

COUNCIL MEETING

JULY 26, 2017

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 26, 2017 at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura (*present at 8:33 a.m.*)
Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

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

MINUTES of the following meetings of the Council:

June 28, 2017 Council Meeting
July 12, 2017 Council Meeting

Councilmember Brun moved to approve the Minutes as circulated, seconded by Councilmember Chock, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

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

INTERVIEWS:

CHARTER REVIEW COMMISSION:

- Virginia M. Kapali – Term ending 12/31/2018

Council Chair Rapozo: Thank you. With that, Ms. Kapali, if you could make your way to the front row. New seats? You have not been here in a while. That has been here for a while. Thank you, Ms. Kapali, for being here today. You are being recommended for the Charter Review Commission. As we do for all nominees, we give you a few minutes to introduce yourself to give us an overview,

and then we will open it up for questions. With that, if I could just state your name for the captioner.

VIRGINIA M. KAPALI: Thank you. Good morning, everybody. My name is Virginia Kapali according to the agenda, but everyone calls Gini Kapali. Thank you for this chance to come before you and to actually volunteer for the Charter Review Commission. I was approached by the Administration and asked to serve. I am retired now from the County after almost thirty (30) something years with the State and Federal experience.

(Councilmember Yukimura was noted as present.)

Ms. Kapali: So I thought, well, maybe it is time for me to come back and look at what is available and see how I can be of an asset to the County of Kaua'i. So, here I am today.

Council Chair Rapozo: Thank you again, for being here.

Ms. Kapali: Nicely retired.

Council Chair Rapozo: I think most people work harder after retirement. Okay. Councilmembers, are there any questions for Ms. Kapali? Councilmember Yukimura.

Councilmember Yukimura: Good morning.

Ms. Kapali: Good morning.

Councilmember Yukimura: I apologize for being late. Thank you for being available. I do not know of many people who have the kind of background with the County that you do. One (1) of the issues I have been asking other nominees to the Charter Review Commission is what your philosophy is about Charter Amendments. There are some people who say, "Oh, we will just put it on the ballot and let the people decide," and that sort of minimizes the role of the Charter Review Commission. Anybody could just do that. I was wondering what your thinking is about how Charter Amendments should be put on the ballot.

Ms. Kapali: Well, the long and short response to that question of how it is, is there is a process that we have to go through, definitely, to get it to the voters to decide whether they agree with the Charter Review Commission Commissioners review and recommendation. So that being said, I feel that as you folks are looking at who will be Commissioners on the Charter Review Commission, I believe the experience level of each of us will come with a healthy dialogue during our meeting and try to vet out what has been the history behind why this amendment is coming out and what is going on, and to do a lot of back story on some of this first. I believe that if we can get the different members of the community as far as the different business sectors, government sectors, private enterprises, and nonprofits because it is my understanding from all of the years in government, that the Charter is really the Constitution of Kaua'i government. So by that and our forefathers, there

has to be a healthy dialogue first, then bring it to the powers that be, and the process goes from there. That would be my understanding I hope to accomplish.

Councilmember Yukimura: Yes, I am glad you talked about the importance of dialogue and discussion before anything is put on the ballot. The Charter Review Commission can put things directly on the ballot.

Ms. Kapali: Okay.

Councilmember Yukimura: It will not necessarily come through the Council. The question is, if you do not believe that it is good for the people of Kaua'i, would you vote to put it on the ballot anyway?

Ms. Kapali: I do not know, Councilmember Yukimura. I would have to cross that bridge when I get there.

Councilmember Yukimura: Well, do you think that a Constitution should be amended with something that is not good for the people of Kaua'i?

Ms. Kapali: I think that would be precluded by discussion. I believe that who will be serving on this Commission would not bring it to that point. I am pretty sure. I have to give it some credit to get to that point.

Councilmember Yukimura: That is good, because you are saying that not everything should just go on the ballot to let the people decide, but that there is a lot of wisdom and knowledge that has to be vetted in order to decide whether to put it on.

Ms. Kapali: I think you have to draw the line at a certain point.

Councilmember Yukimura: Okay. I have other questions.

Council Chair Rapozo: Are there any other questions for Ms. Kapali?
If not, Councilmember Yukimura.

Councilmember Yukimura: Do you have any particular areas that you think the Charter needs improvement?

Ms. Kapali: I just had a quick chat. It has been kind of busy, but I looked at the most recent copy of the Charter. The nuts and bolts are there. The policies, procedures, operations, and the only thing...unless I do not have a really current copy of this, and this might just be housekeeping, but to really feel that this document needs a whole chapter on the history on how it came about. I guess I do not know. I did not look at or need to look at it, is that Morris Shinsato, who was the County Attorney, was really the author of this. His long-term view for the County, I think, is essential to be in this Charter. What I did think about is that every new or even current County employee should have a Charter 101 class first to understand this. That is the document that governs all of your work. That is the

first thing on a philosophical point of view. Yes, I have a few ideas in here, but I guess until if I am approved by the Council, maybe we will vet those ideas out. But at this point, I will start with the bigger picture, and it is the philosophical view of County operations.

Councilmember Yukimura: Of course I remember Morris and his vision is in the Charter by all of the provisions that are there. But I think it would not hurt to have a history attached to the Charter, not in the Charter itself. That would be really informative for people who are picking up the Charter for the first time. I like that idea. Have you given any thoughts to the County Manager form of government, which would be a major overhaul to the Charter?

Ms. Kapali: No, I have not.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? If not...I am sorry, Councilmember Kawakami.

Councilmember Kawakami: I do not have a question, just a comment. Thank you for your willingness to serve. I think that is the biggest prerequisite and qualification. Your resume speaks for itself. I actually like the idea of having some kind of Charter 101. If you are going to be a Director for Kaua'i Island Utility Cooperative (KIUC), you are actually required to go get education on the history of cooperatives and what your role is as far as governance. Sometimes there is no prerequisite to be a policymaker, and I think your idea as far as the history, how we came about, and having that baseline foundation and knowledge of how we are supposed to operate based on the Charter is a good idea. Thank you for your willingness to serve. I know you personally. I know you work hard, and what else are you going to do? Thank you.

Ms. Kapali: Thank you.

Council Chair Rapozo: Thank you. Anyone else? If not, thank you again.

Ms. Kapali: Okay.

Council Chair Rapozo: I think we vote on this in two (2) weeks. I do not think there will be any problems. Thank you again for serving. Like Councilmember Kawakami said, I do not think there is any question about your work ethic or your background and experience. Thank you.

Ms. Kapali: Thank you, Councilmembers.

Council Chair Rapozo: Next.

- Galen T. Nakamura – Term ending 12/31/2018

Council Chair Rapozo: Thank you. Mr. Nakamura.

GALEN T. NAKAMURA: Good morning, Councilmembers.

Council Chair Rapozo: Welcome, and thank you for agreeing to put yourself out there. Like we do, just go ahead and give us an overview of yourself and why you want to be a Commissioner, and then we will open it up for questions.

Mr. Nakamura: Let me see. I was a Deputy County Attorney for about fifteen (15) years or so. I worked in just about all facets of County government, including many opinions and analyses of the budgetary powers of the Executive and Legislative branches. I was a former Charter Commissioner in the 1990s, I believe. I believe at that time, John Isobe was also on the Charter Review Commission. It was a fascinating experience. The Mayor has asked me if I would be willing to serve. It is hard to say "no" to him sometimes. He is a big person. The other thing is from what I understand, the current people who are being asked to serve, they are a very good group of people with deep knowledge of the County, years of experience, and integrity. It would be an honor and a privilege to work with this group to review the Charter.

Council Chair Rapozo: Thank you very much. Are there any questions for Mr. Nakamura? Councilmember Yukimura.

Councilmember Yukimura: Good morning, Galen.

Mr. Nakamura: Good morning, Councilmember Yukimura.

Councilmember Yukimura: Thank you for your willingness to serve. Your background in the Office of the County Attorney is a real asset for this position, I think.

Mr. Nakamura: Thank you.

Councilmember Yukimura: My questions are the same ones I asked of Ms. Kapali; that is what is your understanding of the role of the Charter Review Commission, is it just a through-put to put something on the ballot and let the people decide, or should the Commission really assert its ability to analyze and see whether the amendments are good for the community before putting it on?

Mr. Nakamura: I personally think that is always the push and pull for any elected official whether or not an elected official or an appointed official is there to just basically reflect public opinion. It is more of a pure democracy type of approach. We are a representative democracy, but appointed to filter, evaluate, and to add their own values, judgments, and ability to assess the propriety of proposals that become ordinances, resolutions, or laws. So I think it is a little bit of each when you are serving on these types of bodies. I cannot tell you where the line is because I do not think there is necessarily a bright line. You have to consider each issue as they come up before you. Of course, that has to be consultation with the other Commissioners who are on the body.

Councilmember Yukimura: I am sorry?

Mr. Nakamura: It has to be in consultation with other Commissioners who are on the body.

Councilmember Yukimura: And even the public.

Mr. Nakamura: And in the public.

Councilmember Yukimura: Yes. As Ms. Kapali pointed out, it is a process of dialogue and vetting, which the Commission has as an opportunity that most individual people do not.

Mr. Nakamura: Absolutely.

Councilmember Yukimura: Right.

Mr. Nakamura: I consider the Charter to be the (inaudible) document. It is the functioning Constitution for the County of Kaua'i, similar to the way the State Constitution serves as an organic document for the State, and the Federal Constitution serves as that same document for the United States government.

Councilmember Yukimura: Okay. Do you have any particular areas of the Charter that you think, at this point, you would like to review and it looks like it could use some change or tweaking?

Mr. Nakamura: At this point, no. I am pretty much going to go into it with open eyes. That is all I can say at this point. I would like to hear what other Commissioners have to say also.

Councilmember Yukimura: Okay. Lastly, do you have any thoughts about the County Manager form of government, which was quite at the forefront in our discussions last year, and there was extensive research and so forth? Do you have any thoughts about that, because that would have to be done by a Charter Amendment?

Mr. Nakamura: I am willing to listen more about the County Manager form of government. I personally do not believe that is an appropriate form of government for our County. I believe it is a more appropriate form of governance for smaller townships. I am concerned about the lack of checks and balances that are inherent in the County Manager system. Those are significant concerns for me, and those are my overall views on that matter.

Councilmember Yukimura: Okay. Thank you very much.

Mr. Nakamura: You are welcome.

Council Chair Rapozo: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I just want to say that it is not a question, but the two (2) candidates that they have talked about the importance of the Charter Review Commission. I think next to the Planning Commission or side-by-side with the Planning Commission, it is probably the most important body. Today, we have two (2) stellar candidates, and we have to thank Paula for bringing them forward. Awesome. I hope we can get more candidates like this on all of the Boards and Commissions. Thank you.

Council Chair Rapozo: Anyone else? If not, thank you, sir. It is nice to see you back in action with the County.

Mr. Nakamura: I always come up here and I am so programed to see my name and Deputy County Attorney that I had to kind of hold myself from saying that.

Council Chair Rapozo: Well, I think some of us still consider you a Deputy County Attorney, too.

Mr. Nakamura: It may be good or bad.

Council Chair Rapozo: Well, that is a compliment.

Mr. Nakamura: Thank you.

Council Chair Rapozo: Thank you very much. Again, voting is in two (2) weeks and again, I do not see any problems. Thank you very much.

Mr. Nakamura: Thank you very much, Council Chair Rapozo.

Council Chair Rapozo: Have a good day. Next.

FIRE COMMISSION:

- Alfred Levinthol – Term ending 12/31/2019

Council Chair Rapozo: Thank you, Mr. Levinthol, for being here today. You are being recommended for the Fire Commission. You know the routine. Just state a little bit about yourself and then we will open it up for questions.

ALFRED LEVINTHOL: Good Morning, Council Chair Rapozo and Members of the Council. For the record, my name is Alfred Levinthol. I have been asked to serve on the Fire Commission for the Garden Island. A little bit about myself, I was born here in 1954. I am kind of an old man now. I just turned sixty-three (63) years old. I always had the respect for the Fire Department as well as our police officers. I remember being a little kid, growing up, and wanting to be a fireman someday. I never had opportunity, but now I have a chance to serve on the Commission. My first job was probably in the pineapple fields, and then I worked in the hotel industry for about fifteen (15) years. Then, I got a job as a plumber and started with the County in 1993. I worked at the Department of Water and

transferred over to be a County Plumber, back to the Department of Water to be an Inspector, and I retired almost a year ago, August 1st. That is basically it. I am ready for hard questions, nothing softball. Thank you very much.

Council Chair Rapozo: Thank you. Are there any questions for Mr. Levinthol? Councilmember Yukimura.

Councilmember Yukimura: I actually have no questions.

Mr. Levinthol: None, Councilmember Yukimura.

Councilmember Yukimura: I just want to say thank you. I know you are all community-service minded. Thank you so much.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: I do not have a question. I just wanted to congratulate you on your retirement.

Mr. Levinthol: Thank you, Councilmember Chock.

Councilmember Chock: I did not make it to the retirement event. Congratulations.

Council Chair Rapozo: Anyone else? Who is going to win the Super Bowl this year?

Mr. Levinthol: I told you. I only want hard questions. It is the Pittsburgh Steelers.

Council Chair Rapozo: Okay.

Councilmember Brun: Do they even play in the National Football League (NFL)?

Mr. Levinthol: Yes. How many Super Bowls does the Cowboys have?

Councilmember Brun: That is alright. We will get ours this year and we will be tied.

Mr. Levinthol: Six (6) Super Bowls.

Council Chair Rapozo: Alright. Thank you very much. I do not want to get him started with the Dallas Cowboys. Thank you, Mr. Levinthol. In two (2) weeks we will make the vote.

Mr. Levinthol: Thank you very much.

Council Chair Rapozo: Again, thank you for your willingness to serve.

Mr. Levinthol: Thank you very much.

Council Chair Rapozo: Alright.

Councilmember Brun: Happy birthday.

Councilmember Kawakami: You got my vote. I always wanted to say that.

Council Chair Rapozo: With that, can we get the next item, please?

CONSENT CALENDAR:

C 2017-164 Communication (06/30/2017) from the Director of Finance, transmitting for Council information, the Period 11 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of May 31, 2017, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2016-2017: Councilmember Kawakami moved to receive C 2017-164 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 C 2017-164 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2017-165 Communication (06/26/2017) from the Acting County Engineer, requesting Council approval to receive and expend State Capital Improvement Project (CIP) funds, in the amount of \$500,000.00, for the construction of the Waimea River Crossing, which will benefit the community by providing a safer crossing, promote more farming, and provide an alternative route should an emergency arise with only one (1) bridge connecting Waimea and Kekaha to the rest of the island.

(Councilmember Kawakami was noted as not present.)

Councilmember Kagawa moved to approve C 2017-165, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion?

Councilmember Kagawa: I just have a question for the County Engineer.

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

There being no objections, the rules were suspended.

Council Chair Rapozo: Can we have someone from the Administration, please?

Councilmember Kagawa: My question is, being that this is a one-time item on the agenda for public disclosure, do you have a map or anything to show the public where this new river crossing will be for the Waimea River and anything else that you can share briefly so the public knows what is going on?

MICHAEL TRESLER, Acting Deputy County Engineer: Michael Tresler, representing the Department of Public Works, along with Michael Moule. We have two (2) maps here to pass out to you folks.

Councilmember Kagawa: Just quickly where it is in proximity to the swinging bridge or any other landmark up in the river, what it will consist of, and will it be paved, with culverts, or what have you.

MICHAEL MOULE, Chief of the Engineering Division: Good morning, Council Chair Rapozo and Members of Council. I am Michael Moule, Chief of the Engineering Division in the Department of Public Works. We put a map up on the screen. You have the same map in front of you so you can look more closely at it. This just shows the general location of where things are. Let me just give an even broader description of where we are. This is the Waimea River here running north-south. To the south, the bottom of the map, further down is Waimea town and the highway. This is the Makaweli River, which goes up and actually turns into Olokele River further upstream. This is the split right here, the bottom left corner of the map. The swinging bridge is right here and there is an existing ford crossing here, a dirt ford crossing...not dirt, but rock. It is really river rock.

(Councilmember Kawakami was noted as present.)

Mr. Moule: It is not supported in any significant way. That has been there for years. It provides access to all of these areas here, which are various *kūleana*. Most of the property in the area, the larger parcels are either Robinson owned or State parcels. The further east you go, the more it becomes Robinson. Some of the parcels to the west are State. But in this area, these are *kuleana* largely within the Robinson property. All of the little boxes and black squares are the property lines. So you can see how many *kūleana* there are. Not all of them have houses on them, but there are. You can see buildings. Which of these are houses versus other buildings, I am not sure. But I am know there are houses back there. There are a lot of taro fields in the area. There are farmers growing taro

and I think other crops, perhaps you can see more up in this area. This ford crossing is really the only vehicular access across the river to that area. The swinging bridge provides walking access, but this is a challenging crossing. In the past, the Department of Land and Natural Resources (DLNR) has done the maintenance of that crossing and regraded it so it could be kept drivable. They have stopped doing that essentially, and have stated in letters to us that it is the County's responsibility. Dee Morikawa, our Representative for this part of the island, worked with the Legislature to appropriate this five hundred dollars (\$500,000) to move towards making that a more stable crossing. Right now, we are looking to receive the funds so we can move into the planning, environmental, and design phase for this. These funds should be more than enough to cover that entire phase and funds towards construction as well. The plan right now, it is just very conceptual in nature, but it is to do a concrete ford crossing. Whether there will be culverts or not remains to be seen. What is not sure is whether it would be something that is underwater all of the time during normal flows with maybe some water goes through culverts, or if it is dry most of the time with culverts where all of the water goes through except during heavy flows. That, we have not determined yet. I think what we are probably leaning towards is something that looks more natural so you have water flowing over it, but concreted. How many culverts are needed is something that needs to be part of the design effort. The idea is to make it concrete so that once it is built with these funds, there is not a need to do ongoing maintenance. Every time it rains really hard and you get a big wash down the river, it wipes out the rock ford crossing. It is a problem now. So the concrete would last much longer and years before you would have to replace or repair that ford crossing. We have another map that zooms in a little closer, but I do not think it is necessary to show it on the screen. If you want me to, we can put it up.

Councilmember Kagawa: I think you did a good job summarizing it. For me, I am kind of concerned that the five hundred thousand dollars (\$500,000) is not going to be enough to do the construction. It is not? So we are just getting the plan and design and start-up funds of five hundred thousand dollars (\$500,000)?

Mr. Tresler: In conversations with Lyle Tabata and Representative Morikawa...

Councilmember Yukimura: Can you speak up?

Mr. Tresler: In my conversations with Lyle Tabata, Acting County Engineer, and Representative Dee Morikawa, they both understood that we were doing the planning and design and some of the money for construction, but it was known that we may need more funds to do the actual completion of the construction.

Councilmember Kagawa: So we are hoping that we will get additional funding possibly the next year?

Mr. Tresler: Right.

Councilmember Kagawa: When we determine what we need?

Mr. Tresler: Yes.

Councilmember Kagawa: Are we working with the United States Army Corps of Engineers right now? Is that who we work with on projects that cross rivers?

Mr. Moule: There would need to be permitting through them. That is part of the process and the planning design.

Councilmember Kagawa: The permits go through them?

Mr. Moule: All of the permits. The United States Army Corps of Engineers permits for working in the stream would be part of that, one (1) of several permits that would need to be obtained that we would work through a consulting firm to do that effort. So I think the goal right now is to least get this thing designed and shovel-ready, and then along the way, keep working to get more funds. But if we do not get it designed, it is much harder to get those additional funds. But we are looking for those and the discussions, as Mr. Tresler said, are being had to move forward to make sure this gets finished.

Councilmember Kagawa: Thank you, for stepping on this project when we got word of DLNR saying they are not going to do it. I just appreciate that we are doing it because it is very important that the community continue to get the access. There are a lot of people whose lives depend on it. I am glad that we are not saying, "Well, we are just going to kick the can down the road as well." *Mahalo. Mahalo* for that and let us expedite as much as possible. Thank you.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I just wondered if you could speak to your engagement with the residents, farmers, and *kuleana* landowners in getting their feedback and input on the improvements. I am assuming that they would be in support, but I want to make sure that has happened and everyone has had a chance to participate.

Mr. Moule: We have not had direct engagement at this time. These funds were appropriated by the Legislature. We want to receive the funds, and as we go into the conceptual design efforts, we would then engage the public at that time.

Councilmember Chock: The other concern I have...

Mr. Tresler: I...

Councilmember Chock: I am sorry, go ahead.

Mr. Tresler: I tried to get more information about what community engagement had been had prior to this because I just stepped into this, and Lyle is obviously not here.

(Councilmember Kagawa was noted as not present.)

Mr. Tresler: He is on vacation. I sent E-mails out and also messages to Representative Morikawa. This was being worked on, I know for a couple of years, a number of years.

Councilmember Chock: I recall there being some dialogue at the State level in wanting to get it done. Sometimes when you get down on a project too far, then you run into the people.

Mr. Tresler: Yes, forget the important people.

Councilmember Chock: The people who we are trying to serve. My understanding is that there are no public roads on the opposite side of the embankment of the river. The other thing that this would potentially do is increase traffic. They see a culvert now and people will go over. It is ours now. I am just concerned about are we calling it "no access" or "limited access?" How do we mitigate that in putting this up?

Mr. Moule: That is a very good question.

Mr. Tresler: I know it was a question that was raised. I know Councilmember Kaneshiro has asked that question, too. So we need to actually determine that and look into that. Being that it is public roads, there are some alternatives. But that is a big concern, and probably one (1) possible negative aspect of doing this type of ford crossing and making that side more accessible, that it will be accessible to other people in the public. So that is a very is good question.

Councilmember Chock: My understanding we want this money to get started and some of this preliminary work, whether it is going to the community, planning, and all of those things of how you want to spend the money.

Mr. Tresler: Right. There is a deadline of June 30, 2018. So it is very tight.

Councilmember Chock: Thank you.

Council Chair Rapozo: Hang on, I have Councilmember Kaneshiro, Brun, and then Kawakami.

Councilmember Kaneshiro: I have a question on County versus State responsibility. How did this become a County responsibility?

Mr. Tresler: Well, from reading the documentation, I believe I saw from William Aila, who was the Chair of the DLNR at that time. They just said that they did not have operational funds to continue the maintenance. So basically, every time there is a storm going and fix that rock ford crossing for the residents there. That kind of started this process and dialogue whereby it was just being dropped, basically, by the State because of their fiscal challenges and

operational shortfalls. So that is why I think Representative Morikawa, Lyle Tabata, the County, and the Mayor stepped in to have those discussions. Being that it is State *kuleana*, that is where, I think, Representative Morikawa was able to come up with the amount of funds and the support to get something more permanent where it did not require constant regular maintenance on a monthly basis.

Councilmember Kaneshiro: I am not sure if you know, but is the plan for us to do it and turn it back over to the State to maintain?

Mr. Moule: Let me answer your first question a little more. In DLNR's letter, what they essentially said is that...I do not think "charter" is the exact word, but their mission as an agency, laws essentially prohibits them from maintaining roads for public access to things besides their facilities, and that is what this will do. That is the basis that they are saying, "We have no responsibility for doing this." I do not believe their expectation is that this would be built and then turned over to the State for maintenance. They are expecting this to be a County facility and the State Department of Transportation (DOT) is also saying, "Well, it does not connect any of our highways, so this would not be our responsibility." The State is effectively saying, "If you want access for these residents in these areas, County, we are giving you these funds to do it, but you need to work and build this ford crossing."

Councilmember Kaneshiro: Sorry. I know you mentioned this earlier in the presentation. The landowners on the other side, the State has land on that side also, right?

Mr. Moule: They do. It is further up the hill. I do not know exactly how their access to their land across the Robinson land works. I could have to go back to the map. It has been turned off. The land nearby on the other side, at river-level effectively or just shortly off the river, that is not for the most part, State in this area. The State land near the river is further upstream. As you go further up Menehune Road, there is another ford crossing that then goes into State land, and that is the one that the hunters use.

(Councilmember Kagawa was noted as present.)

Mr. Moule: DLNR maintains that, because it accesses directly to their property. Maybe Agribusiness Development Corporation (ADC) maintains that. I am not sure. ADC is part of DLNR, but the State maintains that because it has access direct to their property. The State lands that are sort of on the bluff above adjacent to the Robinson lands on the bluff above, I do not know if the access through the Robinson land or how that works. But yes, there is a dirt road that you can follow from this ford crossing that goes up through Robinson land and eventually will connect to State land. I do not know what the access rights are across that, but the land nearby is not State land. I think that is what they are saying. Whereas further upstream, that ford crossing goes directly to State owned land. That is their argument.

Councilmember Kaneshiro: Okay. Are we going to be obligated to start...I guess I do not think we pick up rubbish or anything across the river now. Are we going to start doing that?

Mr. Tresler: No, that was not in our scope, but we are fully aware of what has been transpiring with the community groups and their work upstream of the river. I am not really sure how this ties into this project, but we did not contemplate that sort of thing.

Councilmember Kaneshiro: Okay.

Council Chair Rapozo: Councilmember Brun.

Councilmember Brun: Councilmember Chock asked some of my questions about working with the community. Are you folks working with Police on this, because there is a lot of drug activity going on there now? With this crossing that we have, we are now going make it more accessible.

Mr. Tresler: We can certainly make sure that all of those issues are addressed in our planning and community outreach. So that is good information and we will certainly involve the Kaua'i Police Department (KPD).

Councilmember Brun: Because there are people living in there right now. We are going to open up a whole can of worms by doing this. I am not against this, but we have to work with the farmers who are up there because we have people there and homeless moving all over the place. They have an easy access to get across the river now. Are we thinking about all of that and working on that? We have to work with the community and the Police on that.

Mr. Tresler: Yes.

Councilmember Brun: Thank you.

Council Chair Rapozo: Thank you. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. Thank you for the presentation. The five hundred thousand dollars (\$500,000) is for plan design/construction. So every year, the Administration comes with a Capital Improvement Project (CIP) request list to the Legislature, and the Water Department has their own. Are we assuming that this is going to be part of the priority list at some point, because we definitely have to go request for more funds? Has the Administration begun discussing what is on that CIP priority list for this upcoming Legislative session?

Mr. Tresler: To my knowledge, we have not at this point in time, not yet.

Councilmember Kawakami: Is there a timeline on how long it is going to take for the plan and design to actually come to fruition from the time that we spend the money?

Mr. Tresler: Yes, we have to encumber the funds before June 30th.

Councilmember Kawakami: 2018?

Mr. Tresler: Yes.

Councilmember Kawakami: Okay. So the funds will be encumbered, but then from then, that does not necessarily mean the plan and the design is going to be done by then either, right?

Mr. Tresler: Yes.

Mr. Moule: I can speak to a rough schedule. We have not laid out a detailed schedule yet. We are still at the beginning of the project. We are not even at the beginning yet. We have to get the funding in place and then we start the procurement process for a consultant. But I think we would move to procure a consultant right away. We have already talked about that in my office, and be ready to move on that as soon as funds are accepted. After this action, I think, we would do that right away. So then, procure the consultant. We do not have to go through all the hoops with Federal aid projects on roads, fortunately, because that can take a while to get a consultant on board. Within several months, we should be able to have a consultant on board and then, either as the consultant comes on board or possibly before, start the first public involvement on this. My thinking would be the process is meet with the public to see what we want to see here. I suspect (inaudible) would want to see a concrete visible across the river, because that is going to be too inviting as people are saying. But that process of having those public meetings and then having the consultant do concept designs based on their analyses of the flows and all of that, and figuring out how to make that work with what the public is saying, is a process of several months. I would say by this time next year, we should be able to be partway through the environmental...we should have concepts available at that point and the understanding of what is going to be built and be working on the permitting, the environmental permitting, and potentially by this time next year, even working towards the actual final design after the consult has been done and public meetings along the way.

Councilmember Kawakami: Have we begun to kind of give a proposed estimation of how much this total project could run?

Mr. Moule: We have, and our very preliminary estimate had total cost in the seven hundred thousand dollar (\$700,000) range. We are just in the process of doing a more complete estimate right now, and it may be somewhat more than that. I think somewhere around one million dollars (\$1,000,000) total is what I am thinking at this time based on what we know. The challenge is because there are a lot of variables with respect to how high it is, whether it is culverts, how

many culverts, and how underwater flows, getting a fairly exact price is difficult at this time. So, that is why we need to get into the concept and public involvement phase, so we can do that.

Councilmember Kawakami: Then, I think Councilmember Kaneshiro raised the question on trash pickup. The other question is there is this community group, and I think you may have touched upon it a little bit, Mike. There is this community group that has taken it upon itself to kind of remove some of the silt buildup that has occurred over the years. Even my dad, who grew up in Waimea and we used to drive up to the river. He said, "Man, this river is a lot different than when I was growing up." These people are going by hand and removing the silt. One (1) of the comments that came out is that we are doing this because we cannot get any assistance as far as machinery assisting us to remove the silt. Do you think that part of the project is going to include some of that removal, or have we not crossed that bridge yet?

Mr. Tresler: We have not. I know recently, they have had discussions with the Mayor about that fact after their last event. I do not know enough to speak to it, but I know we have not had those discussions.

Councilmember Kawakami: It might be something that you want to include in the Request for Proposal (RFP) when we start going out and getting these proposals. Thank you, Council Chair Rapozo.

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

Councilmember Yukimura: How many of these parcels are in farming right now?

Mr. Moule: I do not know the answer to that question.

Councilmember Yukimura: It says that the purpose is to provide a safe crossing, promote farming, and provide an alternative route should an emergency arise, which are all really important goals. I just wondered how much agriculture is happening out there.

Mr. Moule: I do not know. You can see in the aerial imagery that there are and the previously cultivated fields in the area. I have been across the swinging bridge and looked in the area, and I can see there are fields. But it is private, so we cannot go back there and explore.

Councilmember Yukimura: Yes, I know, but if you are doing a project, you should know what you are dealing with.

Mr. Moule: Well, again, we are not doing the project yet.

Councilmember Yukimura: That is true.

Mr. Moule: We are just trying to get funding at this point.

Councilmember Yukimura: Okay. How many residents live on that side?
What is the daily crossing?

Mr. Moule: Again, I do not have the answer to that.

Councilmember Yukimura: Okay.

Mr. Moule: Representative Morikawa, as I understand it, did some level of outreach. It is my understanding that this was an important thing for her to look for funding for. She may have done some of that research, but we, again, have not gotten started on a project yet. So we have not done any of that.

Councilmember Yukimura: But when the Legislature approves money, do they not have a project sheet that describes the basic situation, the problem, and how the money is going to solve the problem?

Mr. Tresler: What was the question?

Mr. Moule: If they do, I have not received that project sheet. We can look for that as we go into our research and efforts to move forward with public involvement on this project.

Councilmember Yukimura: My question was, when the Legislature appropriates money, do they not have a project description that describes the situation, the goal, and so forth, that would give us some basic information about the intention and the situation?

Mr. Tresler: Yes, I believe they used the communications that was between DLNR and the County. But the project description simply said, "Construction of ford crossing, Waimea River." Representative Dee Morikawa did respond that she had meetings with John A'ana, who is a taro farmer, a few other farmers in the area, and a couple of residents about this issue. That is how this came about. So, she did respond in writing. I just wanted to share that with you.

Councilmember Yukimura: You mentioned, Mike, that the drug problem would be taken care of.

Mr. Tresler: There was mention about there are problems, but not that it was going to be taken care of. I cannot commit KPD or any resources to that. Obviously, we would want to help the situation, but this project is about a ford crossing and not drug enforcement.

Councilmember Yukimura: Councilmember Brun's question was about the fact there are these issues already.

Mr. Tresler: Right.

Councilmember Yukimura: And that giving more access could just worsen the problem.

Mr. Tresler: Right.

Councilmember Yukimura: I thought I heard you say, "Well, we are going to take care of that."

Mr. Tresler: Right, I did say we are going to take care of including the Kaua'i Police Department in the discussions and meetings with the community. While we are having the community engagement, I am sure that will come up, and that we would need to address that and the impact of adding the ford crossing and making it more accessible. I did also mention that if it is private roads, that you can put gates and so forth on the other side with enough apron to clear the stream and have to open and close the gate so you can mitigate some of the traffic going to those lands in that area. So yes, we definitely will address that concern.

Councilmember Yukimura: Okay. But if it is a private road, are we connecting to a private road?

Mr. Tresler: Well, it is private lands. Again, we are not really sure. Michael may know more.

Councilmember Yukimura: I think there is a prohibition of using public funds for private purposes.

Mr. Moule: Again, the lands on the other side are private. There are no public roads on the other side of the river as I have been able to determine. The river itself is not privately owned. It is not owned by the State. It is a stream parcel. In the information from Real Property, it has no ownership just like road parcels. So the State is saying that it is ours. The detailed title searches may be potentially possible to see if there is any underlying ownership to that. But just like road rights-of-ways, I understand that this stream in this area, the river in this area, is public, essentially. So, the ford crossing would be within the public stream parcel, effectively, but connecting to private parcels. In a similar way that a public road, a dead-end road, is public until you get to the end and then past there is private. I see it similar to that from what I understand the status of the parcel today. As Mr. Tresler mentioned when you go across the swinging bridge now, there is a dirt road and you can walk either way on it. When you go to the right, there is a gate that says, "Private Property," but I believe all of it is private. The gates and signs are immediately after the swinging bridge at this time. They are down a little bit, if I remember correctly, and it is gated. That is something again, that would be worked out with the public as we move on this project. How is that going to be changed, if at all, to make sure that we are not encouraging access by people that do not have rights to access that area?

Mr. Tresler: Thank you, Michael. I think I just kind of want to emphasize that these moneys, part of these moneys, are to be used for planning and design. So we have not done a lot of planning, and there is no sense in

doing it until we get and accept the funds and agree to move forward. Then, we will do the full-blown process. I just want to make it clear. I know you folks have very good questions and we seemingly do not have all of the answers, so it is a bit uncomfortable because we should be better prepared, but at the same time, we are very preliminary in trying to accept the funds to move forward to do the planning.

Councilmember Yukimura: Usually in the process of planning, there is a feasibility study that flushes out all of this.

Mr. Tresler: Right.

Councilmember Yukimura: And says whether the project is feasible, and then when it is feasible, it moves forward.

Mr. Tresler: Exactly, and if the community does not want it, we do not move forward.

Councilmember Yukimura: The deadline is next year end of June, right, end of this fiscal year?

Mr. Tresler: Yes.

Councilmember Yukimura: The deadline for encumbering the moneys. Is that correct?

Mr. Tresler: That is my understanding.

Councilmember Yukimura: So would not just hiring consultants, and that is what you intend to do, meet the requirement of encumbrance?

Mr. Moule: For the purposes of the planning and design, that is correct.

Councilmember Yukimura: Yes, and will the planning and design include an Environmental Assessment (EA)?

Mr. Moule: There was actually an environmental study done in the 1970s for this, and we have that. What exactly that is, is going to be Environmental Assessment or supplemental to that, we do not know yet exactly how that is going to look. We are still figuring that out, but there will have to be an environmental document for this project, yes.

Councilmember Yukimura: Okay.

Council Chair Rapozo: I have some questions, real quick. This started off, I guess, in 2012 with a letter from Bill Aila to Mayor Carvalho. I have asked staff to check, was this ever brought here to the County Council? I am reading all of the communications between DLNR and the County, and I am just wondering. It looks like in several of these letters that the County basically said that they have

accepted the project and that they would move forward if they got the funding. But was that ever discussed here or with the public?

Mr. Tresler: I cannot answer.

Council Chair Rapozo: I know, Mike, you were not here, and you probably were not here either. I have to say it is tough, because on the surface, it looks like a great project. Yes, let us do it. But I do not know what the community thinks about that place. We do not know what community thinks about the place. I read Bill Aila's letter and he is very clear. It says, "Our records indicate that the subject area is under the Department's jurisdiction and that the informal river crossing has been allowed to exist solely as an accommodation to the area residents. The primary purpose of the crossing is vehicular access since pedestrian access to the area was secured by a prior construction of a pedestrian suspension bridge," which is still there. So, are we looking at making a vehicular crossing?

Mr. Moule: There is already a vehicular crossing, but it is stone. It is just graded stone. This would be an improved vehicular crossing, so yes. Improving the existing vehicular crossing.

Council Chair Rapozo: He also says that, and I do not know where he got this from. It says, "We understand that prior to the early 1990s, the County maintained the crossing and had plans to build a permanent crossing." Do you know if that is true?

Mr. Moule: All I know about that is the fact there was the older environmental study that was done in 1974.

Council Chair Rapozo: Well, that was in the 1970s.

Mr. Moule: That is the only thing I know about earlier plans to build an improved crossing here.

Council Chair Rapozo: Then, he says, "In the spirit of community support, the Department has provided assistance in repairing damages to the crossing in recent years. Unfortunately, fiscal cutbacks make it impossible for us to continue."

Mr. Tresler: Right.

Council Chair Rapozo: This was back in 2012. I do not know. I have been here since 2012, but I do not recall having this discussion at the County Council level. I am curious. Did you find anything? This is the first time it is popping up, today, asking for us to approve it. It does not seem that Department or County is prepared with the answers that this Council is asking. I think, for me, I would feel much more comfortable if we had an opportunity to get the community input before we commit. It is like the Loop Road bridge. The public did not know about it until it was built and until they started dropping off all of the materials. I am hesitant to even support this today only because we do not have the community input. I am

thinking we should send this to the Committee so we can have community...I do not know much about that area, to be honest with you. I heard Councilmember Kagawa and Councilmember Brun's concerns. They are from the west side. The other question is, what about Americans with Disabilities Act (ADA) requirements being that the County and State is going to make this? Is it going to require ADA compliance?

Mr. Moule: I can answer that question. I am very familiar with the ADA requirements as it relates to public roads. This would be a vehicular ford crossing, and since there is no designated pedestrian facility, there would be no ADA requirements at all.

Council Chair Rapozo: Okay. Councilmember Chock.

Councilmember Chock: I just wanted to clarify something. What I heard was planning and design is what this money is for. If throughout that process, you folks decide because of the community input or whatever, it is a no-go, we are not obligated to receive any more funding or to follow through on the project. Is that correct?

Mr. Tresler: I believe so.

Councilmember Chock: Okay. *Mahalo*.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: As I listen and I know what that ford crossing is. It is the crossing that has always been there. That is why I thought that perhaps this was another one, because I thought that other one was basically fine. Apparently, I guess it is deteriorated and these project funds here are coming from the State to stabilize it or improve it. I mean, I do not see this as something new where we are saying, "Oh, does the community need it?" Of course they use the current crossing. Council Chair Rapozo, we went up there. We visited, John, and there are significant fields of taro. There are a lot of them. It is perfect because it abuts the Makaweli River, which feeds right in there. But the only access for them is to go over the river. Now, if we ignore this project, the current road, ford crossing, continues to deteriorate and then what? They are going to need larger and stronger vehicles to get through and then it will deteriorate the river even more. So, I think Mike is just asking to let them go through the planning process and I do not think this needs to be stalled, because I think everybody agrees that it needs to be stabilized. The community already uses it. Now, we just have to trust in the Administration to do it the right way with the community's blessing. I think it is a crossing that has been used many years. We have all seen it. It has that dirt road that hooks and goes down to the crossing area. That has been there for years. So I do not think this really needs to be delayed because it needs to be stabilized. If the State is not going to do it, we have to do it, because the private owners are going to get in trouble if they try to stabilize it themselves and we do not want to encourage that.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Excuse my ignorance, but there is no other land access from...is it land-locked by Robinson land?

Mr. Moule: Yes. There are dirt roads that travel across Robinson land from Kaumuali'i Highway that connect to another ford crossing across the Makaweli River, but that is all through Robinson land. That ford crossing is unimproved as well. It is a smaller river, so it is hard to maintain. I do not know this, but my understanding is that it is maintained by Robinson to get between different parts of their parcels, as I understand it.

Councilmember Yukimura: I mean, could there not be some kind of agreement made for the farmers to access it at least for produce and so forth?

Mr. Moule: I have not traveled that route. I have looked at it fairly extensively in aerial imagery. Right from the start, once you cross the Makaweli River, there is a two hundred (200) foot bluff to go up. If you switchback, there is a gravel road that I can see in aerial imagery. I do not know that those routes are very feasible for that kind of access besides the fact that Robinson is going to have to agree. I think that it is potentially challenging from a traversability point of view. But just looking at the two hundred (200) foot elevation change and the switchback road that goes up pretty steeply, it is probably challenging. But I have not seen it, so I do not know for sure.

Councilmember Yukimura: Essentially, it is about the process we go through when we choose projects and choose to spend money on projects. I am not an expert in this, but I would think project managers are. I think feasibility studies would take an assessment of the situation, look at alternatives, talk to people, and get all of the information. Then, if it is decided that it is feasible and desirable, then go into planning and design. What I am hearing is that you are actually going to do a feasibility phase before you do planning and design, because why would you plan and design it unless you want to do it? But over here, we do not even know who is going to benefit or all of the people who are going to benefit, what the possible problems might be that we would have to address if we did it, and what the alternatives are, which is kind of what a feasibility study does.

Mr. Moule: I understand. All I can say, honestly, is that if we are going to do some sort of feasibility study prior to accepting these funds, we are going to have to expend County funds to do it. I think in a sense that you are right that any study that the County is involved with to look at the feasibility, I mean, the environmental document will need to look at least what potential alternatives there might be, such as no-build and things like that.

Councilmember Yukimura: Right.

Mr. Moule: That is part of the process. My recommendation is to accept the State funds so we can do that, and that is what we need to do, otherwise, we are looking at spending County funds to do that.

Councilmember Yukimura: Yes. Well, I think everybody is okay with you using the State funds to do that. Well, I am not sure, but I think there is a lot of concern that by approving this, it is a "go" to do it without knowing a lot of things that we should know before we say, "go."

Mr. Tresler: Again, this is not...

Councilmember Yukimura: It is very likely we will want to go, but there are just things that are not addressed.

Mr. Tresler: Yes. Councilmember Yukimura, we cannot disagree. We agree that there are steps that normally can be taken, but every project is unique and different. So this one is a bit unique, and like Michael Moule mentioned, we did not expend County funds on it. We are asking to receive State funds so we can start the process. Again, we would like to have a lot more information than we do, partly is that we were not involved from the beginning as well. So that is not fair to the project, Lyle, and Representative Morikawa, because I am sure they have a lot more information than I do or Michael Moule does. Things were vetted, but anyway, we get your point. It will be part of the process to determine the feasibility, but that is part of the community planning and looking at alternatives. But that is exactly why we need some of those funds.

Councilmember Yukimura: I guess what we could perhaps request is that prior to a decision to move on it in your process, say we approve this today and you move ahead and start doing the research. I do not know...you will probably hire a consultant, but even how you structure the consultant's work, you folks agree to come back to us and report back to us before the final decision to move ahead, or at the point of recommending that we move ahead, especially knowing that you are going to need more money. So, it is going to require a request for more money, right?

Mr. Moule: I think you just answered your own question. I cannot commit the Administration personally, to say that we are going come back at this particular time, but I will say that we are going to need more money. I do not think this can be done for five hundred thousand dollars (\$500,000) for planning, design, and construction. So, whether we get County funds or whether we are accepting more State funds, which again is our goal, working with the State to get more funds, we have to get back to you to do either one of those two (2) things. So, we have to come back to you at that point. Based on your statements, I think there is an argument to be made for us to come back maybe at a time prior to the time the actual funds are coming across, based on your request, and we will take that into consideration. I am not the one to make that commitment, personally.

Councilmember Yukimura: But you could not begin construction without the full amount being appropriated?

Mr. Moule: That is right. We would not begin construction without identifying where the funds to finalize the project are coming from, and we have to come to you for that regardless.

Councilmember Yukimura: Right. The only other consideration I have is that in a lot of projects the EAs and others are used not to determine whether to do the project, but as a justification to do the project. The real exploration of the alternatives and so forth is just perfunctory and never really done because they have skipped the feasibility part and all of it is done to justify the project decision to go ahead, which to me, distorts the process. I think I am relying on you folks to do a real clear-headed assessment of the project with all of the facts in place, which you do not have now, and make a decision after that.

Mr. Tresler: Yes, Councilmember Yukimura.

Councilmember Yukimura: Okay, I appreciate that. Thank you.

Mr. Moule: The critical element is going to the public involvement. That is where we really need to get the public's opinion about what does this look like. I will also add that I have talked about a concrete ford crossing. There something in between, what is there now and concrete. You could do like a boulder ford crossing that is more stable, but harder to drive on, for example. All of these things are what we can work with the consultant on and discuss with the public on trying to find that balance between access and invitation to others, right?

Councilmember Yukimura: That is correct.

Mr. Moule: So there are a lot there, and that public involvement process is where all of that comes in. Again, that is what we are trying to move towards.

Councilmember Yukimura: Alright. Thank you.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I have a few more questions. Are there any roads-in-limbo on that other side of the river? I think the fear is that if we touch the crossing and touches a road-in-limbo, then by default, we are taking ownership of this, one of many roads.

Mr. Tresler: Not our knowledge.

Councilmember Kawakami: Okay, good. Since we are speaking of feasibility studies, what is included in a feasibility study? Is that where we do the public outreach? I am trying to figure out what the feasibility study includes.

Mr. Tresler: That is a broad question.

Councilmember Kawakami: Okay.

Mr. Tresler: It can include a multitude of...it depends on the project and what you are evaluating.

Councilmember Kawakami: It might be a question that I have for Councilmember Yukimura, as to what her priorities are as far as the feasibility study. I can speak upon that this is the right approach to do this project because when we talk about Loop Road, not even the State Legislative Delegation knew about that Loop Road crossing. It was something that had popped up and surprised all of us, just as it had surprised the public. This is a good process. I know that Representative Morikawa has put this on her top priority list, so she has intended to include construction funding as we phase this project along. She has done community outreach. She had John A'ana from one of the farmers groups organize a community meeting. So there was legwork and community outreach on her part. So a lot of those questions have been answered. I know that one of the results from the meetings has been that the community has kind of agreed that a hardening of the current crossing would be appropriate and not like a bridge. They did not want a bridge. So if that was the type of feasibility we are looking at, a lot of those answers have already been kind of vetted. Thank you.

Mr. Tresler: Thank you.

Council Chair Rapozo: Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I am really glad to hear what Councilmember Kawakami has said. If that has been done, it would be really helpful to have all of that in writing, the information that Representative Morikawa has, so that we can be informed and it just helps our decision-making.

Mr. Tresler: That is a very good point. I apologize, that would be my responsibility.

Councilmember Yukimura: Is it something that you have right now that you can provide?

Mr. Tresler: No, I just told you earlier in writing, that she provided that she did meet with the farmers and residents.

Councilmember Yukimura: But you do not have the information to show it?

Mr. Tresler: I think Councilmember Kawakami put it more eloquently and probably in a little more detail from her. I do not have notes from that. I just know she said that she did conduct a meeting and had meetings with the community. I thought I communicated that, but apparently not clearly enough.

Councilmember Yukimura: Well...

Mr. Tresler: I could have put it in writing, yes.

Councilmember Yukimura: I am not blaming you. I just think that in terms of process where you have project name, community meetings had, and what was said at the community meetings. It just is really helpful for the record.

Mr. Tresler: Yes, exactly. You are pointing out the obvious, and yes, we expect to have that when we come forward.

Councilmember Yukimura: Okay. Thank you.

Mr. Tresler: Thank you.

Council Chair Rapozo: Thank you. You said you think seven hundred thousand dollars (\$700,000), seven hundred fifty thousand dollars (\$750,000) to one million dollars (\$1,000,000) would be the total cost?

Mr. Moule: That is our initial estimate, but again, I do not want to commit a number because we have not done...

Council Chair Rapozo: Well, you sort of committed a number.

Mr. Moule: No, I said a rough estimate.

Council Chair Rapozo: I am asking you, because I am going to be frank. We talked about the Kapaia Swinging Bridge, millions. Even if you take out the ADA component, millions, because it was not really a priority for the Administration. This one is, so I want to know.

Mr. Tresler: Okay...

Council Chair Rapozo: The public needs to know. Hang on, let us go piece by piece. How much is...

Mr. Tresler: Planning and design is estimated just...

Council Chair Rapozo: How much is an EA or an Environmental Impact Study (EIS), because that is going to have to be done?

Mr. Tresler: We have an estimated breakout. I think in total, we are estimating about one hundred fifty thousand dollars (\$150,000) to one hundred sixty thousand dollars (\$160,000) for planning and design. That is just an estimate because once you start in, there may be more environmental triggers...

Council Chair Rapozo: Right.

Mr. Tresler: ...that drive the costs up.

Council Chair Rapozo: When I ask that question, I want to know the range is. What is the worst-case scenario and best-case scenario, because this is what I go on, Mike.

Mr. Tresler: Right.

Council Chair Rapozo: I will not be here, but some Council is going to be here having to approve some mega bucks for this project because we know it is not going to be able to be done with five hundred thousand dollars (\$500,000). We know.

Mr. Tresler: The difficult thing is again, the environmental side and then sizing of what type of crossing you are doing because the hydrology and other factors of community input. So that is it really difficult. I mean, we worked on some of these estimates and that is the challenge and that is why there is the range of seven hundred thousand dollars (\$700,000). I will go to one million five hundred thousand dollars (\$1,500,000).

Council Chair Rapozo: Right.

Mr. Tresler: Honestly.

Council Chair Rapozo: That is what I want, honesty, because it is one thing to come here and say what needs to be said to get it passed. But I have been long enough to know that cannot be done with five hundred thousand dollars (\$500,000). I just know that without being an engineer.

Mr. Tresler: Right, everyone agrees to that.

Council Chair Rapozo: Okay.

Mr. Tresler: For a fact.

Council Chair Rapozo: Now, the other question is the State has not committed to any other additional funding going forward. Basically, "We do not have the money. We will give you five hundred thousand dollars (\$500,000). We know it is probably three (3) times that, but it is your problem now."

Mr. Tresler: Right.

Council Chair Rapozo: Was there any negotiation with the State that how about we get into a partnership where we will take on the deal, but we need some sustaining revenue to maintain or why not the State maintain it? I think that is the frustration. With this past Legislature, we got a lot of things taken away. In 2012, they said, "We do not have enough money." That was 2012. Do we still do not have enough money to take care of a State responsibility? That is where, I think, I am having a real difficult time. Hearing Councilmember Kagawa and Councilmember Derek as far as the need and as far as the community outreach from Representative Morikawa, I feel more comfortable. But I just do not like the process where the State says, "We know it is ours, but we cannot afford it." So if you want to help your constituents like it is not theirs, like is not the State's constituents, and I am not talking about Representatives. I am talking about the government, DLNR. Sorry, if you help them, you do it. I think that is the frustration that I have. It is not directed at the Legislature. It is directed at the Administration of the State.

Mr. Tresler: I totally understand. In my conversations with Representative Morikawa, she is fully aware and that is why she fully supports it and understands that there may be a request for more funds. So, that is my understanding and that is a positive that she is aware and willing to support finding more funds.

Council Chair Rapozo: Are there any other questions? If not, thank you very much. Is there anybody in the audience wishing to testify? Seeing none, I will call the meeting back to order.

There being no one present to testify on this matter, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I agree with your statements, Council Chair Rapozo. DLNR spends a lot of money in Kōke'e and removing trees and that why is this project not just as or more important? We have actual people using it daily. But that is not our jurisdiction. We have a road that is deteriorating, a crossing that is deteriorating, and despite what I feel like you, I feel like we have to get it done. I am much more comfortable now supporting Public Works now that Mike is there, and it honestly makes it easier for me. Hopefully we can get it done the right way and as soon as possible. Councilmember Brun said there are concerns about homeless using that area, and that problem is going to be a constant battle. We moved them from the Russian Fort area, we moved them out from the river mouth area, and it is just moving them out, but they are going someplace. So that is another issue I do not want to complicate with this crossing. The crossing needs to be done, and let us do it the right way. Let us work with the community. I do not think the large boulders are going to be the answer. I cannot see us putting the regular crossers through that kind of rough terrain just to get across the river. Anyway, we will see what happens. I am going to be supporting it today. Again, I am much more comfortable today with Public Works. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Anyone else? Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I totally agree. This is one of those cases where I think to get more assurances, one of the questions I asked is where this is on the Administration's priority list when they are doing their CIP requests because every year like I said, there are CIP requests whether it was 800 megahertz (MHz) Motorola upgrade for interoperability, or whether it was for the sheltered bus stops, or even the Water Department sending us projects for infrastructure improvements that lead to State facilities like Department of Education (DOE) schools. I think to get assurances that the County is not going to be on the hook for anymore construction funds would be something that would put our minds at ease. I think we can begin that discussion. I know that on Representative Morikawa's side, she said that this is definitely one of her priorities and has been since 2012, so a lot of discussion has been had. I am sure that she would be open to sitting down and sharing whatever information she has gotten from those meetings with any one of us with a phone call. If you want something in writing, I

am pretty sure she would be open to that, too. I did hear something that piqued some interest and it is a valid question, is whether we are prohibited from spending any kind of public funds for private property. I think that is something that we can send over to the County Attorney and get some kind of a response back that is an official statement from the County. That being said, any time the State or Federal government is willing to send us money, I am happy to receive it with some of these assurances aside. I think we should begin from there. Thank you, Council Chair Rapozo.

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

Councilmember Yukimura: To the extent that this project could really support the growth of agriculture, both support existing agriculture and the growth of agriculture, I am very much in favor of it. But with the issue of agriculture, a lot of times agriculture lots are just used for residences and not for agriculture. So that is the double-edged sword that access does, if you improve access and it just becomes another place to have a residence. That is not the goal here in my mind. I mean, to extend that you are supporting existing residents, you need to do that. But for me, the real benefit could be agriculture as long as there is not an easier, maybe more secure way of having access for the farmers. That is what a feasible study would really examine. I am hopeful that the Administration will review all of these issues, keep our eye on the ball, and really make sure that it helps agriculture without creating more problems for agriculture because as you know, access to fields by strangers has been a real big problem for agriculture. So all of these issues have to be dealt with in the planning of this project. I heard an awareness of that with the representatives here today, and I am hopeful that in the process of spending this initial money, that all of that kind of good assessment and planning will be done.

Council Chair Rapozo: Thank you. Anyone else? With that, I think the questions are valid. I mean, obviously, I think we would have had more information to talk about, but it is what it is. We understand, I guess, the need. I agree that getting Federal and State moneys are good, but I do not agree that we should just grab them because they are available. I think before we grab funds, we need to have some sort of plan and it sounds like you folks will get that done. I know that the cost is going to be significant, but I forgot about the trip that you and I took, Councilmember Kagawa, down the river. Thank you for reminding me about that area because I totally had forgotten. The crossing is vital. I do not think it needs to be a Taj Mahal. It just needs to be something functional that these farmers can get across, especially in times of emergency. I just hope that as it is a priority, that we keep in mind that we keep the cost down as much as possible, that is all, making sure it is safe, and again, functional. I see Councilmember Chock raising his hand. Go ahead, Councilmember Chock.

Councilmember Chock: Sorry, Council Chair Rapozo. A thought came to my mind. There is a trend that is moving us towards often taking on these additional roads and accesses. I think we often overlook the maintenance costs. So, while this might last a few years, what happens after that? We need to be able to have some forward-looking in our budgeting. I just want to make sure that is...I do

not know what formula we use and how that is planned out as part of your process, but please include that, not only in this project, but of course in all of the other projects as these roads become more of our *kuleana*. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Anyone else? With that, the motion is to approve.

The motion to approve C 2017-165 was then put, and unanimously carried.

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

C 2017-166 Communication (07/05/2017) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from April 1, 2017 through June 30, 2017.

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

Councilmember Yukimura moved to receive C 2017-166 for the record, seconded by Councilmember Brun.

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

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

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

The motion to receive C 2017-166 for the record was then put, and unanimously carried.

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

C 2017-167 Communication (07/07/2017) from the Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i, Department of Education (DOE), for the use of various DOE school cafeterias and restroom facilities, including, but not limited to the following locations: Elsie H. Wilcox Elementary School, Kaua'i High School, Chiefess Kamakahelei Middle School, and Kapa'a Elementary School, which will be used by the Department of Human Resources for testing purposes in calendar year 2018: Councilmember Kagawa moved to approve C 2017-167, 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:

Council Chair Rapozo: I have a question, and it is not for the Department of Human Resources (HR) because the communication is well-done and it is self-explanatory. I appreciate that. But I am curious, and I am not sure if the County Attorney can answer this. I am going to ask the question, if you can answer it, then you can come up. If not, we will send it over. Do we require the State to indemnify us when the State uses our facilities like the stadiums or the baseball parks? Do you know that? Does anyone here know that? For some reason as I read this and saw this application, which is insane, I was thinking that I had heard once that we do not, that they use our facilities and there is no indemnification. It is not going to change my vote on this, but I am just saying that if we can send that over. From what I understand, we do not. Wally, if you do not know the answer...but let me get Councilmember Kagawa first real quick.

Councilmember Kagawa: I just think that it is a different sector. The DOE requires the principals to oversee each school. Yes, they just put a lot of responsibility on the principals to make sure that when they let users use the facility, they follow a similar process. When they let the churches use the schools, they have to make sure that they are covered and they are collecting rent. I think they treat the County the same way. I think if that was not the case for other users used it, perhaps they would not require it. But I think it is my personal view that they just have to treat us the same way and we fall in the category of having to fill out that sheet. I know for sure that the State does not do the same when they use our County parks and facilities. Nobody does. To have it one way when the County uses the State's facilities and not to have it reciprocated seems odd, but it is the process that I do not think we are going to solve here.

Council Chair Rapozo: I am not arguing about the fact that we should indemnify or be indemnified. I am just suggesting that. When I saw the application, I do not know if I ever saw this intense application and the big notice for Civil Defense emergencies, which caught my eye. It basically said, if you use the school and there is an emergency, you are responsible for everything that occurs. I am thinking, we are asking to use this to take tests. The State asks the County to use our facilities to play football. The chance of getting hurt in a football game is probably a little higher than it is for one (1) of our residents taking a test. So I am just curious. For some reason, that hit me when I read this thinking. My gosh, they put us through the wringer. Anyway, we can send it over in writing unless we can get that answer. But the last I remember that question coming up years ago was that no, we do not ask the State to indemnify the County. Anyway, Councilmember Kawakami.

Councilmember Kawakami: I totally agree. I do not think the application is in sync because like Councilmember Kagawa said, it is pretty cut and paste for any organization that is going to use it. But it is insane if we are not asking for indemnification for them to use our stadium. So that is a good point. I know the Civil Defense notice is just during school hours, the DOE is obligated during a Civil Defense warning, to provide protection for the students and faculty. I think they are just making it clear that during non-school hours if there is an organization using a

DOE facility, that the DOE is not in charge of making sure that the Civil Defense response covers their participants. So they are just saying, "Hey, if it is a Saturday, or Sunday, or outside of school hours and you are using it, you folks are required or your organization is required." That was a question that came up before. So, it is just amazing that I recalled what the discussion was. Thank you.

Council Chair Rapozo: Yes. I think it is very appropriate to indemnify. I am just, again, that just popped into my head, that we are not asking the same of the State and we should. We will pursue that.

Councilmember Kawakami: Especially for our lifeguards.

Council Chair Rapozo: Well, I did not want to bring up the lifeguards. That is exactly what I was thinking. Anyway, the motion is to approve. Is there any further discussion?

The motion to approve C 2017-167 was then put, and unanimously carried.

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

C 2017-168 Communication (07/12/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$50,000.00, and from Partners for Places, in the amount of \$50,000.00, for a total amount of \$100,000.00, for the development of a Climate Action Plan (CAP) for the County of Kaua'i: Councilmember Kagawa moved to approve C 2017-168, seconded by Councilmember Brun.

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

Councilmember Yukimura: I have some questions.

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

There being no objections, the rules were suspended.

GEORGE K. COSTA, Director of Economic Development: *Aloha*, good morning. For the record, George Costa, Director for the Office of Economic Development. Again, good morning, Council Chair Rapozo and Honorable Councilmembers.

Councilmember Yukimura: Good morning.

Mr. Costa: Good morning.

Councilmember Yukimura: George, where is our Sustainability Coordinator today?

Mr. Costa: He was not available, so being his Supervisor, I am next up to bat. Let me take a few minutes to kind of go over the request. Last year during the budget process, we had in the Office of Economic Development budget request, thirty thousand dollars (\$30,000) as a match for Hawai'i Community Foundation. They were willing to provide a grant for seventy-five thousand dollars (\$75,000) for a Climate Action Plan if the Office of Economic Development could match it with thirty thousand dollars (\$30,000).

(Councilmember Brun was noted as not present.)

Mr. Costa: Unfortunately, we did not get the approval. That grant request went away, but the community, and especially Hawai'i Community Foundation, continues to be a leader in that realm with sustainable communities and climate change. They have come back again and said they want to further the commitment to have a Climate Action Plan. So they are offering a grant opportunity for fifty thousand dollars (\$50,000) if we can find a matching partner. Ben Sullivan, our Sustainability Energy Coordinator, found a Partners for Places grant that does just that where it provides matching funds. There are two (2) requirements for this grant application. One, is that besides being a partner with a community organization, the other criteria is that a municipality or County has to have a Sustainability Coordinator that is part of the application process. This Partners for Places grant application is a good fit and it continues to address what we have heard from the community.

(Councilmember Brun was noted as present.)

Mr. Costa: It also is something that we want to be proactive for our community, the Administration and the County as well as the Council here as supported some of our initiatives over the last nine (9) years starting with the Kaua'i Energy Sustainability Plan and then funding a Sustainability Coordinator. When we first did that position, we were looking at having the County be more energy-efficient and trying to reduce our greenhouse gas emissions. So we feel we have done that with the goal eventually of being a good example for our community and now taking those examples into the community. Here is one (1) of the examples with the Climate Action Plan. So we come before this body again, with support from Hawai'i Community Foundation and we have found a partner grant that would support this request.

Councilmember Yukimura: That is very commendable. The initiative to find other moneys outside of the County, and I am impressed with Hawai'i Community Foundation's commitment to addressing climate change. What is the timetable? What are the goals?

Mr. Costa: With this grant application, Partners for Places does make exceptions for two (2) year timelines, but primarily, it is for a year. We are hoping with approval, that we can submit an application and hopefully get an approval for this fifty thousand dollar (\$50,000) match for the Hawai'i Community Foundation grant. We are looking to implement the timeline of starting in September through November with general outreach and during that time, while we are doing

outreach and gathering information, hopefully by January, have a baseline of information and data that can be used to formulate the Climate Action Plan. Then, February through May is actually working on putting a plan together. Now, part of this initiative is to utilize the one hundred thousand dollars (\$100,000) by—we have a budget of ten thousand dollars (\$10,000) to complete a greenhouse gas emissions inventory, and then another forty thousand dollars (\$40,000) would be used, as I mentioned, for the community engagement and facilitation process. Then, thirty-five thousand dollars (\$35,000) would be for technical support and analysis. Basically, we are looking at hiring the University of Hawai'i (UH) Department of Urban and Regional Planning as the entity that would pretty much be driving this Climate Action Plan. Then, another ten thousand dollars (\$10,000) for contingency, any unexpected expenses that may come up.

Councilmember Yukimura: Okay. Thank you. Is the grant application already written?

Mr. Costa: I do not think so. Ben started on a draft, but before we go any further, we wanted to make sure we got approval.

Councilmember Yukimura: What are the goals? What is the outcome that you are aiming for, that at the end of the one (1) or two (2) years you are going to have?

Mr. Costa: Well, first of all, it is the community engagement piece. Besides hiring University of Hawai'i, they are going to have graduate students basically doing the yeoman's work of putting this plan together. But part of the process, community engagement, and data-gathering is utilizing students, whether high school students or Kaua'i Community College (KCC) students in that effort. Also...

Councilmember Yukimura: Well, I hope the outcome is not community engagement. That is the means to the end, right? I mean, are you not going to come up with a plan in the end?

Mr. Costa: Right, that is the ultimate goal. Community engagement will be the process in which we gather information.

Councilmember Yukimura: Correct. What is the deliverable? What are we going to have at the end?

Mr. Costa: Well, as far as the deliverable, I do not have that right now. Let us see. Let me just read my notes here.

Councilmember Yukimura: That is why it would probably be good to have your Sustainability Coordinator here.

Council Chair Rapozo: I have a question.

Councilmember Yukimura: Go ahead.

Council Chair Rapozo: What is a Climate Action Plan? What I am hearing is that we are paying for community engagement. I think Councilmember Yukimura hit it right on the head. That is the deliverable.

Mr. Costa: Okay.

Council Chair Rapozo: But I am trying to, and pardon my ignorance, but what is a Climate Action Plan? At the end of the day when they give us this plan, what is it going to say?

Mr. Costa: Okay. Again, part of the process is to gather the data and planning implementation. We will be building capacity for modeling and analyses. Obviously, I mentioned stakeholder engagement. Then, another piece of the process is mitigation strategies, looking at emissions inventories, and setting goals for those emissions inventories. Systems strategies. Basically looking at buildings whether it would be commercial or government buildings; looking at the energy supply chain; looking at the transportation sector as well as solid waste. Then, on the adoption of strategies, is looking at the climate impact forecasting, vulnerabilities, and assessment of developing strategies. So these are all part of that action plan that would be developed.

Councilmember Yukimura: Okay. George, given that climate change is fueled, literally and figuratively, by greenhouse gases, the plan is to identify the sources of greenhouse gases on Kaua'i, right?

Mr. Costa: Right.

Councilmember Yukimura: Did you not say "emissions inventory?"

Mr. Costa: Right.

Councilmember Yukimura: So is there going to be an inventory of where the greenhouse gases are being produced?

Mr. Costa: Right.

Councilmember Yukimura: Which sectors, how much is being produced by the building sector, and how much is being produced by the electrical generations sector by the transportation sector.

Mr. Costa: Transportation.

Councilmember Yukimura: And then strategies to reduce the greenhouse gasses.

Mr. Costa: That is correct.

Councilmember Yukimura: Is that not basically what we are going to do?

Mr. Costa: Right.

Councilmember Yukimura: Is there going to be a plan for Council adoption? Do you know?

Mr. Costa: That would be part of the approval, similar to the Kaua'i Energy Sustainability Plan; gathering the data, putting a plan together, and bringing it before the Council.

Councilmember Yukimura: And then will there be indicators to measure whether we are achieving the goals of the plan of reducing greenhouse gas emissions presumably?

Mr. Costa: Right.

Councilmember Yukimura: Maybe greenhouse gas emission are the only indicator, though. I think if we judge from our Multimodal Transportation Plan, vehicle miles traveled might also be an indicator. So having all of those indicators and strategies, and if we adopt the plan, then it will be to implement the strategies?

Mr. Costa: That is correct.

Councilmember Yukimura: And see if we can reduce our greenhouse gas emissions and reduce Kaua'i's impact on climate change?

Mr. Costa: Right.

Councilmember Yukimura: Okay.

Mr. Costa: That is the goal...

Councilmember Yukimura: Is that pretty much accurate?

Mr. Costa: ...to start.

Councilmember Yukimura: Is that in writing someplace?

Mr. Costa: We are formulating that. But again, if this is approved, then we are going complete the application and have a process.

Councilmember Yukimura: Is there anything from Hawai'i Community Foundation that lays out why they are pushing this and funding us with fifty thousand dollars (\$50,000)? I mean, I presume this is part of a statewide effort.

Mr. Costa: Well, it is part of the pledge from our various Mayors of our Counties and other government leaders.

Councilmember Yukimura: Is that the Aloha...

Mr. Costa: The Aloha Plus Challenge, right. It is all part of the climate change initiative.

Councilmember Yukimura: I am glad is all connected. That is really good. Subsequent to this, can you give us a one (1) page summary of what our effort will be for the County and how it ties into State's efforts and the Aloha Plus Challenge?

Mr. Costa: Okay, we can do that.

Councilmember Yukimura: That would be really useful.

Council Chair Rapozo: Can you yield really quickly, Councilmember? We have a couple of other questions.

Councilmember Yukimura: I am done.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I think this comes up every budget, and the question is always, and I think Councilmember Yukimura was getting to it and Council Chair Rapozo put it very flatly. What is this Climate Action Plan and what are we going to get out of it? What is it going to obligate us to? I still have to say that I do not have a very clear picture of what it is going to do. I do not know. We have had it in, I think, in every single budget I have been in and we have asked the question, and I still do not have a clear picture of what it is going to do, and what type of initiatives it is going to take. Is it going to cost us more money to implement? I just have, I guess, no clue. I know you tried to answer it, so I do not expect anything more out of that question. But again, will this commit to us any future funding if we go ahead with this, because right now, I do not understand why we have to be a part of it? Why does this money have to go through us? Can they not just use of money and say, "We are going to use Kaua'i County as an example," and work with our Coordinator, and they spend the money to do a Climate Action Plan? I guess I do not understand what our involvement is.

Mr. Costa: Well, they have come to the Office of Economic Development, Ben Sullivan in particular, because he is our Sustainability Coordinator. Like I said, from the conception of the Kaua'i Energy Sustainability Plan in 2009, we, and I am talking about Glenn Sato, the Office of Economic Development, and the Administration, has taken a leadership role in these initiatives. It is one of the reasons why Hawai'i Community Foundation has come to the Office of Economic Development. Now obviously, we need to articulate better what the plan is about and what it will do. It is an educational vehicle for our community, similar to what the Kaua'i Energy Sustainability Plan did back in 2009. It brought to light some of the challenges we were facing and our reliance on fossil fuels. So in this case, it is not only our reliance on fossil fuels, but the impacts it has on continuing to use fossil fuels and gashouse emissions. It is a lot of data and education for our community. Then, what do we do with that information? Part of the plan is once we gather the information, how do we present to the community and what action steps we can provide to the community whether it is commitment of

financial resources from the County or purely educational to the community. Maybe there are other entities in the community that want to take a lead in certain sectors. So that is what formulating this plan is about, or at least a good majority of the plan is gathering that data and information.

Councilmember Kaneshiro: Have there been any other Climate Action Plans that have been done, and they say, "One (1) thing that we saw in every single Climate Action Plan is that Counties can do x to reduce their emissions and it costs them y , and it is a benefit because they are able to do this with cost-savings?" I am just not understanding how this is going to play out with County. Obviously, we can look at information at how many of electricity we use, are there other ways to reduce electricity, will solar help us reduce our electricity bill, and those types of initiatives. I am just not understanding what this Climate Action Plan is going to bring.

Mr. Costa: Your point is duly noted. In fact there is a document we can share with you along with the one (1) page summary. It is called the United States (U.S.) Cities Climate Change Best Practices. It is published on a national basis. We will be able to provide that for you. It is information that was gathered throughout the nation on those municipalities and other organizations that have been working on climate change. I think that would be a good start to help answer your question.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. Thank you. I have a few questions. Did we specifically, on our side, request this funding from Hawai'i Community Foundation, or is this something that they requested from, I guess, one of their accounts for us to take the lead? Did we reach out to them or did they reach out to us on this project?

Mr. Costa: They actually approached us a year ago and we tried to do a match. When that did not materialize, they came back again to see if County would be willing to look at it in a different way and get matching funds to create some kind of climate change initiative.

Councilmember Kawakami: We talk a lot about being on the same wavelength with public safety, fire, police, Emergency Medical Services (EMS), civil defense, and even State law enforcement agencies being on the same wavelength. I am concerned that are we on the same wavelength on everybody else that is trying to tackle this problem because it is a holistic problem. I will tell you that KIUC has studied this issue extensively. We have the State Office of Planning throwing out resources for Climate Action Plans. We have private sector organizations that are planning for Climate Action Plans. So I am just concerned that there is redundancies. How are we, as an organization, making sure that we approach this with all of the other agencies talking to each other? It is almost like this Habitat Conservation Plan where we should be having everybody that is a part of this issue at the same table so we are not spending moneys studying the same problems and coming up with the same answers, which is what I think I heard Councilmember Kaneshiro talking about. I am just concerned at what point, if we are measuring king tides, this exercise

of watching king tides come in, if we are seeing that is the new norm as far as sea level raise, then O'ahu is in big trouble and we are in pretty trouble, too. At what point do we have tangible recommendations on what we need to do with our wastewater facilities, with our County roads and State highways being impacted by sea level rise, and to get a tangible to-do list instead of studying this thing? If we study this thing to death, by the time we come out with any kind of real action plan, is going to be too late because you know and I know how long it takes to build a road. The public should know. It is not like "Okay, we have money. Let us go build a road." Unless we are waiting for an emergency.

Mr. Costa:

Right.

Councilmember Kawakami: Because if we are waiting for an emergency, I can tell you when the roads washed out in Kīlauea, we can spend money really fast, but that is not a proactive way to approach the problem. I want to know where we are as far as figuring out this thing as a collective organization, meaning every single agency that is already flowing money at this thing. I will tell you it is quite a bit because we see appropriations on every level trying to address this thing. My biggest concern is if there are resources that should be allocated. How open are we to having some of these ideas included into this Climate Action Plan? Do we have the flexibility to say, "Okay, we want to and thank you so much to these two (2) organizations." They do tremendous work, and I am not about to say "no" to this money. I am saying "yes," but how much flexibility do we have in saying, "These are the things we want to come out with the Climate Action Plan? We want to see some tangible recommendations on our transmission lines and what we need to do with that." I guess the question is, George, where is the flexibility on what we want to see as far as the goals coming out of this thing and how effective are we at actually speaking to everybody else that has this on the top of their priority list?

Mr. Costa:

Well, you bring up a good point. As far as the General Plan is concerned, it addresses climate change. I have been in some of those discussions. There was a lot of talk about sea level rise and what it will do to our water table. Most of our old roadways were all *mauka* until we started building the Kaua'i belt road closer *makai*. So maybe we go back and utilize those *mauka* roads. But with regards to this plan, I firmly believe this is one of those first steps to try and gather all of that information, but duly noted. I have your concerns noted as well as the other Councilmembers. We will try to address that in a summary document and include some of these best practices.

Councilmember Kawakami: I just think that we are at a level where we have evolved into getting information. I think we have gotten a lot of information. There are a lot of tangible facts and data out there, and there are very tangible results of what is going on. I just wanted to make sure that we are utilizing our resources where we most need it. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: George, this plan, given that you said is going to look at greenhouse gas emissions, is going to look at the causes of climate change,

right, in an effort like the cities of the world have been trying and President Trump has been withdrawing from, in an effort to change the course of the natural system right now due to manmade activities, right?

Mr. Costa: Right.

Councilmember Yukimura: I know there is this piece of adaptation to the changing climate, but is the main goal not to reduce the greenhouse gases so that we can be assured this Earth has a future?

Mr. Costa: Well, that is part of the goal. As Councilmember Kawakami mentioned, there is a lot of information out there, a lot of data. It is bringing all of that information together and putting a plan together that is going to make sense, and going to make sense for Kaua'i. Obviously, I had people say, "Well, why do we even want to address this because we are just a small speck in the universe and it does not matter? We should just continue on our merry way."

Councilmember Yukimura: What is your answer?

Mr. Costa: My answer is we all contributing to it. It is our *kuleana*. That is the way I look at it. It is our *kuleana* whether we are a small speck on the Earth or China.

Councilmember Yukimura: Well, it is that power of one (1), right?

Mr. Costa: Right.

Councilmember Yukimura: If every speck changed their ways, it would be a major change.

Mr. Costa: Right.

Councilmember Yukimura: In terms of Councilmember Kaneshiro's question about whether it commits us to any additional costs, is it not true that it would develop strategies or ways for us to address the problem, but then we would choose at time of budget whether we want to implement those strategies?

Mr. Costa: Right.

Councilmember Yukimura: Right. So, we would then make a decision one way or the other.

Mr. Costa: Right.

Councilmember Yukimura: We are not pre-committed.

Mr. Costa: No.

Councilmember Yukimura: But it does help us identify the key strategies or what would be the biggest ways to fight climate change.

Mr. Costa: Right.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? I just have a couple, George. Do we have baselines now of greenhouse gas emissions and sea level? Do we have baselines right now?

Mr. Costa: No. Well, we have some information, like...

Council Chair Rapozo: I am talking County generated.

Mr. Costa: Right.

Council Chair Rapozo: How long have we had an Energy Sustainability Coordinator? How long have we had that position in the County?

Mr. Costa: I believe we have had it for five (5) years now.

Council Chair Rapozo: And we do not have those baselines? I am talking about County generated, not the kind you pull off the internet, which is available by the way. This information is free and that is the challenge I am having. What are we paying for? I am still not clear on what we are paying for. Forty thousand dollars (\$40,000) for community engagement, but I do not understand what that is. Do we have any? I mean, what do we have to show? You said we have a draft.

Mr. Costa: Well, we have a draft of an application.

Council Chair Rapozo: No. We do not have a Climate Action Plan?

Mr. Costa: No.

Council Chair Rapozo: Or draft?

Mr. Costa: No.

Council Chair Rapozo: What do we have that pertains to sustainability?

Mr. Costa: We have initiatives, there is the Aloha Plus Challenge, which is a Statewide...

Council Chair Rapozo: County generated.

Mr. Costa: County generated?

Council Chair Rapozo: Yes.

Mr. Costa: We do not have that information right now.

Council Chair Rapozo: You said earlier that when the question about the funding, I think Councilmember Kawakami's question about did we reach out or did they reach out. We did not approve the funding because the justification just was not there. I think Councilmember Kaneshiro asked a few questions. What I got out of that response was we are going to have some people come here and basically hang out with County for a while and give us some suggestions. But I guess I still do not understand what we are getting. What is the tangible? Earlier today, we talked about a ford crossing, there is a tangible at the end of the day. I am still not clear what this is getting us. For me, I am trying to figure out where we are today so far as Climate Action Plans. Like you are saying, is this going to be the start of the County's activity in a Climate Action Plan? After five (5) years, is it only now that we are going start working on a Climate Action Plan?

Mr. Costa: No. We started with the Kaua'i Energy Sustainability Plan. We were looking at fuel efficiencies and energy efficiencies in our buildings. That is what we have been focusing on. We have been focused on landfill, methane gas emissions, trying to look at ways of how we can utilize that methane gas, looking at wastewater, and trying to gather methane off of wastewater. So there has been a lot of work other than climate change.

Council Chair Rapozo: Okay.

Mr. Costa: Obviously, climate change is coming to the forefront of, but there has been other work that we have been working on besides climate change.

Council Chair Rapozo: What will this do differently than the Sustainability Plan that we currently have? I am assuming we update it.

Councilmember Yukimura: We do not have a Sustainability Plan.

Council Chair Rapozo: We do not have a Climate Action Plan?

Mr. Costa: No, we do not have a Climate Action Plan right now.

Council Chair Rapozo: Like you said, we do not have any baseline data?

Mr. Costa: We have some data, but nothing to the degree that we need to make reasonable assumptions and then put together a plan on how we can address those assumptions.

Council Chair Rapozo: Okay. Is Ben not available today at all?

Mr. Costa: Later on this afternoon, I believe.

Council Chair Rapozo: Okay. Are there any other questions?

Councilmember Kaneshiro: I do not know if I should keep asking. Again, yes, I am just not getting this and maybe it is just me. But if I think about what produces the most carbon emissions, my initial thought would be our fuel use, which KIUC is addressing. KIUC is moving towards more renewable energy. I think of the County. What can we do to reduce our amount of fuel? We look at our electricity use and we look at our vehicles. Are we able to save costs there? I get that. But I just do not understand what this plan is going to bring to us. Is it going to say, "Airplanes are causing a lot of carbon emissions, so we should reduce the amount of airplanes coming to Kaua'i?" Vehicles are the main cause of carbon emissions, so we are going to reduce the amount of miles that we are going to let people drive on Kaua'i. I am just not understanding what this is going to produce. I think that has been my question through all of the budgets. It is not about the money. I know in the past, they said, "You folks do not spend County money, so let us find a match." For me, my problem has even been the money. It has always been what are we getting from this? What are we going to get? What are we going to see in the future coming out of this plan? I am still not comfortable with what is going to happen. Obviously, if they say vehicles are creating the most carbon emissions, what are we going to get? Are we going to get a proposal to change legislation to reduce the amount of driving that people do on the island, which I do not know how we would do that? I just want to get an idea of what we are looking at and what we are trying to do.

Mr. Costa: I guess the best example that I can use since we created the Sustainability Manager position was creating a Green Team, and I mentioned this before, looking at how the County uses energy whether for transportation or the buildings. We have looked at all of that. We have put a plan together to try to address that, which I believe we have. That is where the Motor Pool comes in, that is where the Green Team comes in, and looking at each Department, what we do with regards to saving energy, building facilities, wastewater, Department of Water, and using different types of pumps or more energy efficient pumps. So that is one (1) plan we started on when we first came up with the position. As I mentioned, look at the County and see what we are doing. Again, that is data gathering, looking at how we operate, and putting that together in the plan on how we can address that. I believe we have been successful that in reducing energy or at least making people aware of what our consumption is and how we can better address that. Now, not everybody in the County is going participate in that, but I think we have come a long way in educating people. Now, here is the Climate Action Plan that is not only going to be for the County facilities, but the islandwide County, as I refer to. That is gathering information and seeing what our greenhouse gas emissions are, looking at all of these areas, and putting a plan together. I guess you need expertise to do that. We have Ben Sullivan, and I believe he is well-qualified, but that is just one (1) person trying to work on all of these initiatives. Here, we have an opportunity to utilize some funding to hire people from University of Hawai'i that can help us with putting this plan together, gather that data, and put this plan together. I do not know. That is the best way I can explain it.

Council Chair Rapozo: George, I am going to stop right there. It is 10:30 a.m. We have to take a caption break and I see a couple of hands up. So we will take a ten (10) minute caption break, come back, and finish up.

Mr. Costa: Okay.

There being no objections, the meeting recessed at 10:33 a.m.

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

(Councilmember Kawakami was noted as not present.)

Council Chair Rapozo: Councilmember Yukimura, I think you were next.

Councilmember Yukimura: Okay. Thank you. I know there has been some questions about what the Sustainability Coordinator has been doing, but I think to be fair, you have been asking for some moneys to support the work of the Sustainability Coordinator for three (3) years now for a Climate Action Plan, right?

Mr. Costa: Right.

Councilmember Yukimura: As you mentioned, the County has been working mainly on the County facilities and on the County *kuleana*, but now we are looking at an islandwide plan?

Mr. Costa: That is correct.

Councilmember Yukimura: Okay.

Mr. Costa: If I could add, again, maybe I have not been communicating properly, but in that initiative, that was the plan. The plan was to create a Coordinator position for sustainability, look at the County first, the County operations, look at our facilities, look at our transportation, gather data, look at how we conduct business, formulate a plan, and then implement that plan throughout the County. It has taken four (4) to five (5) years to implement that, and I had mentioned the Green Team and other ways of doing that. Now, we have the Climate Action Plan, which we tried to start the implementation about three (3) years ago. I guess the best way that I can describe and if you could just bear with me for a few minutes, understanding what the deliverables are for this Climate Action Plan. I am just reading some of my notes here. I had mentioned that it is not just community meetings, bringing the community together, and using students to collect data, but once we get this information and data, then we come up with mitigation strategies. I am referring back to this integrating climate goals into city plans. This is from this document that I will share with you. Basically, it looks at mitigation planning, emissions inventories and analyses, setting goals, and developing strategies. Then, you also look at systems strategies and how are you going to implement this. That includes buildings, energy supply, transportation, waste streams, and solid waste, cross-system issues. Again, how they integrate within our community, neighborhoods

and districts. Then, social equity. Then from here, how do we integrate this into our land use plans and our transportation plans? We talked about the Multimodal Plan that is being worked on. Electric utility integration, resource plans, the County utility plans, which is electric, water, wastewater, and building energy plans. Then, economic development plans, because all of this obviously has an economic development component and an effect on our community. Then, the adaptation of these strategies. How do those take place by adaptation planning and climate impact forecasting vulnerability assessments, developing strategies, and then systems strategies within these buildings and facilities? How do we incorporate this plan? Then, how are the neighborhoods and the community affected by this?

Councilmember Yukimura: Okay. So you talking about a very comprehensive approach.

Mr. Costa: Right.

Councilmember Yukimura: You are talking about changes systems, which is complex. It is not something like just turning off the lights.

Mr. Costa: Right.

Councilmember Yukimura: And you are talking about basically creating a more sustainable community, which will be reducing our greenhouse gases, which will be contributing to our responsibility in the world to keep climate change from destroying the world or causing huge expenses and suffering on this planet.

Mr. Costa: Right.

Councilmember Yukimura: I think it is one of the most important challenges facing humanity. So is that not important?

Mr. Costa: Well, that is why I tried to use the example of working within the County framework first, using the County as an example that we have done all of these measures.

Councilmember Yukimura: Okay. George, it is not simple. It is a pretty complex thing.

Mr. Costa: It is complex.

Councilmember Yukimura: I think people are wondering why you need consultants. But these are really complex systems, right, that we are trying to change?

Mr. Costa: Systems we have developed over the last one hundred (100) years and trying to see how we can change some of them.

Councilmember Yukimura: And they are causing really major impacts on the planet.

Mr. Costa: Right.

Councilmember Yukimura: Okay. I know that Councilmember Kawakami was concerned about redundancies, but actually, it is identifying gaps.

(Councilmember Kawakami was noted as present.)

Councilmember Yukimura: I know KIUC, and we are really grateful for them. They are doing really good work on electrical generation, but that is not the only source of emissions, right?

Mr. Costa: Right.

Councilmember Yukimura: There is transportation and buildings. I do not know what else. When you say "mitigation strategies," are you talking about how to reduce emissions?

Mr. Costa: How to reduce emissions. Is that part of public policy? Is that...

Councilmember Yukimura: How to reduce greenhouse gases?

Mr. Costa: Start with having people volunteer to do this and then slowly get into a public policy and see what we need to do to make that change.

Councilmember Yukimura: The whole issue of built environment is that you change the way our communities are set-up so that even without thinking about it, people are doing things in a there are sustainable manner.

Mr. Costa: Right. It is as simple as recycling. It is the same thing.

Councilmember Yukimura: As we have found out, recycling is not that simple.

Mr. Costa: Well, is not that simple. I went to Oregon for college in 1972 and started recycling. I am still trying to convince my friends how important recycling is.

Councilmember Yukimura: Yes, it is about changing systems. Okay. Thank you very much.

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

Mr. Costa: Thank you.

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

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

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

Councilmember Kagawa: Thank you, Council Chair Rapozo. I remember one of the rare moments when Senate Inouye was here in person, and it was in the early 1990s. I think Councilmember Yukimura was Mayor at the time. Council Chair Kouchi asked him, "What should this County focus on? We are struggling financially and trying to see how we are going to get things upgraded or to meet that public demand? Basically, how can this County become more efficient and more effective?" Senator Inouye said, "The main thing that the County and the State needs to do is to eliminate the County from doing things that the State and the Federal government are already doing. Basically, try not to duplicate services is what he was saying. This is an area that, I believe, fits that bill. If the Federal government is working on it, let them do it and then follow-up from there. I think duplicating services is essential. I think reinventing the wheel when somebody is already doing it better is not good use of money. But this is not our County's money. This is a little different. We are receiving grants and therefore, I am not as opposed to it as I would be should it be County moneys. But I will say that I think it is a difficult problem to solve. I think when you try and as we have seen last week in the presentation about the motor pool, we have eighty percent (80%) to ninety percent (90%) of the vehicles hybrid and electric vehicles, but the problem is a lot of them have battery problems or what have you, because they are not used enough. So we are basically trying to model by using energy efficient or less fuel efficient cars with our County government when we do not really use it as much as a homeowner would use it. So a homeowner should use the hybrid or electric vehicle if they can afford it because they are going to use it every day. They are going to use it, their kids are going to use it, they have to drop off their kids, go to work, and go shopping. When the County people uses the car, they have to go to their destination and come back. It is not the home use. I do not think we can necessarily say, "Well, whatever the County is doing and saving money on, well, that is what the homeowners should do," because I think a lot of cases, you are comparing apples and oranges. For the County's electric use, we do not use electric at night. So it is very different to compare a homeowner and the County government. Now having said that, yes, it is good that we are leading by example where we can. But I think the public knows where they can minimize, but they are going to make the best decision financially, for themselves. It is hard to dictate, as Councilmember Kaneshiro said, "What are we doing to do? Are we going to mandate people to buy hybrids or what have you?" That is ridiculous. I think the Federal government needs to take the lead nationwide and decided what parameters should be set aside for the private sector to do what is best for the environment. I do not think it necessarily makes sense that the County is getting into the business of trying to tell people on Kua'i what to do to help this problem. I think it needs to be done nationwide, I believe, in most cases. Anyway, that is just my opinion at this point. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I would like to personally thank these two (2) organizations, Hawai'i Community Foundation and Partners for Places. They are definitely doing their job so far as identifying projects and public-private partnerships. I am glad that they are willing to partner with the County of Kaua'i. So big *mahalo* to them. I wish on our side, maybe we have done it and maybe we have not, but like the Food Bank will put out a wish list of their much-needed items, powdered formula, rice, canned meats, and tuna. I wonder if the County of Kaua'i has identified what their priorities are, when they are seeking these kind of private-public partnerships and getting funding from personal donors. It would help if we had a wish list and at least there was some kind of rational nexus. I think on our side, we need to do the job. On their side, Hawai'i Community Foundation and these different funding sources are definitely doing theirs, because I personally believe there are better ways to use the money because there are a lot of plans. As far as County operations, I think identifying the low-hanging fruit has been done as far as energy efficiencies, retrofitting our lightbulbs, setting out thermostats, investing in public transportation, and investing in these types of built environments where being sustainable is not even a thought. We have begun. What I am concerned about is that we are going plan this thing and then we are going to look when there is some action that needs to be done and we are going to be a little too late on this thing. Like I said, if we are looking at king tides as being the new norm where sea level is going to be, then we need to aggressively take a look at where we are sourcing our infrastructure and honestly, where we are going to move this thing to. I truly believe it is a matter of time in the near-future. Some of the roads that we use are going to be in jeopardy. If you take a look at 'Aliomanu and how much investment we are putting in to save that road, and yet, private property owners are not even allowed to protect their private property. Where is the justification? That is hypocrisy at its greatest. I can speak from true life experience that there are private property owners that are going to lose their property, as such as my wife's family has, and they cannot even protect it, but we are going to be allowed to protect our own roads, and rightfully so, because what is the other alternative? But I would say that at this point, there are a lot of resources. I hope that we are speaking with these other agencies that have already sourced tremendous resources towards climate change so that we are all speaking at the same wavelength and at some point, we have to know how much this thing is going to cost to take action if we are forecasting all of these changes. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I have to say it is my opinion that the Federal government is not working on climate change, that under President Trump, we are withdrawing from working on it and really losing face in the world in terms of our leadership, and that is why the cities are now rising to address it. They are saying, "We are going to do it because it is affecting the lives of our citizens. It is affecting the planet," and I think this County needs to join in to do that. I do not think we can do it by individual action because it is about creating systems. It is about our electrical, it is about our transportation system, and it is about our landfill system, which I am told is the second largest single point emission of greenhouse gases next

to KIUC. It is that kind of information that we put together that will hopefully help us do prevention, which is always the cheaper and better way than to do adaptation and response. Although we still have to do that, the real proactive approach is to prevent and that we can do that by lowering our emissions. The wonderful thing about it is in doing it, we are creating a better world and it actually reduces cost of living and the cost of doing business, it creates jobs, and it creates a more sustainable future for our kids. I mean, to me, it is a win-win if we address this issue, but it is very complex and it is not something that can you can write a paper overnight about, which is why the Office of Economic Development has been asking for moneys to get expert help. They have been asking for three (3) years now. We have denied them for three (3) years. I voted to deny them the first time, but I think with this partnership through Hawai'i Community Foundation, which is a highly respected and well-planned organization, and this Partners for Places, I think we need to do our job as a County and partner to get this plan done.

Council Chair Rapozo: Anyone else? Councilmember Kaneshiro.

Councilmember Kaneshiro: For me, it has always been the same question, what is our tangible? Obviously, I have asked it a lot of times. I am still just not getting it. When I make a decision, cost is a consideration, what are our tangibles, what is it going to do for the future, and what kinds of actions are we going to take for the future are all in my decisions. Right now, I am just not comfortable on voting on something when I do not necessarily really know what our tangible is. From my standpoint, we have gone through a lot of budget meetings, some where the County was going to put money in, some where the County was not, and it is not really a cost matter to me right now. It is more of what are we getting out of it? For me, I am not comfortable voting on it now, but if members want to send it to Committee and we can actually get something that shows us what the tangibles are, I might be a little more comfortable on it. But right now, I am just not sure where we are going to go and what route we are heading down as we start to do this. Obviously, we can get baseline information and that is great, but again, the question is where do we go from there and what types of initiatives are we looking at? I am just not sure where we are going from here.

Council Chair Rapozo: Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I think the tangible is a plan and without a good plan, I mean, why do the General Plan, right, or why do a plan for a project or a plan for a functional plan like for sewers or for solid waste? Without a plan, you do not know what the effective actions are leading to get to a certain place. So the tangible is a plan, and a plan consists of data, goals, and strategies. Without that, you are just going all over the place. So, I think the tangible is clear. It is a plan. It depends on if you think the plan is important or if you think the subject is important. But I believe the tangible is clear.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I think the conversation on sustainability as it applies to climate change is a difficult and very

complex topic. I am glad that we have actually tried to dig deeper into what it is we are trying to get. I think that question is really still a concern for me as it is for other Members in terms of the lack of clarity on the action items. That being said, I think we do not know what we do not know when it comes to this. But what we do know is that we have an interest, we started with an interest at the County level, we want to see it expand islandwide, and we have to start somewhere. I do like the idea and sort of the direction that is being given from Council on before we start kind of getting into this, make sure that everyone is aligned, that interagencywise, we are coordinated so that we are taking some of our lead from the State and the Federal government. But I do also believe that on every level, we are going to have to be responsible to this, and this is not only in the government, but also in every home. I am going to be supporting this moving forward and see that we get something, some data, or some foundation to start from to direct us into whatever it is. The hill is huge, right? It is like the questions, what are you going to do? Are you going to stop airplanes from coming here if you really want to effect emissions? I think that it is really about mindset and frame of mind that they are wanting to look at and see how it is we start to create an ongoing discussion across the board again, in every household what we should be making hard decisions on. If we do not start somewhere, we will never get there. We need to do our share in that sense. This is a reach out from private organizations. I want to thank them as well for their support and I will support this today. Thank you.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: Again, I feel like this is going back to Bill No. 2491, the Genetically Modified Organisms (GMOs), and all of this fear. You do not need a plan to tell you that, "Well, you help the environment if you walk more, ride bike more, and catch the bus more." I mean, everybody out there, at least that I know, they know what to do so far as trying to help the environment and ways of using less gas, diesel, or what have you. But that is why I am saying at the Federal level and you can bash President Trump or choose to bash President Trump all you want. I do not think it is appropriate for us to bash a President when we need the Federal government's help here on Kaua'i. We are going to bash him and think we are going to get help. What is the purpose? If you do not like him, you do not like him. I do not like him, but I do not talk about him. The key is how are we going to solve the problem nationally? Everybody has got to chip in. Is only Kaua'i going do it right way? Is the rest of the United States not going follow our plan? What is the use of the plan? The environment is still going to get messed up. Now, if we do it nationwide, then we are solving the problem. That is why I said nationwide is probably more efficient. I think sometimes we have to listen. We cannot only think what we think is the right way. Senator Inouye said it best, "duplication of services." It is more efficient and more effective. I do not trust that our leadership in this plan with the staff and personnel we have in the Office of Economic Development, I do not believe they will have the plan for the silver bullet to solve the problem. That is just my gut, and I am not supporting it. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I am going happily accept this money that is coming from private resources. But I can agree on some of the concerns that were brought up. I think it may just be because that I have been involved with KIUC and also at the State level. So I have seen a lot of layers of what I would consider redundancies. I know on the national level, there is a clean power plan that I believe the Trump Administration is trying to also undo because it came about during the Obama Administration. It does look at sustainability at a holistic level and it even addresses fuel changes to our airline industry and even the Navy has set forth sustainability goals. They are trying to move the fleet over to an algae-based jet fuel kind of incorporation into their diversified fuel mix. So all of these things come together. I do not want to leave the public with the thought that perhaps we are not doing our side, because I can tell you, I believe that Kaua'i County and KIUC is leading the charge. In fact, I think it should be noted that KIUC is setting a national example of what electric generation should look like and even transmission and distribution as well. There are other municipalities that are looking at Kaua'i as the role model. I can tell you that the umbrella organization that they are under is not even supportive of the direction. Most of National Rural Electric Cooperative Association (NRECA) and the cooperatives out there are generating their electric electricity with coal. So they have a vested interest to not go in the direction that KIUC has, but they have been brave enough to kind of go off on their own way, which is the right way. But like I said, I do believe plans are important. I just think that there are existing plans, and what I hope for is some tangible recommendations at the outset of this whole Climate Action Plan. Thank you.

Council Chair Rapozo: Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to take off what Councilmember Chock said, we do not know what we do not know and that is in terms of alternatives. So if we do not know alternatives, we think the only option for solving the emissions from airplanes is to stop them from coming. But, in fact, Senator Inouye was funding and Grove Farm was involved in the algae production because a different kind of fuel could make the difference, or the other is what has begun with some Koa growing organizations where passengers will pay for offsets to the emissions. That is they would pay to grow a Koa forest, which would absorb the emissions and therefore, that is one (1) way of offsetting the emissions. That is a way to grow more green forests and produce more jobs. I mean, it is incredible what some of these options are if we only take the time to look and understand. That is what a plan at its best will do; really look at these options, look at what is feasible, and begin to change systems so that people do not have to say, "Oh, I have to walk ten thousand (10,000) steps a day." But actually just in the process of life itself, they do it because we created systems like in the Netherlands, Amsterdam and Copenhagen where thirty percent (30%) of all trips are by bicycle. Young and old riding bicycles because they have created the systems for that. That is what we can do with innovation and good planning. That is what a plan will do for us. At minimum, we need to do this, and do our part. Everybody has to chip in. So that is what we should do. We should be doing our part for climate change.

Council Chair Rapozo: Anyone else? Let me just say that I would definitely support a referral to the Committee to get Ben here so he can explain it to

us. I am still not sure what this does. Whether it is our money or a foundation's money, it is still the same for me. What I heard today was ten thousand dollars (\$10,000) was going to go for greenhouse gas emissions study. Ten thousand dollars (\$10,000), that is ten percent (10%) of the grant. Forty percent (40%) would go to community engagement. I do not know what that is. I do not understand how you get information on a plan with community engagement. What is that? Does it go into the community and say, "Hey, are you folks lowering your carbon footprint? What are you doing?" I am not sure. When you are doing a plan, I think you have to use scientific data. I think obviously, the community involvement is part of it, but I am not sure what that means. Thirty-five percent (35%) would go to tech support. Again, it is ironic that the timing of—this Councilmember Kaneshiro and I just came back from Columbus, Ohio, for our annual National Association of Counties (NACo) Conference. If you go into the exhibit hall, you see a bunch of vendors in there that all they want is to work with our County because they have the solution for this problem and that issue. They are there basically soliciting their services to make money from County governments. I am not even sure who we contract with to do something like this. But we have a sustainability office here in the County. We have a Sustainability Coordinator. I just googled greenhouse gas emissions on Kaua'i, and there was a whole bunch of things came up, statistics. But I am just looking at the one from our own Clean Air Branch, State of Hawai'i. It says, "The Department of Health has established a Hawai'i Greenhouse Gas (GHG) Program to combat the threat of climate change and sea level rise. The program utilizes the Air Pollution Control Permit process of the Clean Air Branch to regulate emissions statewide. The Hawai'i GHG program works in conjunction with other Federal and Hawai'i State programs to mitigate carbon greenhouse gas." So we have a State Department that works on this and whether you say they are working or whatever the case is, I think it is going back to what Councilmember Kawakami and Councilmember Kagawa is saying, that it is being done by someone else. Our Coordinator, in my opinion, should be working with these agencies to get the data necessary and create the plan. I do not understand. Out of one hundred thousand dollars (\$100,000), ten percent (10%), goes to study. The rest is who knows what. It is paying a consultant. That is what it is doing. That is visiting, that is going to be here on Kaua'i, that is going to be living it up, and having a good time on Kaua'i with ten percent (10%) of the funding for a study. I am just having a difficult time with that. I still do not understand what the tangible is. Yes, a plan. What does it say? What does it do? I feel sorry for George because he has to come here and take the bullets. This is not even economic development. This is sustainability. This has nothing to do with developing our economy. He can stretch anything, but his Department is the placeholder for these funds. I do not think it is fair for him to have to come up here and try to answer your questions. I really do not. He has enough things on his plate that he has to worry about. I will not support it today, but if it goes to Committee and we have an opportunity to actually hear from our Coordinator what the plan is and the timeline, I am probably open to that. But just with today's discussion, I am not. I will entertain any motion to go forward. Councilmember Kawakami.

Councilmember Kawakami: If I could just add one (1) last piece to the discussion and I will have my peace at it whichever way the majority goes. I would like to urge my colleagues to remind themselves this is free money. This not a County match. This is not where they are donating fifty thousand dollars (\$50,000) and then

asking us for fifty thousand dollars (\$50,000) more. I just want to tread lightly on the message that we are sending to people who are willing to send us money when we put them through the wringer. Now, I have to say that I do not think it is their fault. The way it sounds is this sounds like this is one hundred thousand dollars (\$100,000) that really, is going to do two (2) things. One, it is going to identify some kind of Climate Action Plan for the County, but more so, they are utilizing the University of Hawai'i students, right? KCC students. If it is one hundred thousand dollars (\$100,000) for educational purposes where they are getting these students to take part, I can support it. I can whole-heartedly support it and should be marketed that way. There should be some honesty. If it is a one hundred thousand dollar (\$100,000) project where they are partnering up with UH and these students to take part in everything that is required to do and it becomes a one hundred thousand dollar (\$100,000) thesis project, I could support it. This is private sector money and there is no County match. But I think that is why we need to get the right people to answer the right questions when it comes up, because if they say, "Hey, do you know what? It accomplishes two (2) things. One, it furthers the educational goals for UH and the students, and two, we come out with a plan." Then I think it is something that is more easily sold. But we have not heard that. I would want to vote to accept the one hundred thousand dollars (\$100,000) coming from private sector money with no County match, but I have said my peace, Council Chair Rapozo.

Councilmember Kaneshiro: Again, for me, I want to know what the tangibles are. If it takes a Committee Meeting for us to get more information on tangibles, I would be a lot more comfortable voting on it right now. I do not know what the tangibles are. I heard what Councilmember Yukimura's plan would be, but I have not heard what our plan is bringing. I just have not. That is my only part of being uncomfortable on this vote. Yes, it is free one hundred thousand dollars (\$100,000), but I still do not know what we are getting at. They said, "We do not know what we do not know." Yes, we are voting for one hundred thousand dollars (\$100,000) for a plan we have no clue what is going to bring us, and that is my sticking point.

Council Chair Rapozo: Okay. I am going call for the question. The motion is to approve. Councilmember Yukimura, you spoke three (3) times already.

Councilmember Yukimura: I wanted to make the motion to refer to Committee.

Council Chair Rapozo: Well, hang on. The motion is to approve. Councilmember...

Councilmember Yukimura: A motion to refer, I believe is...

Council Chair Rapozo: Hang on, he rose his hand. I want to see if he had an opportunity to speak.

Councilmember Brun: I was going to make the motion to refer to Committee.

Council Chair Rapozo: Well, we have the motion to approve. Let us take the vote on the motion to approve, and if...

Councilmember Yukimura: I think the motion to refer has precedence over the motion to approve.

Council Chair Rapozo: Councilmember Yukimura...

Councilmember Yukimura: Point of order.

Council Chair Rapozo: What is the rule that I violated?

Councilmember Yukimura: No, the point is the Parliamentary procedure that the motion to refer has precedence over the motion to approve...

Council Chair Rapozo: And the Chair has the prerogative...

Councilmember Yukimura: ...and therefore, has to be considered.

There being no objections, the meeting recessed at 11:21 a.m.

The meeting reconvened at 11:26 a.m., and proceeded as follows:

Council Chair Rapozo: Let me just explain something. The Chair recognizes the motions or takes the motions. Now, the motion on the floor was to approve. You run through the votes. See, I do not like wasting staff time. I do not know what the votes will be. I hate wasting staff's time. If the votes are present today, to pass this out, good. My blessings. But if it is not here, someone can make a motion to refer to the Committee. Now, that is the Chair's prerogative. I do not want to sit here and go another two (2) weeks if we do not have to. So that is the reason for me wanting to go forward with the motion to approve. I do not know what point of order, or what point I violated, or what rule I violated, but the Chair is granted certain authorities and that was my decision to go through with the vote to see if we have. I am not convinced what the vote is right now. So if you want to this to move forward, you vote "aye," if not, you vote "no." After that vote is taken, if someone wants to make another motion, they are free to do that.

Councilmember Yukimura: Point of order.

Councilmember Yukimura raised a Point of Order regarding the motion to refer to Committee.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: I made a motion to refer to Committee, and I believe that is the one that is pending on the floor right now.

Council Chair Rapozo: No, I did not recognize that, Councilmember Yukimura. That is what I just spent two (2) minutes explaining.

Councilmember Yukimura: I do not think you have a choice about recognizing a point of order.

Council Chair Rapozo: I am asking you for your point? What is the point? You just stated your point and I am saying you were not recognized when you made the motion.

Councilmember Yukimura: I challenge the decision of the Chair.

Council Chair Rapozo: What is the rule, Councilmember Yukimura?

Councilmember Yukimura: You are not recognizing my point of order, and I am challenging the decision.

Council Chair Rapozo: I just did recognize your point. You made your argument and I ruled.

Councilmember Yukimura: And I am challenging the ruling.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Kagawa: I just want to try and end this. If I can be recognized to make the motion she was trying to make, I would appreciate it and I think we can just move forward.

Council Chair Rapozo: I...

Councilmember Yukimura: I yield.

Council Chair Rapozo: I do not understand the issue. Let us call for the vote, which I have already made my decision that is what I wanted to do.

Councilmember Kagawa: Okay.

Councilmember Yukimura: Point of order.

Council Chair Rapozo: You already called your point.

Councilmember Yukimura: And so now we have to have a vote on my challenge to your decision or overruling.

Council Chair Rapozo: Okay. Go ahead, make your motion or make your rule, make your...

Councilmember Yukimura: You have to ask for a vote.

Council Chair Rapozo: No. What are you saying? You want me to recognize...you think I overstepped my boundary when I did not recognize you?

Councilmember Yukimura: You have ruled that I am out of order and I am challenging that ruling. So now we vote as to whether or not I was out of order, whether your ruling is in order or not, or we can have our parliamentary...

Council Chair Rapozo: I did not rule you were out of order. What I ruled was or what I said was I did not recognize you to make your motion. The motion on the floor stands, which is to approve, and I am calling for the question.

Councilmember Yukimura: And...

Council Chair Rapozo: With that, let us just vote on this, Members. The question is, Councilmember Yukimura is saying that she should be recognized to make her motion without the Chair's approval. That is what it is. If you agree, say "yes," if you disagree, say "no."

Council Chair Rapozo submitted the Point of Order to a vote of the body, which failed as follows:

FOR THE POINT OF ORDER:	Yukimura	TOTAL – 1,
AGAINST THE POINT OF ORDER:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
EXCUSED & NOT VOTING: None		TOTAL – 0,
RECUSED & NOT VOTING: None		TOTAL – 0.

Council Chair Rapozo: Thank you. With that, the motion is on the floor to approve, roll call.

The motion to approve C 2017-168 was then put, and failed by the following vote:

FOR APPROVAL:	Chock, Kawakami, Yukimura	TOTAL – 3,
AGAINST APPROVAL:	Brun, Kagawa, Kaneshiro, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING: None		TOTAL – 0,
RECUSED & NOT VOTING: None		TOTAL – 0.

Ms. Fountain-Tanigawa: Motion fails.

Council Chair Rapozo: Go ahead, Councilmember Kagawa.

Councilmember Kagawa moved to refer C 2017-168 to the August 2, 2017 Economic Development & Intergovernmental Relations Committee Meeting, seconded by Councilmember Brun.

Councilmember Yukimura: Point of order. I think the motion is out of order.

Council Chair Rapozo: Go ahead, state your point.

Councilmember Yukimura: I did. I think the motion to out of order. I do not think you can...the matter has been disposed of already.

Council Chair Rapozo: Parliamentarian, could you please step up? I am not sure what is going on today. I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Scott is our certified Parliamentarian. Scott, I do not know, address that for me.

SCOTT K. SATO, Deputy County Clerk: Scott Sato, Council Services Staff. The motion on the floor was to approve. That motion failed, therefore, there is no motion on the table at this point.

Council Chair Rapozo: Thank you very much, Mr. Parliamentarian.

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

Council Chair Rapozo: It ends with a motion to approve, a motion to receive, a motion to defer, a motion to...there is no motion. I am asking for a new motion.

Councilmember Kagawa: I just did it.

Council Chair Rapozo: Well, but then there was a point of order. Can you restate your motion?

Councilmember Kagawa: Move to refer to the...

Councilmember Yukimura: Council Chair Rapozo....

Council Chair Rapozo: He has the floor.

Councilmember Kagawa moved to refer C 2017-168 to the August 2, 2017 Economic Development & Intergovernmental Relations Committee Meeting, seconded by Councilmember Brun.

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

The motion to refer C 2017-168 to the August 2, 2017 Economic Development & Intergovernmental Relations Committee Meeting was then put, and unanimously carried.

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

C 2017-169 Communication (07/12/2017) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the

amount of \$74,434.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim Witness Assistance Program 18-VW-03 for the period of July 1, 2017 through June 30, 2019: Councilmember Chock moved to approve C 2017-169, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Is there any public testimony? This is a recurring grant.

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 2017-169 was then put, and unanimously carried.

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

C 2017-170 Communication (07/14/2017) from Councilmember Brun and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill to Amend The Kaua'i County Code 1987, as amended, Chapter 8, Relating To The Comprehensive Zoning Ordinance. (*Additional Rental Unit*): Councilmember Chock moved to receive C 2017-170 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion? Is there any public testimony? Please. I will suspend the rules.

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

CHAD DEAL: Good morning, Council Chair Rapozo and Councilmembers. My name is Chad Deal. I am here as the Government Affairs Director for the Kaua'i Board of Realtors. I wish to thank you very much for moving so quickly on presenting a new bill to propose a bill for the islandwide Additional Rental Unit (ARU). I just wanted to say that we look forward to working with you on passage of this bill and getting more affordable rentals and rentals in general, for our islandwide population. Thank you very much for this opportunity to testify.

Council Chair Rapozo: Thank you very much. I appreciate you coming today. 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: The motion is to receive. Is there any further discussion?

The motion to receive C 2017-170 for the record was then put, and unanimously carried.

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

LEGAL DOCUMENTS:

C 2017-171 Communication (06/30/2017) from the Mayor, recommending Council approval of a Dedication Deed from Aukahi Farm, LLC, conveying Roadway Lot 8, Aukahi Farm Subdivision, Kōloa, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 2-8-012:001 (por.), to the County of Kaua'i for public purposes, improvements, and uses including the construction and maintenance of sidewalks, streets, and other such public improvements.

- Dedication Deed

Councilmember Kagawa moved to approve C 2017-171, seconded by Councilmember Kaneshiro.

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

Councilmember Chock: Thank you, Council Chair Rapozo. After this morning's discussion, I think I have a similar question in terms of maintenance of the Administration. I do not know if Wally can answer this. I guess he is the only one here, but I would just like to make that request.

Council Chair Rapozo: I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Are you in the capacity to...okay, can we call Public Works to come back here or Matt?

Councilmember Chock: I can send it over, Council Chair Rapozo, if they are not here.

Council Chair Rapozo: Well, we are voting on it today.

Councilmember Chock: Oh, yes, that is right.

Council Chair Rapozo: Matt, are you able to answer this?

Councilmember Chock: Yes, I do not think so.

Councilmember Kagawa: If not, we can defer.

Councilmember Chock: If it is not time sensitive. Let me just pose the question and then you can help guide me where it should go. It is not as much of a bearing to me on passing this. I am supportive of this. But it just occurs to me as again, as we take on more roads, there is maintenance costs involved in them. Over time, these costs add up, not only in time, but in our budget. I want to get a good

sense that we are taking those things into consideration, because we ask questions every year about the budget and how it increases. How does it increase for us every year? This is an area. I have not heard any discussion since I have been here about what kind of percentage of the maintenance of that road is going to be for us. I think it is a question that I am going to continue to ask until I get an answer. With that being said, Matt, I am not sure if you can answer that, but that is something that I would like to get feedback on from the Administration.

MATTHEW M. BRACKEN, First Deputy County Attorney: So to my understanding under the...

Council Chair Rapozo: If you could just state your name.

Mr. Bracken: Matt Bracken, First Deputy County Attorney. Under the conditions that we placed on the developer, they will construct the road. Afterwards when it is committed to the County, the County would have to maintain the road. So specific questions about the road would probably be correctly addressed by the Department of Public Works for future maintenance.

Council Chair Rapozo: It baffles me why they are not here again.
Councilmember Yukimura.

Councilmember Yukimura: Is this not governed by a law? Would that not be where we would change if we did not want to be responsible for maintenance of the roads when they are dedicated?

Mr. Bracken: I am sorry, can you restate your question?

Councilmember Yukimura: Is the County's maintenance obligation not incurred through a County ordinance?

Mr. Bracken: I would have to...

Councilmember Yukimura: Actually, the ordinance which governs the dedication of roads?

Mr. Bracken: I would have to review the Ordinance, but I would imagine it is.

Councilmember Yukimura: I mean, it sounds like Councilmember Chock is asking about the policy of whether we should accept the road dedication because that incurs the requirement of maintenance.

(Councilmember Kawakami was noted as not present.)

Councilmember Chock: My question is more regarding fiscal responsibility as they pile up on our budget and how they relate to our budget forecast and planning our budget in the future. I do not think we can continue to just accept without understanding that there is a cost associated with it.

Council Chair Rapozo: Are there any more questions for the attorney? If not, I am going to release him.

Councilmember Yukimura: I have another question.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: This particular subdivision does not at this time, anticipate sidewalks, right, even though they are mentioned here? Because it is supposedly a farm subdivision.

Mr. Bracken: That is correct. It is an agricultural subdivision.

Councilmember Yukimura: It is an agricultural subdivision?

Mr. Bracken: Correct.

Councilmember Yukimura: I guess the dedication of the road is for the public purpose of improvements that at some time, could include the construction and maintenance of sidewalks, but it is not actually anticipated in this subdivision. I mean, because if you are talking about maintenance costs, that would be even greater than just maintenance of the road.

Council Chair Rapozo: I am not sure if that was a question, but if..

Councilmember Yukimura: Well, the question is, is it anticipating sidewalks at this time?

Council Chair Rapozo: Matt, are you able to answer that? I think that is a Department of Public Works question.

Mr. Bracken: Yes, I cannot answer that one.

Councilmember Kagawa: Is this the Hapa Trail?

Mr. Bracken: Yes.

Councilmember Kagawa: This is the Hapa Trail that is being dedicated or will be dedicated?

Mr. Bracken: If you look at the...

Council Chair Rapozo: It is adjacent to the trail.

Mr. Bracken: Yes.

Councilmember Kagawa: Adjacent to the Hapa Trail?

Mr. Bracken: Part of the map shows the Hapa Trail next to it.

Council Chair Rapozo: This is what we are going to do, Matt, we are going bring the meeting back to order.

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

Council Chair Rapozo: We are going to the end of the agenda. Tell the Department of Public Works to be here if they want this thing passed, because we are not going speculate and guess. They were here earlier. We need someone here. But we will move it to the end of the agenda and we will move forward. I cannot believe how...well, we need the County to answer. I mean, no disrespect to the attorney, but we need our County here. I guess that is the point I am trying to make. Today is Wednesday. One (1) Wednesday a week, that if you have an item on the agenda, you should be here. That is not too much to ask. Councilmember Kagawa.

Councilmember Kagawa: If can I make a request, if the Department of Public Works comes to take them because Max has been waiting.

Council Chair Rapozo: As soon as they get over here.

Councilmember Kagawa: Alright. Thank you.

Council Chair Rapozo: I can have Max come up and talk to us. Max, I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Graham, if you have anything to say. I think it is just disrespectful for the Administration to not be here when they have an item that they want approved. I think I have made that point several times. Mr. Graham.

MAX GRAHAM: Good morning, Councilmembers. I am Max Graham. I represent the subdivider, Aukahi Farms, LLC. The subdivision is consolidation re-subdivision of properties adjacent to what is known as Hapa Trail or Hapa Road. One (1) of the conditions of approval for the subdivision, and it is an agricultural subdivision, was that the owners provide a road widening strip along the Hapa Road lot. It is a seven (7) foot wide, seven thousand seven hundred (7,700) square feet piece of property adjacent to Hapa Road in case Hapa Road is ever widened. So there are no improvements planned for this strip and the County will not be required to expend any moneys on this particular strip, but it is available in the future, and of course, if the County wanted to do work, it could.

Councilmember Yukimura: I have a question.

Mr. Graham: So that is the background.

- Council Chair Rapozo: Go ahead.
- Councilmember Yukimura: Is the Kōloa Community Association aware of this and do they support this?
- Mr. Graham: Aware of?
- Councilmember Yukimura: This dedication and this additional strip for public purposes?
- Mr. Graham: I have talked to some people, but I have not gone to the Kōloa Community Association itself.
- Councilmember Yukimura: I just ask because Hapa Trail is of such concern to them.
- Mr. Graham: Yes, and just to make it very clear, Hapa Road is an improved roadway that goes down to the Catholic Church. This property is further north on Hapa Road near Weliweli Road. This is the portion of Hapa Road, which is a lot that runs all the way down to Po'ipū Road that is improved with a roadway. It is used for roadway access for all of the properties extending down to the Catholic Church. Beyond the Catholic Church going south towards Po'ipū Road, you actually formally start the Hapa Trail portion of this lot, so it has no impact on the Hapa Trail.
- Councilmember Yukimura: I see. The alignment that is part in the Kōloa/Po'ipū plan to be one of the pedestrian accesses between Po'ipū and Kōloa?
- Mr. Graham: Yes.
- Councilmember Yukimura: And this is not that segment?
- Mr. Graham: Not that segment. The Hapa Trail segment, you could transfer from Po'ipū Road going north to the end of the trail near the Catholic Church, and then it transitions into Hapa Road, which is a paved roadway.
- Councilmember Yukimura: Which is this?
- Mr. Graham: This property is further up north, but along Hapa Road, yes.
- Councilmember Yukimura: And it is part of a subdivision that has preliminary approval and is moving towards final subdivision?
- Mr. Graham: It is about ready for final approval, yes. This is part of getting final approval.
- Councilmember Yukimura: How many lots are there?

Mr. Graham: It is a consolidation of seven (7) existing lots and re-subdivision into seven (7) lots. So it is really a reconfiguration of existing parcels.

Councilmember Yukimura: Okay. Thank you very much.

Mr. Graham: You are welcome.

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

Mr. Graham: You are welcome.

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

Councilmember Kaneshiro: Are we going to be delaying this to the end?

Council Chair Rapozo: Yes.

Councilmember Kaneshiro: Okay.

Council Chair Rapozo: I guess going forward, if they are not here, we just go over it. We are not even going call it. I am tired of that.

Councilmember Chock: Just for clarification, I think my question is a broader question.

Council Chair Rapozo: Yes.

Councilmember Chock: I just wanted to make reference of that. I understand your interest in having them here.

Council Chair Rapozo: Yes, because if you drive down the Kukui'ula bypass, you obviously can tell where the County takes over. That was dedicated over to the County, and you look at the landscaping and look at the guardrails. There are damaged guardrails. I mean, the overgrowth is so bad that you cannot even see the path. I know you are saying that you do not want to incur any more expenses, but we are not because we are not doing anything. We are letting it over grow. I think it is a valid question and I think they need to be here to let us know, number one, if it complies with what the condition was. There are a lot of questions that Councilmembers may have. I think it is just a matter of respect that if you want the Council to approve anything, you should be here. It is that simple. Are there any other questions? If not, we will move this to the end of the agenda. I am going do the same for the next one. I am not sure if it is Planning or Public Works.

Councilmember Yukimura: The next one is Housing.

Council Chair Rapozo: Housing is here. Okay. We will call the next item.

C 2017-172 Communication (07/12/2017) from the Housing Director, recommending Council approval of a Right-of-Entry Agreement with Community Planning and Engineering, Inc., for parcels situated at Tax Map Key (TMK) Nos. (4) 3-8-005-028 and 029, Līhu‘e, Kaua‘i, Hawai‘i, and TMK (4) 2-6-004:019 to Koa‘e, Po‘ipū, Kaua‘i, Hawai‘i, granting access to the subject parcels in order to undertake predevelopment site work.

- Right-of-Entry Agreement

Councilmember Kagawa moved to approve C 2017-172, seconded by Councilmember Brun.

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

Councilmember Yukimura: I have a question, please.

Council Chair Rapozo: Okay, I will suspend the rules for the Housing Agency.

There being no objections, the rules were suspended.

Councilmember Yukimura: Can you state your name?

KANANI FU, Housing Director: Good morning, Kanani Fu, Housing Director.

Councilmember Yukimura: I see that is for the Right-of-Entry for Community Planning and Engineer, which the County Housing Agency has retained to do pre-development, site work, for two (2) sites; one on the Koa‘e project in Po‘ipū and one for what is called the Līhu‘e Transit-Oriented Affordable Housing?

Ms. Fu: Yes.

Councilmember Yukimura: I just wondered why the Līhu‘e project is called the Transit-Oriented Affordable Housing?

Ms. Fu: It is just referred to that in the professional service. It is not the official name. We have not officially named the project yet. It is a placeholder for soliciting the services.

Councilmember Yukimura: Oh, okay. I thought that perhaps it would entitle us to some State funds because I know there has been a lot of talk on O‘ahu about Transit-Oriented Developments (TODs) for affordable housing. I just wondered if there was a reason for it, which I would consider a good reason, if it is going to help us get funding.

Ms. Fu: The name is a placeholder that we used to do our solicitations and communications. We would like for the project to qualify under the TOD program or to qualify for potential State funds that could become available, and that would go through a separate vetting process. One (1) requirement would have to be established for TOD or Transit-Oriented Housing (TOH) funding, and then we would try to create a development that could fit into the box that could potentially qualify for TOD funding, but we are not there yet. We are just in the preliminary stages of the first step, which is to conduct an EA to ensure that the site can be adequately developed for affordable housing.

Councilmember Yukimura: Good. That was my second question, how you define TOD because I am curious and interested in how we might use that name. I wanted to know what the criterion were for using that name. Since it looked like you were applying it here, I just wondered. That is why I am asking my questions. So there are a set of criterion that would define TOD housing statewide, because I thought that for neighbor island Counties, it would be defined differently just because of the circumstances. We do not is a rail project. We do not have city densities.

Ms. Fu: The Transit-Oriented Development came out of the State and City of Honolulu utilizing the rail system. I believe it is within a mile and it includes mixed-use and affordable housing for TOD.

Councilmember Yukimura: Within a mile of what?

Ms. Fu: Of a main transit line.

Councilmember Yukimura: Okay.

Ms. Fu: For this particular project, I believe it is transit-oriented affordable housing. So because we rest within a one point five (1.5) mile range of a mainline or a public transit line, ours would be the bus, we titled it accordingly. So, it is "Transit-Oriented Affordable Housing" not "Development" because development entails the definition, "includes mixed-use and commercial activity as well." This particular parcel is not intended for mixed-use. It is just for affordable housing. Again, it is a name placeholder. It does not meet any criteria to be qualified as TOD or TOH. I could have just called it the "Līhu'e Parcel" outright, but we did not because our intent is to try to mend the project so we could go after State funds if they became available.

Councilmember Yukimura: Okay.

Ms. Fu: That is it.

Councilmember Yukimura: That is good anticipation. Alright, thank you very much.

Ms. Fu: Thank you.

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

Ms. Fu: Thank you.

Council Chair Rapozo: Is there any public testimony? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: Is there any further discussion?

Councilmember Kaneshiro moved to approve C 2017-172, seconded by Councilmember Yukimura.

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

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2017-16) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2017-14 Communication (07/12/2017) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer and the Director of Economic Development, to provide a briefing on the County’s Motor Pool Program, including, but not limited to, the impact on the County’s Auto Maintenance Shop,”

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

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

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2017-05) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Received for the Record:

“EDIR 2017-05 Communication (06/14/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer and the Transportation Planner, to provide an update on the Administration’s progress with the revocable permits proposal,”

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

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

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2017-07) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2650 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2017 AND JUNE 30, 2019,”

A report (No. CR-COW 2017-08) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2017-03 Communication (05/11/2017) from the Life’s Choices Kaua‘i Coordinator, requesting agenda time to provide an update on the Life’s Choices Kaua‘i Program and its projects, including the Kaua‘i Community Drug Response Plan 2015-2020, the Adolescent Treatment and Healing Center, and the Partnership for Success (PFS) Grant,”

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

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

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2660) – A BILL FOR AN ORDINANCE TO AMEND THE KAUA'I COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit*)

Council Chair Rapozo: Can I get a motion?

Councilmember Yukimura moved to refer Bill No. 2660 to the Planning Commission, seconded by Councilmember Kagawa.

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

Councilmember Kagawa: Thank you, Council Chair Rapozo. I just want to get the message to the Planning Commission as they consider this that some of my concerns are regarding in the Lihu'e area particularly, what is their plan to address the illegals that are out there, because as I see it, if you are allowed to do it illegally, why do it legal? Why are you going to pay ten thousand dollars (\$10,000) just to hook up a new water line? Why are you going to pay three thousand dollars (\$3,000) just to hook up the sewer line, when you can do it for free illegally because the Planning Department does not enforce illegal houses? My question is, what is Planning's job? Are they going to try to determine how much illegals are out there and what they are going to do, or are they just going to say, "We do not care about the illegals, but we are hoping that people will join in legally?" To me, it just does not make sense. I think there has to be a fairer playing field. If you are going to join in the ARU program and you are going to have to put a separate meter and separate sewer line, then the illegals should have to do it too. So that is one (1) of the areas that I want them to look at. The other thing is that I just saw on the Channel 2 news the other night, and I do not know what Councilmember it was, but he was expressing concerns from the public because of the Honolulu City and County's problems with denying

ARU applications recently. What is happening is because of sewer and water capacity, they are denying a lot of ARU applicants that have now applied because City and County of Honolulu tried to expand housing opportunities. It is not working because the capacities of sewer and water are too full in those areas where the applications are being made. What I am wondering is in Kaua'i County, what areas will be the same way should we do it? I know we have heard stories that Līhu'e has plenty of capacity, but we have a lot of capacity, but we are assuming that a lot of single-family homes are single-family and, in fact, those are illegals that have multi-family units. I went to one (1) house in particular and there were four (4) rentals in one (1) residence in Hanamā'ulu. They all have separate kitchens, separate bathrooms, and everything. That was a single-family house. Let us decide, really. I think this is not a third-world Country. This is not the Wild West where you do what you want. I think we have to decide as a County, what is going to be our policy because it affects everything else. If you are going to expand opportunities for housing by reducing lots to half the size, you are going to get a lot of applications in areas such as the Līhu'e district. Do we have the capacity to meet it just like Honolulu when the applications started coming in? Do we have accurate information about how many illegals are already out there? Yes, I am all for affordable housing opportunities, but let us determine what set of playing rules we are going to allow this County to operate under? Is it going to be fair, or is it going to be like the Wild West? Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I think the point that Councilmember Kagawa raises is concerning from another angle as well. When we go islandwide and there are many people who want to take advantage of this, there is going to be a lot of concern of the limitations of infrastructure islandwide, and could result in a lot of pressure to build more infrastructure islandwide, which is one of the challenges we have in our planning, that we cannot put infrastructure everywhere. That is why we are saying that we are going to concentrate in growth areas. I mean, that is something to think about because there could be a lot of lobbying for and pressure for infrastructure islandwide that we cannot provide.

Council Chair Rapozo:
Councilmember Chock.

Is there any other discussion?

Councilmember Chock: I kind of see it also in a different way as well, because I think what it also does, if we do deny, we are pushing them towards those growth areas if indeed those sewerage are matched up with those growth areas. As long as it matched the General Plan's growth projection and the numbers are there to meet it and we can provide the services or the current infrastructure is there, then we are doing both. We are guiding people towards one area to live and we are increasing the opportunity for those housing to be there. It is just something to consider. I know we have not seen those numbers yet. I know Planning has worked on it. My encouragement along with all of you is that the Planning Commission does look at those and look at them side-by-side. Thank you.

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

Councilmember Yukimura: I think that was the initial rationale for keeping the ARU in Līhu‘e to match up our infrastructure plans with our permissions for additional growth. As long as the decision-makers can focus the infrastructure where our plans say we want it, then it will work. But if it generates more pressure for more infrastructure and the political pressure starts to create infrastructure elsewhere, then we are not following our plans and not getting the cost-effectiveness that our plans were theoretically designed to create.

Council Chair Rapozo: Is there any other 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:

Council Chair Rapozo: Seeing none, the motion is to refer to the Planning Commission. Let us do a roll call.

The motion to refer Bill No. 2660 to the Planning Commission was then put, and carried by the following vote:

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

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

BILLS FOR SECOND READING:

Bill No. 2650 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2017 AND JUNE 30, 2019: Councilmember Kaneshiro moved to approve Bill No. 2650 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

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

Councilmember Kagawa: Thank you, Council Chair Rapozo. I have kind of taken the last few weeks to poll average people out there as far as their take on salary increases. I was kind of surprised, well, not really surprised that there was

zero (0) support for any of the Union increases at this time. I think the public feels like they are struggling and they feel like government workers are getting paid well, and that at some point, we need to take more responsibility of government salaries. I know we have heard the talk that there has never been as far as any recollection, any denials of any bargaining units that came to the table to any Council. I am not saying that breaking new ground is the way to go just for the sake of it. But with the Fire Department salaries, I looked at the numbers, and there is a shortage of applicants. No. Is their pay low or high in today's Kaua'i pay scale? I think one could say that their pay is pretty high as it is. Councilmember Yukimura talked about with the overtime, the beginning Firefighter is making eighty thousand dollars (\$80,000) to ninety thousand dollars (\$90,000) a year and then you have the higher-ranking Firefighters making one hundred fifty thousand dollars (\$150,000) to one hundred eighty thousand dollars (180,000). It gets the public kind of angry almost that, wow, how did it get this way? It is so bad. Why are they getting paid so much more than the Mayor? How can this happen? How did this happen? It is just a fact that, I think, we tried to keep up nationally with pay scales around the nation, but what have you seen with the Fire, not with Police because you cannot let police public safety go down. The trend nationally, is that a lot of municipalities and smaller rural counties have gone with a volunteer system because they could not afford to pay it. San Jose did something that was almost unheard of. They did massive layoffs, and it was because the average salaries in San Jose was over one hundred thousand dollars (\$100,000). It was near one hundred twenty thousand dollars (\$120,000). The government said, "Forget it. We are going do massive layoffs, rehire, and restart a new system where they start at a lower pay." I think the question that comes to us is that at what point is it going to be time for Kaua'i County to take a drastic measure, because I do not think we can afford to go down this road of every year we increase the County budget about six million dollars (\$6,000,000) to seven million dollars (\$7,000,000) in property taxes with market values going up. To have Fire and Police take up all of it, meaning if we have to do anything substantial with County, we have to raise property taxes. That is the only method. I think with six million dollars (\$6,000,000) to seven million dollars (\$7,000,000) more a year in market values, I believe we have to just tighten our belts and we have to somehow get more roads paved, more bridges fixed, and what have you. I do not think we can just pay huge Fire and Police increases. Should there be increases? Yes. Nobody lives in a world of deflation, but how much? We showed the statistics for the past twenty (20) years. Fire, I think, has gone up sixty percent (60%) over the past twenty (20) years. That is huge compared to Hawai'i Government Employees Association (HGEA) and what have you who are at forty percent (40%), and that is not even taking into account the rank-for-rank overtime that got approved four (4) years ago, which is one million five hundred thousand dollars (\$1,500,000) a year. It is huge. Just think what one million five hundred thousand dollars (\$1,500,000) per year more could do for our County. That is some roads and people's lives that can be improved. I just say, at some point, the taxpayers are going to expect us to change the trend. I say now is a good time. I know the other Counties have gone forth, and I know it is still a hard hill to climb. But I guess what my question is, is when are we going to do something if we do not do something now? I am not feeling sorry for the Firefighters, really. They are making a lot of money right now already, and to say, "No, maybe you deserve a raise, but we have to take out rank-for-rank." We have to take out something

because we cannot sustain that, and that the reason for my “no” vote. Thank you, Council Chair Rapozo.

Council Chair Rapozo:

Thank you. Councilmember Yukimura.

Councilmember Yukimura: Yes. I appreciate Councilmember Kagawa’s referral to some of my statistics, but I want to make it clear what the accurate data is from HR as we talk about the Firefighter pay raises. The starting annual compensation for a policeman after probation is about eighty thousand dollars (\$80,000). The figure of ninety thousand dollars (\$90,000) is the average annual compensation of Firefighters. I just want to be accurate. I want to say that the issue today, as Councilmember Chock stated last week, is about the good of the whole. Several months ago in formulating the present County budget, we were one million three hundred thousand dollars (\$1,300,000) short. Because the Charter requires that we have a balanced budget, we either had to raise taxes or take money from our reserves, our savings, which is important to keep intact for times of natural or financial disaster. The majority of the Council chose to ignore our official reserve policy of best practice and take one million three hundred thousand dollars (\$1,300,000) from the reserve for this year’s budget, but we cannot continue to do that year after year. As we were told, we are projecting an eight million dollar (\$8,000,000) deficit for this coming budget. Are we willing to raise taxes to pay for raises for a Department where the average annual compensation, presently without the proposed raises, is ninety thousand dollars (\$90,000) where several Firefighters make more than the Mayor, who makes one hundred thirty thousand dollars (\$130,000) annually, and where many Firefighters will be able to retire early with six (6) figure pensions? I want to make it clear that I admire and respect our Firefighters who are out there fighting fires, risking life and limb, responding to medical emergencies, rescuing people, and serving the community with high levels of skill and *aloha*. I am not in favor of taking away what they have. I simply do not think it is sustainable to keep giving them salary increases when they already, comparatively speaking, have so much compared to HGEA, United Public Workers (UPW), and compared to the average non-County worker in this community. I know the Firefighters are very community-minded, and I do not think they want to cause a raising of taxes or a deprivation of the community to address key needs and key community needs are not being met. In the last budget, we cut eight hundred thousand dollars (\$800,000) from the road repaving and we cannot continue to do that either. We also denied three hundred thousand dollars (\$300,000) to give more weekend bus service so that workers can accept weekend work and so that employers can have workers on the weekends. I mean, this is an economic development need right now at a time where workers are so scarce and workers need transportation. We cannot continue to do this. We have to meet these really important needs and we are not be able to meet these needs if we do not really look clearly at the situation with respect to pay raises. I think we have to ask, is this needed right now at this time? I have to conclude at this time, the proposed raises for the Firefighters are not needed and that what they get now will be able to carry them so that we can be able to address some of the really critical needs of our community.

Council Chair Rapozo:
is to approve. Roll call.

Thank you. Anyone else? If not, the motion

The motion to approve Bill No. 2650 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kaneshiro, Kawakami, Rapozo	TOTAL – 4,
AGAINST APPROVAL:	Chock, Kagawa, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Four (4) ayes.

Council Chair Rapozo: Thank you. Next item.

EXECUTIVE SESSION:

ES-911 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by N.F. Kawakami Store c/o Nai Chaney Brooks, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-912 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2 & 4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-913 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-914 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Kepuhi Point Hale, LLC vs. County of Kaua'i, Civ. No. 17-1-0052 JKW (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: We are going to break it up. Councilmember Kawakami is going to be recused from ES-911. Let us take the votes for ES-912, ES-913, and ES-914. I will entertain a motion for those three (3) items.

Councilmember Kawakami moved to convene in Executive Session for ES-912, ES-913, and ES-914, seconded by Councilmember Brun.

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

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

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

Council Chair Rapozo: The motion is to convene in Executive Session for ES-912, ES-913, and ES-914. Roll call.

The motion to convene in Executive Session for ES-912, ES-913, and ES-914 was then put, and carried by the following vote:

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

Council Chair Rapozo: With that, we will take ES-911. I do not think it is a problem for him to sit in. He just cannot vote. It is just the agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-911, seconded by Councilmember Brun.

The motion to convene in Executive Session for ES-911 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Kawakami	TOTAL – 1.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: I see Mr. Tresler. We have fifteen (15) minutes before our lunch break. I guess you are here for C 2017-171. We will take C 2017-171 right now before we go in Executive Session. I am not sure who here is...but if you could come up here, please. Do you folks need some time? Okay. Well, let us go into Executive Session and then we will come back after lunch.

There being no objections, the meeting recessed at 12:16 p.m.

The meeting reconvened at 1:42 p.m., and proceeded as follows:

(Councilmember Yukimura was noted as not present.)

Council Chair Rapozo: We will wrap up with our last item and then go back into Executive Session. Scott, can you read it one (1) more time.

C 2017-171 Communication (06/30/2017) from the Mayor, recommending Council approval of a Dedication Deed from Aukahi Farm, LLC, conveying Roadway Lot 8, Aukahi Farm Subdivision, Kōloa, Kauaʻi, Hawaiʻi, Tax Map Key (TMK) No. (4) 2-8-012:001 (por.), to the County of Kauaʻi for public purposes, improvements, and uses including the construction and maintenance of sidewalks, streets, and other such public improvements.

- Dedication Deed

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

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Tresler, Councilmember Chock had some questions.

Mr. Tresler: Good afternoon, Councilmembers. Mike Tresler for the Department of Public Works.

Council Chair Rapozo: Go ahead, Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. Mike, you might have heard the question already. It is kind of a broad question. I was going to send it over in addition, but really, the gist of it is do we have a method for appraising what the maintenance costs will be on an ongoing basis when we accept new roads or easements into your Division, and if so, I wanted to get more information about that. If need be, you can have more time or a separate item, but because these things have been coming up, I am asking the question.

Mr. Tresler: Yes, Councilmember Chock. We do not have a formal method, but they do an analysis if there is a dedication of a certain area of size and take that into consideration. That is all the part of our comment when we get these requests from Planning and so forth.

(Councilmember Kagawa was noted as not present.)

Mr. Tresler: So our comments to this particular item was that we had requested a reserve and for some reason, it did not come over as a reserve. We had spoken to the applicant to withdraw their request today. I think we can kind

of get it all resolved really quickly if we just have them withdraw that request and then we will make sure that we will take care of that in the final subdivision.

Council Chair Rapozo: Does anyone have any more questions? Mike, I am sorry if I missed it. What are the plans for that? It is just going to sit there for now?

Mr. Tresler: Yes, as a reserve until such time as the County wants to have it dedicated.

Council Chair Rapozo: Well, it is going to be dedicated, right?

Mr. Tresler: Well, no. It will when we say we want it dedicated, but until then, a reserve is a reserve and we do not need to maintain it. We do not need to do anything to it until we say we want the reserve.

Council Chair Rapozo: As I read it, we are approving the Dedication Deed today, right?

Mr. Tresler: Yes, but I am saying an option is that because we, at Public Works, had provided a comment requesting that it be a reserve, but it somehow took the form of a dedication.

Council Chair Rapozo: Well, we are being asked to approve a Dedication Deed today, right? Matt, maybe you come up. I am assuming that when we approve the Dedication Deed, that property gets dedicated to the County.

Mr. Tresler: Well, if you are ready to vote and approve it, we are fine with it either way.

Council Chair Rapozo: No, I just want to make sure we all know what we are voting on.

Mr. Tresler: Right.

Council Chair Rapozo: Matt, help us out.

Mr. Bracken: You have a Dedication Deed in front of you. Essentially what the Administration is asking for is they would like to withdraw that Dedication Deed and essentially change the language in the dedication in that it would just be a reserve or actually, they are changing the conditions. But they essentially do not want you to approve this dedication today. They want to change the language so it is just reserve going forth so they do not have to take care of the property until they want the property.

Council Chair Rapozo: Okay.

Mr. Tresler: Sorry.

Council Chair Rapozo: No. Now, I understand. But if this does not get approved, then the owners cannot get final subdivision approval?

Mr. Bracken: It is part of one of the conditions of final subdivision approval. Essentially what they are going to try to do is, I think, modify those conditions in front of the Planning Commission and to change it to a reserve to dedicate in future instead of a dedication now.

Council Chair Rapozo: I know the attorney is here, but does that open us up to some kind of exposure from the developer that they cannot move forward because we are basically...

Mr. Tresler: We can ask Max.

Council Chair Rapozo: Yes. I just want to make sure that we are not putting ourselves into a hole because we are now not fulfilling the condition that we set in the deal.

Mr. Bracken: It should not be a problem currently in agreement with this.

Council Chair Rapozo: Okay, if they are agreement, then that is fine. It did not sound like that when I heard Max speak. It sounded like he was supporting the approval of the dedication.

Mr. Graham: I was, but we have agreed. When I say "we," the developer, Aukahi Farms, LLC, and I am committing on their behalf. We have agreed with the Planning Department that we will change the subdivision requirement so that instead of dedicating the property now, I will prepare and we will record an agreement that says this lot will be held for the County and at any time in the future that the County wants this lot, we will dedicate it at no cost to the County.

Council Chair Rapozo: Okay. Did this happen between the item this morning and now?

Mr. Graham: Yes, it just happened over lunch.

Council Chair Rapozo: Okay. I like that better.

Mr. Graham: And that is not something that we have not done before. I have done that before.

Council Chair Rapozo: Yes, and that really takes it off of us.

Mr. Tresler: I apologize, because this was a transmittal via Planning, so I did not realize that the County was asking for a dedication.

Council Chair Rapozo: Well, this was a transmittal, I believe, from the Mayor.

Mr. Tresler: Well yes.

Council Chair Rapozo: Again, I hate getting upset over here, but if everyone had been here, we could have resolved this earlier. Anyway, thank you very much. I appreciate that. So we will just go ahead and receive this today.

Mr. Tresler: Thank you.

Mr. Graham: Thank you very much.

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

Council Chair Rapozo: Who made the motion? Councilmember Kagawa? He is not here. We have to do it the same way, take action on the motion, and then we will kill it. Parliamentarian, is that okay?

(Councilmembers Kagawa and Yukimura were noted as present.)

Council Chair Rapozo: Councilmember Kagawa, do you want to withdraw your motion to approve?

Councilmember Kagawa: Yes.

Councilmember Kagawa withdrew his motion to approve C 2017-171. Councilmember Kaneshiro withdrew his second.

Council Chair Rapozo: With that I am entertaining a motion to receive.

Councilmember Chock moved to receive C 2017-171 for the record, seconded by Councilmember Brun, and unanimously carried.

Council Chair Rapozo: Motion carried. Thank you very much. With that this meeting is adjourned. We will reconvene in Executive Session. Thank you.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 1:50 p.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk

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