 401 | Mulhall, Mary | | | X | mmulhall@hawaii.rr.com | 7/20/2016 5:10 PM |

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|-----|------------------------|--|---|--|--------------------|
| 402 | Munar, Dwayne | | X | 84-270 Jade Street, Waianae, HI 96792 | 7/18/2016 2:38 PM |
| 403 | Munoz, Jeff | | X | PO Box 477, kula, HI 96790 | 7/18/2016 5:35 PM |
| 404 | Murphy, Jessica | | X | 1520 Salomon Lane, Kailua, HI 96734 | 7/18/2016 3:21 PM |
| 405 | Nakamura-Higa, Lori | | X | 47-429 Waihee Rd., Kaneohe, HI 96744 | 7/18/2016 6:07 PM |
| 406 | Nakasone, Brian | | X | 683558 A'aka pl, Waikoloa, HI 96738 | 7/18/2016 2:46 PM |
| 407 | Nance, Jeff | | X | 44-157 nanamoana, Kaneohe, HI 96744 | 7/19/2016 4:59 AM |
| 408 | Nash, Tonya | | X | 357 Likeke Pl, Kapaa, HI 96746 | 7/19/2016 7:25 AM |
| 409 | Navran, William | | X | 1135 Makawao Ave., Makawao, HI 96768 | 7/18/2016 6:09 PM |
| 410 | Naylor, John | | X | P.O. Box 1749, Makawao, HI 96768 | 7/18/2016 3:57 PM |
| 411 | Nelson, Daniel | | X | p.o. box 1859, Kapaa, HI 96746 | 7/19/2016 5:43 PM |
| 412 | NERGER, ROBERT | | X | P.O. BOX 17, NA'ALEHU, HI 96772 | 7/18/2016 3:28 PM |
| 413 | Newman, Lorraine | | X | 2204 Io'ela st, Kilauea, HI 96754 | 7/19/2016 3:05 AM |
| 414 | Niblick, Tom | | X | 4565A Puuwai Road, Kalaheo, HI 96741 | 7/19/2016 7:35 AM |
| 415 | Nihipali, Michele | | X | 54-074 Kamehameha Hwy. # A, Hauula, HI 96717 | 7/19/2016 3:15 PM |
| 416 | Nix, Debra | | X | PO Box 808, Kihei, HI 96753 | 7/18/2016 3:40 PM |
| 417 | Nix, John | | X | PO Box 808, Kihei, HI 96753 | 7/18/2016 3:41 PM |
| 418 | North, Barbara | | X | 1990 whiten st., Las vegas, NV 89156 | 7/19/2016 5:21 AM |
| 419 | Nosaka, Barbara | | X | 2216 Hoonanea Street, Honolulu, HI 96822 | 7/18/2016 3:01 PM |
| 420 | Nushida-Tokuno, Diane | | X | 45-667 Luluku Rd., Kaneohe, HI 96744 | 7/18/2016 3:30 PM |
| 421 | O'Brien, Charlotte | | X | PO Box 886, Haiku, HI 96708 | 7/18/2016 2:55 PM |
| 422 | Odom, Caitlin | | X | Po box 569, Kilauea, HI 96754 | 7/20/2016 8:21 PM |
| 423 | Okiersey, Patrick | | X | 46-3775 Old Mamalahoa Hwy, Honokaa, HI 96727 | 7/19/2016 2:51 AM |
| 424 | Ono, Mari | | X | 2430 Campus Road, Honolulu, HI 96822 | 7/18/2016 2:54 PM |
| 425 | O'Quinn, David | | X | 6437 Kahuna Rd. Unit B, Kapaa, HI 96746 | 7/18/2016 4:40 PM |
| 426 | Osborn, Charlie | | X | 120 Hui Rd F, Lahaina, HI 96761 | 7/18/2016 10:01 PM |
| 427 | Osborne, Stacey | | X | po box 429, Honokaa, HI 96727 | 7/19/2016 3:00 PM |
| 428 | Oshiro, Alex | | X | 1920 Kahakai Dr., 1508 Pensacola St. Apt. #309, Honolulu, HI 96822 | 7/18/2016 4:40 PM |
| 429 | Oshiro, Norman | | X | 2648 Kuilei St., apt. c-96, Honolulu, HI 96826 | 7/19/2016 8:43 PM |
| 430 | Osterer, Lorraine | | X | 1661 Pee Road, Koloa, HI 96756 | 7/19/2016 9:23 AM |
| 431 | Otto, Brigitte | | X | 303 Liliuokalani Avenue, #901, Honolulu, HI 96815 | 7/18/2016 4:59 PM |
| 432 | Owen, Katharine | | X | 1165 Kukila Street, Honolulu, HI 96818 | 7/18/2016 2:55 PM |
| 433 | Paikuli-Stride, Lori | | X | 45-559 Luluku Rd., Kaneohe, HI 96744 | 7/20/2016 4:22 PM |
| 434 | Palencia, Kachina | | X | 3318A Keha Dr., Kihei, HI 96753 | 7/19/2016 11:45 AM |
| 435 | Palmer, Pohakamalalama | | X | PO Box 881, Kaunakakai, HI 96748 | 7/19/2016 7:12 AM |
| 436 | Pappas, Janet | | X | 98-1287 Akaaka St, Aiea, HI 96701 | 7/18/2016 5:45 PM |
| 437 | Parducci, Conrad | | X | 6420 Puupilo Road, Kapaa, HI 96746 | 7/19/2016 10:13 AM |
| 438 | Parker, Lisa | | X | 5956 Lokelani Rd., Kapaa, HI 96746 | 7/18/2016 5:03 PM |
| 439 | Parker, William | | X | 296 A Makani Rd, kapaa, HI 96746 | 7/19/2016 5:12 PM |
| 440 | Parsons, Brad | | X | P.O. Box 223374, Princeville, HI 96722 | 7/18/2016 5:28 PM |
| 441 | Paselk, Steve | | X | 19 Luna Pl, Paia, HI 96779 | 7/19/2016 8:14 PM |
| 442 | Patton, Sara | | X | 160 River Road, Wailuku, HI 96793 | 7/19/2016 5:24 AM |
| 443 | Pauls, Anselm | | X | 2679 Kahealani Cir, Pukalani, HI 96768 | 7/19/2016 12:20 AM |
| 444 | Pearson, Tia | | X | po box 861697, wahiaua, HI 96786 | 7/18/2016 8:52 PM |
| 445 | Pecoff, Anne | | X | 5929 kiimani pl, Kapaa, HI 96746 | 7/19/2016 7:55 PM |
| 446 | Pendarvis, Patrice | | X | po box 704, kilauea, HI 96754 | 7/19/2016 9:04 AM |

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| 447 | Peppel, Scott | | | X | 4212 Liholiho Rd, Princeville, HI 96722 | 7/20/2016 5:46 PM |
| 448 | Perez, Gale | | | X | 55-378 Hoesa rd., Hawi, HI 96719 | 7/18/2016 6:50 PM |
| 449 | PEREZ, IVAN | | | X | Tula 56, Mexico, ot 55210 | 7/19/2016 9:00 AM |
| 450 | Peterhans, Marci | | | X | 82-6169 kololeke pl, Captain cook, HI 96704 | 7/18/2016 3:07 PM |
| 451 | Peters, Suzanne | | | X | 5800 Ahakea St., Kapaa, HI 96746 | 7/19/2016 6:39 AM |
| 452 | Peterson, Debbie | | | X | 214 W. Wood Dr, Phoenix, AZ 85029 | 7/19/2016 8:08 AM |
| 453 | Peterson, Lucia | | | X | 4470#B Ihope pl, Kilauea, HI 96754 | 7/19/2016 8:28 AM |
| 454 | Phelps, Alexander | | | X | PO Box 1367, Kilauea, HI 96754 | 7/20/2016 11:17 AM |
| 455 | Pierce, Briana | | | X | 95-1019 kuauli st., Apt 118, Mililani, HI 96789 | 7/19/2016 11:22 AM |
| 456 | Pignoli, Nicki Lorayn | | | X | PO BOX 1243, Kilauea, HI 96754 | 7/19/2016 1:07 PM |
| 457 | Poe, Lorna | | | X | P.o. Box 8, Hanapepe, HI 96716 | 7/18/2016 6:56 PM |
| 458 | Pokipala, Joanna | | | X | 265 S. Vineyard St. C201, Honolulu, HI 96813 | 7/18/2016 5:13 PM |
| 459 | Pollack, Sherry | | | X | 47 185 Hui Akepa Place, Kaneohe, HI 96744 | 7/18/2016 9:16 PM |
| 460 | Pomeroy, Katherine | | | X | PO Box 1556, Kapaa, HI 96755 | 7/18/2016 5:49 PM |
| 461 | Powers, Janet | | | X | Kuhio hwy, Kapaa, HI 96746 | 7/20/2016 5:08 AM |
| 462 | Powers, Megan | | | X | 2441 Lilikoi rd, Haiku, HI 96708 | 7/20/2016 9:41 PM |
| 463 | Puckett, Nina | | | X | PO Box 6533, Kamuela, HI 96743 | 7/19/2016 8:00 PM |
| 464 | Pulgados, Charmaine | | | X | 75-5660 Kopiko Street, Suite C-7 #152, Kailua-Kona, HI 96740 | 7/18/2016 2:51 PM |
| 465 | Purdy, Susie | | | X | 3738A Omao rd, Koloa, HI 96756 | 7/18/2016 5:49 PM |
| 466 | Radford, Lemoine | | | X | 1821 Halama Street, Kihei, HI 96753 | 7/21/2016 7:09 AM |
| 467 | Ramjet, Ryan | | | X | 35 Walaka St, p302, Kihei, HI v0n1s1 | 7/18/2016 7:48 PM |
| 468 | Rath, Evelyn | | | X | 27 Springside, Cold Spring, KY 41076 | 7/18/2016 4:46 PM |
| 469 | Raymond, Keoki | | | X | box 1434, makawao, HI 96768 | 7/19/2016 9:23 PM |
| 470 | Redding, Tilikum | | | X | PO Box 362, Hanalei, HI 96714 | 7/18/2016 11:04 PM |
| 471 | Reed, R. | | | X | 735 Bishop St., Honolulu, HI 96813 | 7/19/2016 7:51 AM |
| 472 | Rees, David | | | X | PO Box 1705, Wainiha, HI 96714 | 7/18/2016 5:16 PM |
| 473 | Reid, Malia | | | X | 5990 olohena, Kapaa, HI 96746 | 7/18/2016 4:40 PM |
| 474 | Remmers, Delphine | | | X | 182 Lukia Street, Hilo, HI 96720 | 7/18/2016 7:08 PM |
| 475 | Reyes, Paul | | | X | P.O Box 790982, Paia, HI 96779 | 7/18/2016 4:09 PM |
| 476 | Reynolds, Paul | | | X | PO Box 510085, Kealia, HI 96751 | 7/18/2016 5:55 PM |
| 477 | Riccuti, Yvonne | | | X | 2770 Lia Pl, Haiku, HI 96708 | 7/19/2016 8:21 AM |
| 478 | Rice, Aimee | | | X | 1166a 20th Ave, Honolulu, HI 96816 | 7/18/2016 3:08 PM |
| 479 | Richardson, Cayce | | | X | 1210 Malahi Rd, Wailuku, HI 96793 | 7/19/2016 3:56 AM |
| 480 | Riedel, Patricia | | | X | 4344 Hokualele Road, Anahola, HI 96703 | 7/19/2016 11:48 AM |
| 481 | RINDOS, RICHARD | | | X | 6695 B OLOHENA ROAD, KAPAA, HI 96746 | 7/18/2016 7:04 PM |
| 482 | Rivers, Nina | | | X | PO BOX 791885, Paia, HI 96779 | 7/18/2016 3:12 PM |
| 483 | Root, Linda | | | X | 5068 Kawaihau Road, Kapaa, HI 96746 | 7/19/2016 6:31 PM |
| 484 | Rosenstern, Judy | | | X | kumupele rd, Honokaa, HI 96727 | 7/18/2016 7:29 PM |
| 485 | Rosin, Aurora | | | X | 44378 kuhio hway, Anahola, HI 96703 | 7/20/2016 11:01 AM |
| 486 | Rotholz, Abigail | | | X | 2126 Waianuenue Ave., Hilo, HI 96720 | 7/18/2016 2:41 PM |
| 487 | Royka, Dorothy | | | X | PO BOX 167, Hanalei, HI 96714 | 7/19/2016 1:00 PM |
| 488 | Rubin, Susan Faith | | | X | PO Box 420, Kilauea, HI 96754 | 7/20/2016 10:54 AM |
| 489 | Rubio, Patricia | | | X | Loaa, Waipahu, HI 96797 | 7/18/2016 8:13 PM |
| 490 | Ruddell, Steven | | | X | PO Box 1247, Kilauea, HI 96754 | 7/18/2016 5:03 PM |
| 491 | Rueli, Mike | | | X | 637 8th Ave, Honolulu, HI 96816 | 7/19/2016 7:40 AM |

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|-----|---------------------|--|--|---|--|--------------------|
| 492 | Ruis, Faye | | | X | 45-3468 mamane street, pob 389, honokaa, HI 96727 | 7/19/2016 12:26 PM |
| 493 | Russell, William | | | X | 94-309 Puuwepa Place, Mililani, HI 96789 | 7/18/2016 3:15 PM |
| 494 | Russomanno, Jane | | | X | Nahenahe pl, Kihei, HI 96753 | 7/18/2016 4:49 PM |
| 495 | Sabado, Alipio | | | X | 4505 wawa pl., Haiku, HI 96708 | 7/19/2016 9:01 AM |
| 496 | Sager, Mason | | | X | 325 1/4 S Ave 20, Los Angeles, CA 90031 | 7/19/2016 3:12 AM |
| 497 | Saiz, Michael | | | X | 4325 Ulua St, Kilauea, HI 96754 | 7/20/2016 2:21 AM |
| 498 | Sakala, Steve | | | X | PO Box 2054, Kealakukua, HI 96750 | 7/18/2016 3:22 PM |
| 499 | Sanger, Susan | | | X | 226 Kaiolohia Place, Honolulu, HI 96825 | 7/18/2016 2:54 PM |
| 500 | Santoro, Laura | | | X | Laiipo Rd, Kealia, HI 95746 | 7/19/2016 7:57 PM |
| 501 | Sato, Barry | | | X | 2363 amini pl, pearl city, HI 96701 | 7/18/2016 4:03 PM |
| 502 | Schechter, Margaret | | | X | 1154 Pulehu Road, Kula, HI 96790 | 7/18/2016 2:51 PM |
| 503 | Schmidt, Robert | | | X | 4485 Kula Hwy, Kula, HI 96790 | 7/18/2016 6:18 PM |
| 504 | Schofield, Meg | | | X | 5879 Kimi Place, Kapaa, HI 96746 | 7/18/2016 4:54 PM |
| 505 | Sealove, Clover | | | X | Animi Rd., Kilauea, HI 96754 | 7/19/2016 8:52 AM |
| 506 | Seiz, Momika | | | X | 3250 Kalihiwai Rd, Kilauea, HI 96754 | 7/20/2016 12:54 AM |
| 507 | Seneff, Stephame | | | X | 4043 Aloalii Drive, Princeville, HI 96722 | 7/18/2016 6:50 PM |
| 508 | Sevy, Deborah | | | X | 77-6477 Seaview Circle, Kailua-Kona, HI 96740 | 7/18/2016 7:19 PM |
| 509 | Shabert, Judith | | | X | 4341 Kapuna Rd, Kilauea, HI 96754 | 7/18/2016 6:25 PM |
| 510 | Shablow, Janette | | | X | PO Box 2145, Kapaa, HI 96746 | 7/20/2016 1:36 PM |
| 511 | Shake, Star | | | X | 2474 Harris Street, Eugene, OR 97405 | 7/18/2016 5:00 PM |
| 512 | Sharp, Ryan | | | X | 480 Kenolio Rd, #26-201, Kihei, HI 96753 | 7/18/2016 6:19 PM |
| 513 | Sharrer, John | | | X | PO box 1851, Pahoa, HI 96778 | 7/19/2016 6:26 AM |
| 514 | Sharrer, Julie | | | X | Box 1851, Paho, HI 96778 | 7/19/2016 6:24 AM |
| 515 | Sheen, Margaret | | | X | PO Box 510165, Keaha, HI 96751 | 7/24/2016 4:38 PM |
| 516 | Sherwood, Karen | | | X | P.O. Box 1553, 5-7777 Kuhio Hwy, Hanalei, HI 96714 | 7/19/2016 2:57 PM |
| 517 | Shimata, Kathy | | | X | 3453 Pawaina St, Honolulu, HI 96822 | 7/18/2016 7:14 PM |
| 518 | Shimomura, Diane | | | X | 94-951 Kahuumoku Pl, #4, Waipahu, HI 96797 | 7/18/2016 4:12 PM |
| 519 | Silverstein, Cherub | | | X | 1465 Waiuanuenue Ave, Hilo, HI 96720 | 7/18/2016 4:36 PM |
| 520 | Simon, Jill | | | X | 77-112 Nahale Pl, Kailua Kona, HI 96740 | 7/18/2016 6:09 PM |
| 521 | Simone, Andriana | | | X | 3868 Omao Rd., Koloa, HI 96756 | 7/19/2016 4:47 PM |
| 522 | Simpson, Huldah | | | X | 1730 marston place, Haiku, HI 96708 | 7/19/2016 4:02 AM |
| 523 | Siracusa, Rene | | | X | POB1520, Pahoa, HI 96778 | 7/19/2016 9:28 AM |
| 524 | Slater, Steven | | | X | 55 East Waipio, Haiku, HI 96708 | 7/18/2016 9:18 PM |
| 525 | Smith, James | | | X | 68-3575 Awamoa Place, Waikoloa, HI 96738 | 7/18/2016 8:22 PM |
| 526 | Smith, Lilinoo | | | X | PO Box 414, Kalaheo, HI 96741 | 7/18/2016 2:42 PM |
| 527 | Smolenski, Janice | | | X | 4810 Waiakalua st, Kilauea, HI 96754 | 7/18/2016 4:19 PM |
| 528 | Snow, Rachel | | | X | 2830 west kiowa st, colorado springs, CO 80904 | 7/18/2016 5:33 PM |
| 529 | Snyder, Eleanor | | | X | PO BOX 389, 3644A LAWAIUKA ROAD, LAWAI, HI 96765 | 7/19/2016 1:25 PM |
| 530 | Sola, Linda | | | X | Apau Place, Makawao, HI 96768 | 7/19/2016 2:40 AM |
| 531 | Song, Sonia | | | X | 255 Kamokila Road, Kapaa, HI 96746 | 7/18/2016 5:47 PM |
| 532 | Spitz, Danielle | | | X | 75-638 Kula Kai Place, Kailua-Kona, HI 96740 | 7/18/2016 2:58 PM |
| 533 | St. Denis, Gail | | | X | 94-238 Hikiku Place, MILILANI, HI 96789 | 7/18/2016 4:18 PM |
| 534 | St. James, Alda | | | X | 148 Ehilani St., Maui Hawaii, HI 96768 | 7/18/2016 4:01 PM |
| 535 | Starbright, Timothy | | | X | 5306 Kahala St., kapaa, HI 96746 | 7/18/2016 4:12 PM |
| 536 | Stauber, Michael | | | X | PO Box 1656, Koloa, HI 96756 | 7/18/2016 2:49 PM |

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|-----|--------------------|--|---|---|--------------------|
| 537 | Stayton, Susan | | X | PO Box 1113, Lawai, HI 96765 | 7/19/2016 12:44 PM |
| 538 | Stenback, Alia | | X | kahakuloa village, box 2772, Wailuku, HI 96793 | 7/20/2016 9:48 AM |
| 539 | Stensrud, Charles | | X | 760 Haihai St, Hilo, HI 96720 | 7/18/2016 4:29 PM |
| 540 | Stephens, John | | X | 81 Honolulu, HI 96814 | 7/20/2016 1:46 PM |
| 541 | Stephens, Lisa | | X | 47-765 Malumalu, Kaneohe, HI 96744 | 7/18/2016 8:52 PM |
| 542 | Sterling, Cheryl | | X | 2020 Main St., 505, Wailuku, HI 96793 | 7/18/2016 5:17 PM |
| 543 | Stern, Laura | | X | Po box 1825, Koloa, HI 96756 | 7/19/2016 3:46 AM |
| 544 | Sterne, Janis | | X | 1870 Hoone Rd. #810, Koloa, HI 96756 | 7/20/2016 5:34 AM |
| 545 | Sterne, Peter | | X | 1870 Hoone Rd. #810, Koloa, HI 96756 | 7/20/2016 5:49 AM |
| 546 | Stewart, Brady | | X | 6484a kahuna rd., Kapaa, HI 96746 | 7/19/2016 10:16 PM |
| 547 | Sterli, Harry | | X | 2063 Iholena St, Honolulu, HI 96817 | 7/18/2016 6:41 PM |
| 548 | Stone, Mary | | X | 2363 Pu'u Rd., Kalaheo, HI 96741 | 7/18/2016 4:08 PM |
| 549 | Stone, Pomai | | X | 142a Palapu St, Kailua, HI 96734 | 7/19/2016 7:37 PM |
| 550 | Storace, Michelle | | X | 420 Jonathan ridge dr, Danville, CA 94506 | 7/20/2016 8:55 AM |
| 551 | Storch, Bryna | | X | Kaunualii Hwy, Lahue, HI 96766 | 7/18/2016 4:22 PM |
| 552 | Storch, Isobel | | X | 6022G Olohena Rd., Kapaa, HI 96746 | 7/19/2016 6:29 AM |
| 553 | Stride, Mark | | X | 45-559 Luluku Rd., Kaneohe, HI 96744 | 7/20/2016 3:49 PM |
| 554 | Strom, Susan | | X | Kukui St., Kapa'a, HI 96746 | 7/19/2016 10:12 AM |
| 555 | Strong, Ann | | X | 15-1014 Kiawe, Keaau, HI 96749 | 7/19/2016 1:18 PM |
| 556 | Sudbury, Ralph | | X | 75-5783 Kawena st, Kailua Kona, HI 96740 | 7/18/2016 6:19 PM |
| 557 | Sugg, Teresa | | X | Velez Rd, Honokaa, HI 96727 | 7/19/2016 7:44 AM |
| 558 | Sullivan, James | | X | PO Box 798, Koloa, HI 96756 | 7/18/2016 6:28 PM |
| 559 | Sumida, Dianne | | X | 7965 UHii St, Kekaha, HI 96752 | 7/18/2016 5:16 PM |
| 560 | Sumida, Wilfred | | X | 2954 Ala Punene Place, Honolulu, HI 96818 | 7/18/2016 11:29 PM |
| 561 | Sutton, David | | X | PO Box 1159, Kilauea, HI 96754 | 7/18/2016 5:35 PM |
| 562 | Swenson, Mahia | | X | 4342 omao rd, koloa, HI 96756 | 7/19/2016 8:52 AM |
| 563 | Sydney, Rebecca | | X | 980 Olinda Rd., Makawo, HI 96768 | 7/19/2016 11:29 AM |
| 564 | Sylvester, Jarred | | X | 5889 Kiri Pi, Kapaa, HI 96746 | 7/19/2016 6:16 PM |
| 565 | T, Lani | | X | Kailua-Kona, HI 96740 | 7/22/2016 8:05 PM |
| 566 | Takaha, Ane | | X | 511 Kupulau Dr, Kihei, HI 96753 | 7/19/2016 7:56 AM |
| 567 | Takido, Allison | | X | 1124 12th St, Santa Monica, CA 90403 | 7/19/2016 8:17 AM |
| 568 | Talbot, Suzen Lily | | X | PO Box 6062, Ocean View, HI 96737 | 7/19/2016 3:48 AM |
| 569 | Taylor, Gabriela | | X | 5620 Keapana Rd, Kapaa, HI 96746 | 7/19/2016 9:31 AM |
| 570 | Taylor, Mary | | X | Main st, wailuku, HI 96793 | 7/18/2016 3:08 PM |
| 571 | Taylor, Ron | | X | po box 6162, hilo, HI 96720 | 7/18/2016 4:52 PM |
| 572 | Temple, Robin | | X | HC1 Box 5269 Keaau HI, Keaau, HI 96749 | 7/21/2016 3:15 PM |
| 573 | Terrell, Katherine | | X | 29043 GRAYFOX ST, MALIBU, CA 90265 | 7/19/2016 10:49 AM |
| 574 | Thigpen, Alice | | X | 93 Puako Beach Dr, Kamuela, HI 96743 | 7/18/2016 3:52 PM |
| 575 | Thill, Jason | | X | 2394 Lili'uokalani, Kilauea, HI 96754 | 7/20/2016 8:16 AM |
| 576 | Thompson, Jeannie | | X | 4792 Iiwi Rd., Kapa'a, HI 96746 | 7/18/2016 3:50 PM |
| 577 | Thornhill, Miranda | | X | 4141 Queen Emmas Drive Apt 32, Princesville, HI 96722 | 7/18/2016 9:17 PM |
| 578 | Thornhill, Rick | | X | Queen Emmas Drive, Princesville, HI 96722 | 7/19/2016 12:30 PM |
| 579 | Thurston, Anne | | X | 3639 Keomiana Road, Princesville, HI 96722 | 7/18/2016 3:35 PM |
| 580 | Tico, Teresa | | X | 7370 Alealea Rd, Hanalei, HI 96714 | 7/19/2016 7:49 AM |
| 581 | Tinsley, Carey | | X | Po box 510034, Kealia, HI 96751 | 7/19/2016 7:54 AM |

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| 582 | Tokuda, Tlaloc | | | | 73-4599 kukuki St, kailua kona, HI 96740 | 7/19/2016 10:22 AM |
| 583 | Toth, Loretta | | | X | po box 845, kilauea, HI 96754 | 7/19/2016 3:27 PM |
| 584 | Travis, Bruce | | | X | 214 heleuma place, wai'alea, HI 96753 | 7/18/2016 8:35 PM |
| 585 | Troples, Joao | | | X | P O Box 880187, Pukalani, HI 96788 | 7/19/2016 8:34 AM |
| 586 | Tyson, Mary | | | X | 3643 Ilima Pl, Kalaheo, HI 96741 | 7/18/2016 10:54 PM |
| 587 | Underwood, Gary | | | X | P. O. Box 692, WAIMEA, HI 96796 | 7/19/2016 2:39 AM |
| 588 | Valentine, Patti | | | X | 4-6151 Kuhio Hwy, Anahola, HI 96703 | 7/18/2016 8:05 PM |
| 589 | Valois, Ellin | | | X | 5956 kawaihau rd. unit B, kapaa, HI 96746 | 7/19/2016 1:01 PM |
| 590 | Van Horne, Mark | | | X | 1571 Piikoi St Apt 1706, Honolulu, HI 96822 | 7/18/2016 2:43 PM |
| 591 | Van Wagner, Laura | | | X | 2560 Hunakai St, Kihei, HI 96753 | 7/19/2016 7:54 AM |
| 592 | Veloo, Uma | | | X | 350 Ward Ave, Suite 106, Box no 21, Honolulu, HI 96814 | 7/19/2016 4:31 AM |
| 593 | Viesel, Janice | | | X | 290 Lisbon ave se, 1672 aina pono, Kapaa, HI 87124 | 7/18/2016 3:01 PM |
| 594 | Voorhies, Eric | | | X | 6212 Olohena, Kapaa, HI 96746 | 7/18/2016 11:14 PM |
| 595 | Wai'olena, Pamela | | | X | P. O. Box 6416, Kamuela, HI 96743 | 7/20/2016 3:45 AM |
| 596 | Walker, Wandalea | | | X | 4393 Uluua St., Kilauea, HI 96754 | 7/18/2016 5:13 PM |
| 597 | Wall, Joy | | | X | PO Box 391182, Keauhou, HI 96739 | 7/19/2016 1:00 PM |
| 598 | Wall, Sara | | | X | 2834 F Kalihiwai, KILAUEA, HI 96754 | 7/19/2016 7:32 AM |
| 599 | Wall, Zoli | | | X | 2834 kalihiwai rd, Kilauea, HI 96754 | 7/19/2016 4:23 PM |
| 600 | Walsh, Deborah | | | X | HC3 #13108, Keaau, HI 96749 | 7/19/2016 7:06 AM |
| 601 | Wandell, Lyn | | | X | 6180 Koolau Rd., 6822 Kahuna Rd., Anahola, HI 96703 | 7/18/2016 3:28 PM |
| 602 | Waters, Theresa | | | X | 6466 Opaekaa Rd, Kapaa, HI 96746 | 7/19/2016 9:23 PM |
| 603 | Waymen, Jenica K. | | | X | PO 223098, Prineeville, HI 96722 | 7/20/2016 6:51 AM |
| 604 | Weber, Joanna | | | X | 76-789 'Io Place, Kailua-Kona, HI 96740 | 7/18/2016 3:15 PM |
| 605 | Weed, Jana | | | X | 4175 Mahina Pl, Princeville, HI 96722 | 7/18/2016 5:33 PM |
| 606 | Wells, Vahabara | | | X | 428 Kaholalele Rd., Kapaa, HI 96746 | 7/19/2016 10:50 AM |
| 607 | WEST, DONNIE | | | X | 270 AUHANA ROAD, KIHIEI, HI 96753 | 7/19/2016 5:32 AM |
| 608 | West, Ethan | | | X | 1442 Lusitana St, Apt. 303, Honolulu, HI 96813 | 7/18/2016 3:01 PM |
| 609 | Wetzel, Lucy | | | X | 35 Northview Street, Asheville, NC 28801 | 7/22/2016 9:48 AM |
| 610 | Wheeler, Colleen | | | X | 4112 Puumalu Pl, Honolulu, HI 96816 | 7/18/2016 3:18 PM |
| 611 | Whelan, Michael | | | X | 66-1668 Waiaka St. Kamuela, HI, Kamuela, HI 96734 | 7/18/2016 5:26 PM |
| 612 | White, Alexander | | | X | 3794-D Omao Rd, Koloa, HI 96756 | 7/19/2016 7:36 AM |
| 613 | White, Christopher | | | X | 2356-F Hulemalu Rd, Lihue, HI 96766 | 7/19/2016 2:13 PM |
| 614 | Whitehead, Heather | | | X | 2914 downer ave, Richmond, CA 94804 | 7/18/2016 12:38 AM |
| 615 | Whitmore, Lauri | | | X | 375 W Kuiaha Rd, #36, Haiku, HI 96708 | 7/19/2016 9:42 AM |
| 616 | Widmann, Dharma | | | X | 4524 Kapuna Rd., Kilauea, HI 96754 | 7/18/2016 7:49 PM |
| 617 | Widmann, Marlene | | | X | 4524 Kapuna Rd, Kilauea, HI 96754 | 7/19/2016 2:44 PM |
| 618 | Wilcox, Robert | | | X | 45 Puulu Loop, Lahaina, HI 96761 | 7/24/2016 5:18 AM |
| 619 | Willetts, Nan | | | X | 286 Cedar Village Ct, Ballwin, MO 63021 | 7/18/2016 8:17 PM |
| 620 | Williams, Adam | | | X | Mamamaka Street, Kapaa, HI 96746 | 7/19/2016 10:07 AM |
| 621 | Williams, Amy | | | X | 906 9th Street #5, Santa Monica, CA 90403 | 7/18/2016 6:52 PM |
| 622 | Williams, Carol | | | X | 2321 Kanio Street, Lihue, HI 96766 | 7/18/2016 3:34 PM |
| 623 | Williams, Jim | | | X | po box 760, kapaa, HI 96755 | 7/18/2016 8:21 AM |
| 624 | Wilson, Greg | | | X | HC1 Box 182, Haiku, HI 96708 | 7/19/2016 9:21 AM |
| 625 | Wilson, Juan | | | X | 3769 Akea Road, Hanapepe, HI 96716-949 | 7/20/2016 8:49 AM |
| 626 | Wilson, Pete | | | X | 13-927 Kahukai St, Pāhoa, HI 96778 | 7/18/2016 4:28 PM |

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|-----|--------------------|--|--|---|---|--------------------|
| 627 | Winegarner, Amanda | | | X | 1209 Fern St. SW, E104, Olympia, WA 98502 | 7/19/2016 11:21 PM |
| 628 | Wise, Michael | | | X | p.o.box 194, Anahola, HI 96703 | 7/18/2016 8:04 PM |
| 629 | Wiseman, Gary | | | X | 200 Hina Ave., Kahului, HI 96732 | 7/18/2016 3:13 PM |
| 630 | Wolfram, Emil | | | X | Kamehameha Hwy, Kaneohe, HI 96744 | 7/18/2016 7:19 PM |
| 631 | Wong, Lorrie | | | X | 3201 Pololei Place, Honolulu, HI 96822 | 7/18/2016 9:17 PM |
| 632 | Wong, Mike | | | X | 6458 kahuna road, Kapaa, HI 96754 | 7/18/2016 9:46 PM |
| 633 | Woodcock, Robert | | | X | 5879 kini pl., kapaa, HI 96746 | 7/19/2016 5:43 AM |
| 634 | Woodford, Deborah | | | X | PO Box 997, Kilauea, HI 96754 | 7/18/2016 9:09 PM |
| 635 | Woods, Denise | | | X | pmb 128, Kapaa, HI 96746 | 7/18/2016 7:45 PM |
| 636 | Wooten, Dawn | | | X | 2826 Upena St., Lihue, HI 96766 | 7/19/2016 1:36 PM |
| 637 | Wry, Diane | | | X | PO Box 1260, Koloa, HI 96756 | 7/19/2016 10:29 AM |
| 638 | Yamami, Lani | | | X | 1545-C Ainaola Drive, Hilo, HI 96720 | 7/18/2016 3:35 PM |
| 639 | Yeager, Michelle | | | X | Kapaa, HI 96746 | 7/18/2016 9:56 PM |
| 640 | Yesner, Budd | | | X | 6695E Olohena Rd., Kapaa, HI 96746 | 7/19/2016 7:48 AM |
| 641 | Yoshida, Harry | | | X | 763 Paani St Apt 3, Honolulu, HI 96826 | 7/19/2016 11:12 AM |
| 642 | Young, Alan | | | X | 2067 Kinoole Street, Hilo, HI 96720 | 7/18/2016 2:38 PM |
| 643 | Young, Bruce | | | X | Lihuokalani St., Kilauea, HI 96754 | 7/20/2016 5:00 PM |
| 644 | Zeidner, Kathryn | | | X | po box 501, Kalaheo, HI 96741 | 7/18/2016 5:54 PM |
| 645 | Zimmel, Stacey | | | X | PO Box 2289, Kealahou, HI 96750 | 7/18/2016 6:36 PM |
| 646 | Ziegler, Jonathan | | | X | PO Box 1321, Kapaa, HI 96746 | 7/19/2016 9:15 AM |
| 647 | Zimmerman, Leilani | | | X | 5110 SE Division St, Apt 7, Kilauea, HI 96754 | 7/19/2016 4:30 AM |
| 648 | Zimmerman, Stuart | | | X | 6181 Kahiluholo Road, Kilauea, HI 96754 | 7/18/2016 7:12 PM |

(July 20, 2016)

FLOOR AMENDMENT #1

Bill No. 2629, A Bill For An Ordinance to Amend Section 22-8.2, Kaua'i County Code 1987, As Amended, Relating to Smoking in a Motor Vehicle

Introduced by: ROSS KAGAWA

Amend Bill No. 2629 by amending section paragraph "(o)" to read as follows:

"Sec. 22-8.2 Smoking Prohibited in Certain Areas.

Except as otherwise provided in Chapter 22, Article 8, smoking shall be prohibited in the following places within the County of Kaua'i:

(a) Any restaurant, except as defined as a "part-time restaurant/bar," only when operating as a bar, and a separate open air area of a restaurant in this Article.

(b) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multi-unit residential buildings.

(c) Patient rooms, wards, waiting rooms, lobbies and public hallways of public and private health care facilities including, but not limited to, hospitals, clinics, and physicians' and dentists' offices.

(d) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance or other similar performance during the time that the room, hall or auditorium is open to the public for such exhibitions.

(e) Museums, libraries and galleries.

(f) Any enclosed or partially enclosed area or building owned, leased, operated, or maintained by the County, except any dwelling unit. As used in this Subsection, "dwelling unit" shall have the meaning ascribed to it in K.C.C. Sec. 8-1.5 of the Comprehensive Zoning Ordinance for the County of Kaua'i. In addition to those buildings owned, leased, operated, or maintained by the County where smoking is prohibited under this Paragraph (f), the Fire Chief may prohibit smoking in any other building or enclosed area of public assemblage owned or operated by the County of Kaua'i when in his or her opinion to do so would promote the public health, welfare or safety. The Fire Chief may exercise his or her authority to prohibit smoking by posting signage pursuant to Sec. 22-8.4(c).

(g) Except as provided in Sec. 22-8.3 or as limited by this Paragraph (g), all areas in business or charitable establishments. For purposes of this Paragraph (g), a "business" means any sole proprietorship, partnership, joint venture, business trust, limited

liability company, business corporation, professional corporation, or other business entity formed for profit-making purposes, and "business establishment" includes, but is not limited to, any of the following establishments operated by a business:

- (1) Any school;
- (2) Any hotel, except individual hotel rooms, separate open air areas, and bars;
- (3) Any financial institution;
- (4) Any industrial, commercial or wholesale establishment;
- (5) Any utility;
- (6) Any retail establishment where goods or services are sold, leased or otherwise provided to the public or to another business including, but not limited to, food and grocery stores;
- (7) Any restaurant; provided that smoking shall be permitted in a restaurant under the following circumstances: Smoking shall be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to Subsection (i) of this Section.

(h) Restrooms. Any restroom open to the public in places specified in this Section.

(i) Notwithstanding Sec. 22-8.3, any area of any bar, hotel room, nightclub, or governmental property which has been designated by the owner, operator, manager or other persons having control of such property as a nonsmoking area and marked with a "no smoking" sign or signs.

(j) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents including, but not limited to, lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within multifamily dwellings. For purposes of this Subsection, "enclosed or partially enclosed areas" means areas closed in by a roof or overhang and at least one (1) wall. An area commonly described as a lobby or roofed mall shall be deemed enclosed or partially enclosed for purposes of this Subsection.

(k) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers including, but not limited to, common entrance areas, lobbies, malls, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings.

(l) In the event the building is both a multifamily dwelling and a commercial building, all areas except for private residences.

(m) All areas within recreation areas or facilities under the maintenance of the Department of Public Works' Division of Parks and Recreation, except such areas within each area or facility as the Department may, with the approval of the Fire Chief as to facilities, designate by appropriate signs as areas within which smoking is

permitted. County parks shall not constitute “recreation areas or facilities” within the meaning of this Subsection.

(n) Any child care, adult day care or health care facility.

(o) In any motor vehicle, whenever occupied by a person less than [eighteen (18)] thirteen (13) years of age.”

(Material to be deleted is bracketed. New material is underscored.)