COUNCIL MEETING
MARCH 10, 2021

The Council Meeting of the Council of the County of Kaua‘i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu‘e, Kaua‘i, on Wednesday, March 10, 2021 at 8:32 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin (via remote technology)
Honorable KipuKai Kuali‘i
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Eighteenth Supplementary Emergency Proclamation dated February 12, 2021.

APPROVAL OF AGENDA.

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

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

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

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

MINUTES of the following meetings of the Council:

February 24, 2021 Council Meeting
February 24, 2021 Public Hearing re: Bill No. 2804 and Bill No. 2817

Councilmember Carvalho moved to approve the Minutes, as circulated, seconded by Councilmember Kuali‘i.

Council Chair Kaneshiro: Are there any questions or is there any discussion on this item from the Members?
(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

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

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

CONSENT CALENDAR:

C 2021-50 Communication (01/29/2021) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Ryan de la Pena to the Board of Ethics—Term ending 12/31/2023.

C 2021-51 Communication (02/11/2021) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Acquisition Of Easement Interests In Land Required For Public Use, To Wit: The Pedestrian And Bicycle Path That Constitutes Part Of The County's Public Park System, Waipouli, District Of Puna, County Of Kaua'i, Hawai'i, And Declaring The Necessity Of The Acquisition Thereof By Eminent Domain.

Councilmember Kuali'i moved to receive C 2021-50 and C 2021-51 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

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

The motion to receive C 2021-50 and C 2021-51 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Clerk, can we move to page 5, and take Resolution No. 2021-13.

There being no objections, Resolution No. 2021-13 was taken out of order.

RESOLUTIONS:

Resolution No. 2021-13 – Resolution Authorizing The Acquisition Of Easement Interests In Land Required For Public Use, To Wit: The Pedestrian And Bicycle Path That Constitutes Part Of The County's Public Park System, Waipouli, District Of Puna, County Of Kaua'i, Hawai'i, And Declaring The Necessity Of The Acquisition Thereof By Eminent Domain
Councilmember Carvalho moved that Resolution No. 2021-13 be ordered to print, that a public hearing thereon be scheduled for April 7, 2021, and that it be referred to the April 21, 2021 Council Meeting, seconded by Councilmember Kuali’i.

Council Chair Kaneshiro: With that, I will suspend the rules. We also received written testimony regarding this item. Here to provide testimony is former Council Chair Mel Rapozo. Mr. Rapozo, I believe you know the rules. You have a total of six (6) minutes to speak on this item.

There being no objections, the rules are suspended.

MEL RAPOZO (via remote technology): Good morning, everyone. Chair, Councilmembers, and staff, thank you all for your hard work. My name is Mel Rapozo. I am testifying on Resolution No. 2021-13. I understand that you are discussing a condemnation resolution to acquire property fronting Islander on the Beach for the purpose of constructing a bike path. I believe Council Chair Kaneshiro and Councilmember Chock were around years ago when we had similar discussions. If you remember, I was labeled the “anti-bike path person.” Councilmember Carvalho, who was the former Mayor at that time, remembers that as well. It was never that I was against the bike path; I was against constructing any hardened structure along the coast. This was based on a study that was done by Dr. Chip Fletcher at the University of Hawai‘i at Mānoa. At that time, former Councilmember JoAnn A. Yukimura and I were pushing through an aggressive shoreline protection bill that passed and seemed to weaken over the years. Nonetheless, the sole purpose was to protect the coastline. With the erosion happening along the corridor, there are segments of the bike path that are in danger. It was predicted years ago when Dr. Chip Fletcher recommended not to construct any hardened structures along the coastline.

The reason I am here today is to ask you folks to please consider history and what we are seeing now along that coastline. I have heard this multiple times where some would say that sections of the coastline are accreting, and it is growing. We all know that is not true. We know that if you want an accurate depiction of erosion, you need to take erosion rates at the same time every year. If you take the watermark in the winter and you do it again in the summer, it will show that it accreted. Over time, you can see that the erosion is happening. The proof is in the pudding, you do not need a study to tell you that. If any of you have made the trek along the coast, you can see the erosion happening. We lost a lot of assets along the Kapa‘a coast, because of the erosion, and Mother Nature is not going to stop. While I fully support acquisition of property for public access, so people can get to the beach, that is perfectly fine, and I will support that. If the plan is to construct the bike path along the easement, I would suggest not to do that.

Everyone says that it is “Federal funds.” Federal funds might help to assist in the construction, but they are not going to pay for the repair. We need to do the repairs. We need to make the decision on whether we are going to spend taxpayers’ money to repair concrete structures that should have never been built in the first place because we chose to challenge mother nature. It is no secret that the erosion is
happening. In fact, the State needs to start looking at the highway. In time, all of that will be in danger. My point is if the easement is going to be acquired...I understand that it is twenty-four thousand dollars ($24,000); condemnation costs money regardless if it is friendly or not.

However, it is worth it if we are gaining the easement for public access and the public can utilize this access to get to the beach. If so, I support that one hundred percent (100%). I do not support this if you are putting a hardened structure on the coastline. I am going off of memory so I could be wrong, but if I am not mistaken, that area is within the shoreline setback. If anything is going to be constructed, that would require a variance. Why would we grant the County a variance to build a hardened structure? How do you tell the public that wants to build within a setback that they are not able to, but the County can? The concern I always had when I sat on that table was the fairness. More importantly, is the fact that it is not a wise thing to do. Any hardened structure on the coastline will impact the erosion rates of that area. That is science, not opinion. I beg you, please. Yes, if you are inclined to support this for public access. However, amend the Resolution to include strong language that says, “The approval of the Resolution does not approve the construction of any hardened structure.” Whether it is a bike path, comfort station, et cetera, it does not matter. It is in the shoreline setback. You need to make it very clear in the Resolution that this would be for public access only, and not for the construction of any hardened structure. I think that would be the responsible thing to do. Sustainability, protecting the ‘āina, and all of the “buzz words” used while campaigning. This is an opportunity for everyone to remember that and say, “Hey, we are here to protect the asset for all of us, the residents, and the visitors.” Approve the Resolution to gain public access. However, if you are going to do that, make it clear that it is not to allow construction of any hardened structure. You can have an unimproved path so people can walk or bike. You do not need a ten (10) foot wide concrete slab that will impact the erosion in that area. That is my testimony and I am available for any questions. This has been ongoing for a long time. I am hoping that this Council will say, “Hey, we are for public access, but not for adding possible expense and coastline damage by constructing hardened structures.” Thank you.

Council Chair Kaneshiro: Thank you. We do not have any questions. That was the only testimony for today. Mr. Rapozo, you can watch this on the live webcast, this Resolution will come up later in the meeting.

Mr. Rapozo: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta has a question.

Councilmember DeCosta: Hello, Mr. Rapozo.

Mr. Rapozo: Good morning.

Councilmember DeCosta: Good morning. Thank you for your detailed message. I wanted to ask if you are a frequent user of the bike path whether it is for biking, walking, and/or exercising?
Mr. Rapozo: No, I am not.

Councilmember DeCosta: Okay. I grew up in Pākalā next to the beach. I grew up my entire life knowing about shoreline and sea level rising. I know we need to advocate for everyone on Kaua‘i. As passionate as your testimony and begging us not to put the cement slab down, there are a lot of people who enjoy the bike path, enjoy walking, and enjoy exercising. For the record, there are many views on this issue. I respect what you had to say. However, for the record, I wanted to say how important it is to have those areas where we can bike, walk, and exercise. Thank you.

Mr. Rapozo: Thank you.

Council Chair Kaneshiro: With that, I will call the meeting back to order. We will go back to page 2, Communications.

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

COMMUNICATIONS:

C 2021-44 Communication (02/08/2021) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of $310,173.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua‘i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:

- Adult Program ($81,505.00);
- Dislocated Worker Program ($111,879.00);
- Youth Program ($85,773.00); and
- Administrative Costs ($31,016.00).

Councilmember Chock moved to approve C 2021-44, seconded by Councilmember Kuali‘i.

Council Chair Kaneshiro: We received written testimony on this item. There is no one registered to speak on this item. Are there any questions from the Members? I will suspend the rules. Your question is going to be directed to Nalani.

Councilmember Cowden: Nalani, thank you for being here.

There being no objections, the rules are suspended.

NALANI BRUN, Economic Development Director: Aloha, Nalani Brun, Director, Office of Economic Development.

Councilmember Cowden: Thank you for all the work that is involved to getting the different dollar amounts that are available and for our people. It comes
through the Department of Labor and Industrial Relations (DLIR). As you know, DLIR has been intensely late in getting these payments out, and a lot of people have not gotten paid. I am curious to know when the County takes responsibility for this money, when will it be available, and if the County implements this.

Ms. Brun: Yes. We are currently negotiating this, we are in the application phase, and have details to be worked out. I am going to turn it over to Dan Fort who is the Executive Director. He oversees this Workforce Investment Opportunity Act Program. He can fill in the details. Thank you.

DAN FORT, WIOA Executive Director: Good morning, Councilmembers. Dan Fort, Office of the Economic Development. Councilmember Cowden, this is a reoccurring grant. Once the details are worked out, we are funded immediately once we satisfy the needs of the Workforce Development Council on O'ahu.

Councilmember Cowden: Is this the same funds that we have been getting for decades? Is this the Workforce Investment Act?

Mr. Fort: It was changed to the Workforce Innovation and Opportunity Act in 2014. However, it is a continuing grant.

Councilmember Cowden: How many people do we serve with this grant? Does this grant pay for our staffing or does this money go out?

Mr. Fort: It goes out. The American Job Center located next to the Department of Motor Vehicles, and we have a counselor that meets with adult and dislocated workers to get them services that is needed. We open individual training accounts for each person. The individual training account allows a certain dollar amount and stipends to be used for education, bus transportation, clothing allowance, et cetera.

Councilmember Cowden: The three hundred thousand dollar ($300,000) grant is for what period of time, is it for the year?

Mr. Fort: This grant is a two-year grant which means we have two (2) years to expend the money. We normally expend it in a year. For example last year, we did not have a youth service provider and that money had to be returned. We typically have two (2) years to expend the Program Year (PY) 19 allotment money which we are close to expending by June 30, 2021. The PY20 money we are asking for now will be for this year and next year.

Councilmember Cowden: Okay. That is not a lot of money. I was on the Workforce Investment Act board some years ago and we had more money than this. We have such a high need, this amount seems to serve only a small amount of people.

Mr. Fort: Over the years, we had a very low unemployment rate that dropped down to 2.7%. Accordingly across the board, they started to nip at the amount of money they were awarding to each state and county. For example and for this year, with our high unemployment rate and the amount of
dislocated workers that we are seeing, the money has gone up. In 2019, the money that was set aside for dislocated workers was less than fifty thousand dollars ($50,000). This year, it is close to one hundred thousand dollars ($100,000). This is based on the formulas that they use nationwide and statewide for allocations.

Councilmember Cowden: Okay. That is a relatively short history update. I appreciate what you are doing. I believe what happened twenty (20) years ago is that we lost the people from our island that were struggling. We drove them off the island because there was not enough work for them. It is not that all of a sudden everyone got a job, we lost the people who could not get a job. That is my observation over the past decades. I think it is important to hold sight on that. There are ways to solve problems. This is not criticism of the department. The challenge in our economy is that we have lost so many of our working population, because they cannot afford to live here. I am looking at how narrow these numbers were compared to the late former Mayor Bryan J. Baptiste’s time. There is a significant difference. Thank you.

Council Chair Kaneshiro: While the rules are still suspended, are there any further questions from the Members? I misspoke, the testimony that we received is for the next item. I will call this meeting back to order. Is there any discussion from the Members?

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

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

The motion to approve C 2021-44 was then put, and unanimously carried.

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

C 2021-52 Communication (01/27/2021) from the Executive on Aging, requesting Council approval to apply for, receive, and expend grant funding awarded by the Corporation for National and Community Service to the County of Kaua‘i, Agency on Elderly Affairs, Kaua‘i Retired and Senior Volunteer Program (RSVP) for the three-year period of April 1, 2021 to March 31, 2024, in the amount of $75,000.00 per year, combined with matching County funds in the amount of $165,936.00, to assist Kaua‘i RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).

Councilmember Carvalho moved to approve C 2021-52, seconded by Councilmember Chock.

Council Chair Kaneshiro: We received one (1) written testimony on this item, and have no registered speakers. Are there any questions from the Members on this item? Is there any discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I want to acknowledge the quality testimony we received that accurately recognizes the deep value of the efforts of our retired citizens
Council Chair Kaneshiro: Is there anyone else? If not, the motion on the floor is to approve.

(Written testimony was received and registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2021-52 was then put, and unanimously carried.

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

C 2021-53 Communication (02/03/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of the indemnification language contained in the estimate for software license renewal agreement for the use of the MSAB, Inc. XRY Logical & Physical and XRY Cloud Licenses, which allows the Kaua'i Police Department authorized software use and access to MSAB digital forensics software updates, which is required for court admissibility of the product usage.

Councilmember Kuali'i moved to approve C 2021-53, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members regarding this item? I will suspend the rules. Councilmember Cowden.

Councilmember Cowden: I would like a brief explanation of what this is. You folks do good work, but is this an extension? Assistant Chief Ponce, can you share what this is?

There being no objections, the rules are suspended.

BRYSON PONCE, Assistant Chief of Police: Sure. We basically have two (2) extraction mobile device forensic software for digital extraction which are the MSAB and XRY platform. The reason we utilize two (2) digital platforms is technology and updates are always changing with Facebook Messenger, iPhone, Samsung, et cetera. We want to have two (2) different platforms to download information needed for investigation such as homicide, sexual assault, child pornography cases, missing persons cases, et cetera, we want that capability to update the software and be able to break into the forensic codes. For court admissibility, when you get the correct software updates and you do it the right way, everything will be in alignment; especially when you go to court and they ask, "What capabilities did you have in order to have a forensically-sound manner in doing these digital downloads?" This is the reason we try to stay updated on this. With so many crimes, the ways to solve the cases are with a cellphone, Facebook Messenger, digital imprint from Instagram, et cetera. There are digital imprints left on social media that we use to assist us in closing cases. In a
nutshell, that is what it is about. It is typically a yearly renewal, but there is a lapse in time, which is why we wanted to go multiyear. The year goes by so fast that we find ourselves left in a gap not having the renewal in time. We wanted to keep it longer and it is also cost-effective.

Councilmember Cowden: Thank you so much for your creativity and your effectiveness in moving with the modern world.

Council Chair Kaneshiro: Are there any further questions from the Members on this item? If not, I will call the meeting back to order. Is there any final discussion from the Members? The motion on the floor is to approve.

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

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

The motion to approve C 2021-53 was then put, and unanimously carried.

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

C 2021-54 Communication (02/23/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of the indemnification language contained in the renewal of software license agreements for use of the Cellebrite UFED 4PC and UFED Cloud Licenses, which allows the Kauai Police Department authorized software use and access to Cellebrite digital forensics software updates, which is required for court admissibility of the product usage.

Councilmember Kuali'i moved to approve C 2021-54, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this item? If not, is there any final discussion from the Members?

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

The motion to approve C 2021-54 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-55 Communication (02/23/2021) from the Fire Chief, requesting Council approval to apply for, receive, and expend a United States Department of Homeland Security Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $4,199,754.84, for twelve (12) vacant firefighter positions for a three-year period.
Councilmember Kuali'i moved to approve C 2021-55, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the Members? I will suspend the rules. Councilmember DeCosta.

Councilmember DeCosta: Hi, Chief Goble. How are you?

There being no objections, the rules are suspended.

STEVEN GOBLE, Fire Chief: Very good, good morning.

Councilmember DeCosta: For the record, I wanted you to explain it to us for the taxpaying citizens to understand that these twelve (12) positions is something that we need to fill. It is normally in the budget, but for the next three (3) years we are going to have free funding which will cover these positions. When the three (3) years are up, we will have the existing budget carry on these twelve (12) positions. It is already in our current budget. Am I correct?

Mr. Goble: That is correct. The twelve (12) positions that we are requesting funding for are currently authorized positions within our budget. They are vacant, because of the wave of retirements at the end of 2020. The grant funding request would be to fund those positions for the thirty-six-month period.

Councilmember DeCosta: On behalf of our community, thank you for your explanation.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call the meeting back to order. Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I want to thank you, Chief Goble, for making this effort when we can save approximately one million four hundred thousand dollars ($1,400,000) a year of what we would be applying otherwise. This helps us fill in gaps that might be needed in other areas. I want to acknowledge the effort that is being made. I understand that it is not approved yet, and it may be a few months until we would know. Is that correct? We would find out after budget.

Mr. Goble: That is correct. The application deadline is Friday. They announced that they would begin making awards on May 24th, and they would be awarding throughout the Summer.

Councilmember Cowden: Thank you again. All the efforts that are made by the different groups within our government helps us to be able to provide services and stretch it out. Thank you.

Mr. Goble: We will keep our fingers crossed. Thank you.
There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there anyone else? For me, I will be supporting this. Originally when you hear the word SAFER Grant, in the past, SAFER Grants were only used for new positions. You get hesitant when you apply for a grant that would pay for new positions for a few years, and then you must pay for those positions later. In this case, now that they have changed it where this money can be used for existing vacant positions, I think that it is a great thing for the County. It is money that we are going to be able to supplant in the budget. It is money that we would have needed to pay for anyway. We are going to fill those vacant positions at the Fire Department. In this case, this money will supplant our budget. It is a very good thing for us and the County. With that, the motion on the floor is to approve.

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

The motion to approve C 2021-55 was then put, and unanimously carried.

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

C 2021-56 Communication (02/24/2021) from the Emergency Management Administrator, requesting Council approval to accept a donation valued at $365,193.40, from the Hawai‘i Community Foundation, of three (3) mobile laboratories to be used for “point of care” COVID-19 testing and vaccination programs to serve communities and hard-to-reach populations. The Hawai‘i Community Foundation’s Kaua‘i Health Fund, seeded by the Chan Zuckerberg Kaua‘i Community Fund, is making this donation to support the County’s COVID-19 Emergency Response.

Councilmember Kuali‘i moved to approve C 2021-56 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Councilmembers on this item? I will suspend the rules. Councilmember Cowden.

There being no objections, the rules were suspended.

Councilmember Cowden: I would just like a basic explanation. It sounds like a great program. I just want the public to be clear on what this implies.

MICHAEL A. DAHILIG, Managing Director (via remote technology): Good morning, Councilmembers. I appreciate the opportunity to provide some comment and context regarding the support that we are receiving through the Hawai‘i Community Foundation from the Chan Zuckerberg initiative. Inasmuch as the pandemic has been a challenge, there has been an overwhelming groundswell of offerings of support from everyone in the community. That also includes Dr. Priscilla Chan and Mark Zuckerberg, in terms of their desire to want to support our efforts here on Kaua‘i to keep us safe. The mobile laboratories that are up for receipt by the Council are not
necessarily part of a specific program. Rather, they are a tool that is meant to provide a greater point-of-care access for either our response efforts with regard to the need for mass testing in the event of some type of outbreak or for vaccination-types of responses, in terms of us being able to get out into the community and be able to provide easy point-of-care for people wanting to get vaccinated. This is a tool. It can be used in many different ways. We have seen that having point-of-care bases is very important for us. We have had outbreaks in places like Wainiha and Kekaha, and having the ability to go into the community with the ease of a laboratory access will allow us to provide information and response quicker, more accurately, and in a manner that allows us to not waste a lot of time in terms of having to shuttle things back and forth to a fixed laboratory facilities in Lihue. When the Zuckerbergs had reached out to Mayor Kawakami to ask how they could help, this was one of the items that the Incident Management Team (IMT) had desired as part of a toolkit to be able to support their efforts in geographically being able to support our rural community in point-of-care healthcare across the island. I am also joined by Darcie Yukimura who is the Vice President with Hawai'i Community Foundation, who has been working with the IMT, as well as the Zuckerberg Foundation, in order to support these different efforts in getting us the tools that we need to be responsive for our community. With your lead Council Chair, I will refer this over to Darcie to see if she has any further comments on the matter.

DARCIE YUKIMURA, Vice President, Hawai'i Community Foundation (via remote technology): Mahalo, Mike. Aloha Council Chair Kaneshiro and Councilmembers. Thank you for allowing us to be here and for allowing us to request your approval of the receipt of the three (3) mobile laboratories. We understand that they can be of great service, especially in our rural areas and to the most vulnerable communities. We just want to reiterate that Kaua'i has been extremely generous, especially during this pandemic. Dr. Priscilla Chan and Mr. Mark Zuckerberg have been among the most generous. We thank you. We are honored to be a part of this effort. We continue to support any kind of pandemic relief. I am also joined by our Chief Executive Officer (CEO) and President, Micah Kane. I will turn it over to him.

MICAH KANE, Hawai'i Community Foundation, CEO/President (via remote technology): Aloha, Council Chair Kaneshiro and Members of the Council. Just a couple of small words. I really appreciate the working relationship we are building with the Administration and the County. I think that is important in leveraging our resources in a way that can have the greatest impact on Kaua'i. This type of work that we are doing with the Administration is no different than what we have been doing in 2020 at the State and County level within other jurisdictions. We found it to be a very productive and effective way to have a positive impact on issues of crisis in our community. I really want to thank the Zuckerberg family for their willingness to work in collaboration with us, as well as with Managing Director Dahilig and his team. I think this is an opportunity for the Hawai'i Community Foundation to grow its relationship with the County in other ways. We can hopefully find ways to partner more. We have become the fiduciaries of the funds and it is very important that as these funds get expended they do what they are intended to do. That is the highest priority on our list. I appreciate the very transparent and open relationship that we have been able to develop with the County. We are open to any questions you may have.
Council Chair Kaneshiro: Thank you. Councilmember Cowden.

Councilmember Cowden: I am very thankful for your roles in this. I am also thankful to the Chan Zuckerberg Foundation. This money is basically for those vehicles and the equipment in it? Or is it also for staffing? I think it is the Department of Health who will be in these vehicles.

Mr. Dahilig: Yes, what the request to the Council is, is for the Council to receive an in-kind donation for the vehicles. These vehicles are an in-kind gift that we are asking the Council to receive as part of the overall support package. As stated in the last update to the Council regarding our COVID-19 response, we have over three hundred seventy (370) emergency management professionals, first responders, health officials, and National Guardsmen that are deployed towards the efforts. As I mentioned previously, this is a tool. It will support the Department of Health officials as they have been leading our vaccination efforts across the County. It is also flexible where it could be used to support either our IMT staff or even other nonprofits as they continue to seek ways to deliver services to our rural community.

Councilmember Cowden: I am very thankful for that. It has been raining with lightning and it is so intense. I have not been able to sleep as I worry about our houseless population in these encampments. These vehicles and this tool will extend beyond COVID-19...hopefully we get through this pretty quickly...to help our vulnerable people. I have a lot of gratitude regarding that.

Council Chair Kaneshiro: Councilmember Evslin, then Councilmember Chock.

Councilmember Evslin: Thank you Micah, Darcie, the Hawai‘i Community Foundation, and the Chan Zuckerberg Foundation. I just want to quickly recognize that in so many cases throughout the pandemic, I see Hawai‘i Community Foundation’s name recognized over and over again. You have risen to the occasion in so many ways and I appreciate that. To build off of Councilmember Cowden’s question in terms of... hopefully this extends beyond COVID-19 here... any concrete ideas for how these could be repurposed to other community needs? Or is it really focused towards infectious disease-related testing and vaccination? What do you think they will be used for over a year from now?

Mr. Dahilig: That is a great question. That is a question that we have been thinking about since we obviously would like the pandemic to end. We need to figure out how to recover. One of the ideas...this idea was started off on by looking at a vehicle that the Salvation Army has on-island for food distribution. It was very clear that the Salvation Army, as a nonprofit, were able to utilize these satellite, mobile points-of-care tools to provide hygiene services and food distribution for places around the island that cannot necessarily be as mobile. Obviously, this is something that we are keeping a thumb on as we are seeing how our houseless efforts are evolving as Councilmember Cowden had alluded to. This could be pushed out as a tool for other nonprofits who are doing a lot of the work that the County cannot do. That is where we see the value in this being a long-term resource rather than something that is meant for the pandemic alone. I do want to say as it relates to our relationship with the Hawai‘i
Community Foundation, this has gone back to the 2018 rain events. Micah, Darcie, and their team were really one of the first organizations to step up to ask how they could help with the flood relief. This is not their first rodeo with us. It is something that, as Micah mentioned, has really been engendered over the past few years as a working relationship where the needs of the people that cannot necessarily met by government can be more mimbly addressed by their efforts and their resources. We are thankful for that.

Council Chair Kaneshiro: Are there any other questions from the Members? Councilmember Kuali'i.

Councilmember Kuali'i: Initially, I want to say a big mahalo to the Hawai'i Community Foundation and everyone else involved with the Chan Zuckerberg Foundation. My questions are more for Mike and it is more focused towards the budget. Did this come about because we had a wish list for three (3) vehicles? We are a small island to have three (3) different vehicles. Līhu'e can be served by the facilities in Līhu'e. One (1) vehicle can go east and north and the other vehicle can go west and south. Was this on our wish list?

Mr. Dahilig: The inception and idea of this came about from an offer to help. As the Mayor, Priscilla, and Mark have had conversations about...they reached out asking how they can help the County. The thought process was really engendered through discussions with the IMT at the Emergency Operations Center (EOC) about “How can we do things better?” That really was the question that was posed to the team by the Mayor simply because...while we have a response that is ongoing, it is also important that we optimize how we respond when we have the opportunity to do so. That is where these point-of-care vehicles came up as an idea given the experiences of mass testing that have gone on in Wainiha and Kekaha, as well as looking at some of the best practice deployment types of things that folks Salvation Army have been doing with their mobile care vehicles. It really is innovative in that sense. It was not something that was thought of as an overall budget item. It was in that stead of looking at how we continue to optimize and provide a better response from a health and safety perspective for our community. In terms of the vehicles, they are a tool that is meant to be flexible. If there is a need to mass test should we end up with another outbreak here of five hundred (500) people, we would actually see three (3) vehicles going out into one area, rather than just one. There is not necessary a specific program built for it, but it is something that can be plugged in as a useful tool for any situation that arises.

Councilmember Kuali'i: Thinking about it budgetarily, this amount in the value just represents the value of the vehicles themselves. Once we own these vehicles, then we are responsible for housing and maintaining them, and what is the plan for that?

Mr. Dahilig: To dovetail off the conversation that Councilmember Evans did raise...we know in the short-term that we are going to be responsible for making sure the vehicles are used and taken care of appropriately. Looking more long-term, we do have the opportunity to look at whether these vehicles would be user-suited for full-time deployment by a nonprofit. That is an option that we
can look at and we would definitely consult with the Hawai‘i Community Foundation if we were to ever move down that path. It is an option to look at once the pandemic does subside from a response standpoint, we would look at how this might support our nonprofit community. We definitely could look at the transfer of custody of these vehicles to a nonprofit that are focused on point-of-care delivery in our community, as well as the ability to use it in a manner that continues our recovery efforts down the line.

Councilmember Kuali‘i: Do we have a place for them now? I remember with the Fire Department’s helicopter, we were ultimately using a temporary tent, then we had to build a permanent facility, which was not necessarily anticipated in advance. It became a significant budgetary expense.

Mr. Dahilig: I am going to make Chief Goble nervous talking about the helicopter on this call. I hear what you are saying. I think it is imperative that we do secure and take care of these vehicles. It is a very significant asset to make sure that we care for them. We do have space to be able to secure these vehicles within our baseyards around the County that have the appropriate security. We will make sure that we take good care of them.

Councilmember Kuali‘i: Thank you, Mike. I also wanted to thank the Hawai‘i Community Foundation as well.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I think Councilmember Kuali‘i posed excellent questions. Again, mahalo Micah and Darcie for all the assistance back from 2018. Following up on the vehicles, Mike, they were going to be east, central, and west. I heard what you said and you said they were going to be used wherever and whenever we needed them and where they need to be deployed to. If it is three (3) in one location, then we will send them there. That is my understanding of this right now. Is that correct?

Mr. Dahilig: I would confirm that.

Councilmember Carvalho: We also talked about the housing of the vehicles. This whole effort is a good effort to take it on the road to get into the communities. A lot of the time, we are waiting for them to come to us. With this kind of thinking, I think we should continue to look at opportunities. This whole effort is in-kind if you will. I know in the end, there are going to be costs that will evolve. I think it is worth it. That is my point. I just wanted to clarify that these vehicles will be all over the island, as needed. Whoever is going to manage it, we look forward to future opportunities. Mahalo to the Hawai‘i Community Foundation and the support you have given over the years. Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you. This is a follow-up question to Mike. I want to take the time to mahalo Micah and Darcie and the leadership that you
have provided over the years through the Hawai’i Community Foundation. It has been an exemplary partnership that has served the community in so many ways. I just want to thank you for brokering those relationships to help us. I heard the care of the van and I just wanted to tune in to the staffing and response needs. I am really happy to hear about how we can use these vans in a flexible manner to repurpose it and to consider community use. Even in the flood situation, it was difficult to get to people. I just hope that these multi-use vehicle can achieve some of those needs, if they are really meant to get to those that we typically cannot get to. Is the staffing and the response for this current use going to be part of the COVID-19 response budget?

Mr. Dahilig: Not currently, because this is actually an in-kind gift. As both Micah and Darcie have alluded, the conversations about how the Hawai’i Community Foundation and the Zuckerberg Foundation can continue to support Kaua’i are on going. We always have more need than resources available. In the future, if there are opportunities to galvanize additional staffing support to relieve pressure on our general obligations, those are conversations that we continue to have. Hopefully we can fix that later. As you have seen last Friday, the Chan Zuckerberg initiative is also supporting the Rise to Work initiative. Those are indicative of the variety of items that are being discussed. With respect to staffing, we have the staffing support right now simply because we have residual Coronavirus Aid, Relief, and Economic Security (CARES) Act money, and we have already paid staff that are on the County’s payroll. We also have National Guardsmen who are being covered by extensions of deployment costs that are being borne by the Federal government. As mentioned in the last meeting, that is an aggregate of over three hundred seventy (370) individuals that are right now through different means and sources are being pushed towards these efforts. There is not mobile laboratory staff that is specifically attached to this per se, but it will be used by those individuals in the Department of Health apparatus that are focused on vaccinations and testing.

Councilmember Chock: Okay, that is clear. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, again. My mind keeps extending beyond COVID-19, not just the window, but the need. The need is there. I am very thankful that we are not overlooking health-vulnerable people who might need these vaccinations. I regularly am both in the encampments and walk along the bike path in different places where there are people. The medical need is evident for a lot more than COVID-19. I like hearing about the Rise to Work initiative that is also funded by the Chan Zuckerberg Kaua’i Community Fund. Gratitude for all of that. I wonder if we can either work with the emerging nursing students or Ho‘ōla Lāhui as we are considering potential partners in the future. I think that is important. It is evident when you work with people that there is edema. You see what people or coping with in terms of infections and different elements. I love this. Three (3) vans could easily be used if we were able to stretch the use beyond testing and vaccinations once we get that addressed in the next few months. Thank you. I do not know if there is commentary on that, but I would like to put that in your minds.
Mr. Dahilig: In response, Councilmember, I would like to say that yes, it is a concern. I think we have seen the value of investing in public health as a need to keep our community safe throughout the pandemic. Even as we look at our most vulnerable populations, it is very clear that there is always going to be more need than resources to be able to help. That should not stop us from trying to address where we can. We will continue to take your comments and advocate for resourcing in that area as well. Although we do have the Hawai'i Community Foundation here specifically with the Chan Zuckerberg Fund, they also administer a number of other funds and a number of other contributions from people from across the globe that want to support these islands. The thinking is indicative of a call-to-action by everyone that whenever or wherever we can help, let us help. The in-kind donation today is an example of that call-to-action that we want to encourage people to be generous where they can.

Councilmember Cowden: Thank you.

Mr. Kane: Along the Managing Director’s comments, we really appreciate the acknowledgements that you are giving us. Really, we are not here without the generosity of donors entrusting us with their resources. That is really where the accolades should go to. The recent work that the County of Kaua‘i has done with the Rise to Work program was something that really resonated with our Board and within other counties. “Success breeds more success.” What we are doing in the County of Kaua‘i and the collaboration that is happening there is allowing us to recruit and engage a lot more donors to do this kind of work. I hope you look at this project as something that can catalyze a lot more resources for us to go out and convince other donors to partner in the way that you are partnering within the County of Kaua‘i. These opportunities exist in the Maui, Hawai‘i, and Honolulu counties and so as we work together and build this muscle, we can take that to other places and elevate giving and partnerships. I hope you see this as a catalyst for the State and not just the County of Kaua‘i.

Council Chair Kaneshiro: Thank you. Are there any further questions from the Councilmembers? Councilmember Kuali‘i.

Councilmember Kuali‘i: I just had one final question. Mike, perhaps you can provide it later if you do not have it now. When I look at the total value of three hundred sixty-five thousand dollars ($365,000), that means that each one is approximately one hundred twenty thousand dollars ($120,000). I see in the letter from Darcie from Hawai‘i Community Foundation, it is a 2020 Ford Commercial Cargo vehicle from Hawai‘i Specialty Vehicles. Can you tell us the highlights or capabilities that make it such an expensive vehicle?

Mr. Dahilig: It is on par with buying a Tesla. In terms of the value of this thing, it is significant. I would say that what the goal here is, is to provide quality services out in the field and not just have a van that is out there. We have worked with the contractor and the Hawai‘i Community Foundation to ensure that the vehicles are up to medical-grade if they need to be. This includes ensuring they have the running water, the refrigeration, the stainless steel countertops, the ventilation, and all the things that are necessary to ensure that we are providing quality point-of-care and response to an area rather than just working out of a van, which has
been the practice. That is why you see the cost of this more than one hundred thousand dollars ($100,000). We want to ensure the investment is providing equal if not more superior facilities at the point-of-care sites. That is important in maintaining equity in terms of how the care is provided across the island.

Councilmember Kuali‘i: That is wonderful. One other thing that I thought of is that if the military comes back to do the Tropic Care services in the community, we could hopefully use these vehicles to help with that as well. Thank you, Mike.

Mr. Dahilig: Thank you.

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

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

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just have a lot of gratitude to all the organizations and the individuals for putting this money out to lead by example in helping the community. I will be enthusiastically supporting this.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Thank you for everyone's *manaʻo*. I am inspired by the genuine help from the nonprofits that we are getting. It is amazing that people can donate funding with no ulterior motive. It makes me very happy inside. Councilmember Kuali‘i had a great idea about using these vehicles for Tropic Care services for dental and medical services. It may also help the Department of Education using their west, central, and east areas. Perhaps during the flu shot season or things that the Department of Education has going on, maybe these vans can be used for those things as well. I just wanted to add that. Thank you.

Council Chair Kaneshiro: Councilmember Kuali‘i.

Councilmember Kuali‘i: As everyone has, I just wanted to express my deepest gratitude to everyone. Thank you for making this happen. I see the potential as being amazing as far as making a difference in our community in getting out there to our vulnerable communities. My only passion is that it is really important that the County works closely and collaborates with the nonprofits and the vulnerable communities to make sure that we are maximizing the use of these vehicles to help our people as much as possible. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.
Councilmember Carvalho: A big mahalo to everyone again. The Hawai‘i Community Foundation has gone abroad and brought resources back to our community. I think we can set the example from what is being discussed at the table today. I look forward to more opportunities as we continue to serve our community.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: I just want to shed light on the discussion. I think it is important that we continue on this pathway. What Micah said was very meaningful to me. What we invest in and what we need to invest in now will allow us to pivot successfully. Those kinds of opportunities happen because of these kinds of relationships. So much can be learned not only here with us creating this model, but certainly statewide, as we look at other jurisdictions and our ability to fill these gaps with these opportunities. Thank you.

Council Chair Kaneshiro: I just want to say a huge thank you to Micah, Darcie, the Hawai‘i Community Foundation, and the Chan Zuckerberg Kaua‘i Community Fund. As Micah said, “Success breeds success,” and I think it is going to be our responsibility to show that we are going to be using these vehicles in a manner that is going to make an impact in our community. As donors see the types of impacts we are going to make on Kaua‘i, I am sure we are going to see more people wanting to give their money to the Hawai‘i Community Foundation to have them distribute it to Kaua‘i. They make a huge impact on the island. I just want to say thank you and thank you for the opportunity. Anyone else?

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

The motion to approve C 2021-56 with a thank-you letter to follow was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-57 Communication (02/24/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the second allotment in the amount of $33,214.00 for Fiscal Year 2021 (total amount of funds including the previous approved awards is $41,274.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

Councilmember Carvalho moved to approve C 2021-57, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Councilmembers? Is there any final discussion from the Councilmembers? Councilmember Cowden.

Councilmember Cowden: I think it is always important to express our gratitude and acknowledge the home delivery service. As Councilmember DeCosta
mentioned the last time, just showing up daily helps to show our seniors that they are cared about and that there are an extra set of eyes on them. I am happy to be approving this continuation of important services.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I just want to mention how important this program is to the people of Kaua‘i. I know a lot of families that benefit from this. I would like to thank the workers that get out and get the meals out to these homes. They walk it into these homes. I am very thankful for that and these kinds of efforts that are for our kupuna since they really deserve these kinds of services. Thank you to the Executive on Aging and the whole program itself.

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

The motion to approve C 2021-57 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

LEGAL DOCUMENTS:

C 2021-58 Communication (02/16/2021) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreement with Islander on the Beach, to construct a privacy wall to mitigate the potential impact of the shared-use path immediately adjacent to the property, Tax Map Key (TMK) No. (4) 4-3-002:013, Kapa‘a, Kaua‘i, Hawai‘i:

- Property Adjustment Agreement

Councilmember Kuali‘i moved to approve C 2021-58, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members? Councilmember Cowden.

There being no objections, the rules were suspended.

Councilmember Cowden: Thank you for being here, Troy. What kind of fabrication is this privacy wall made from? What are the weep holes? We just had an important discussion from former Council Chair Mel Rapozo about putting in hardened surfaces. How is this privacy wall going to be impacting the erosion in the area?

TROY K. TANIGAWA, Acting County Engineer: Thank you for your question. Doug Haigh is our Project Manager for that project, and I believe he has technical information that can be provided in response to your question. I believe he is on the call. Doug, are you there? He may have logged off for a moment. If we can hold
off on getting a response to that question, I will have him come back on as soon as possible.

Council Chair Kaneshiro: Are there any further questions from the Members on the Property Adjustment Agreement?

Councilmember Cowden: Hi, Doug. Did you hear my questions? They were about erosion: what is the composition of the wall, what kind of weep holes are there, and how do we make sure that if we are building along that bike path that the privacy wall itself is not creating and accelerating erosion along the shoreline?

DOUGLAS HAIGH, Chief of Buildings: Thank you for that question. If you notice the location of the privacy wall, it is perpendicular to the coastline. It is set back quite a distance from the coastline. We do not anticipate it being subject to highwater waves from the ocean. Even if it was, it is perpendicular, and we do not see it interfering with that flow. When we do the final design...this area is flat. When we do the final design, we will make sure that there are appropriate weep holes for the wall to not interfere with any stormwater flows in the area. The stormwater flow is minimal. This whole area just floods. The lower points get flooded out in heavy rains. We would pay attention to the stormwater flows that are associated with the location of the walls and the elevation of soils on either side of the walls to make sure that we allow the stormwater flow to follow their historic paths.

Councilmember Cowden: If the bottom layer is the cinderblock type, where the water could go right through it...just driving here today, it was dangerous. Kūhiō Highway was a river. I was watching that wherever there was something hard, it was intense the way the water was flowing on the northside of the island. By the time I got to Kapa'a, it was fine. It was an excellent example of seeing even where sidewalks impacted the amount of water on the roads. Will we hear about the design before the final approval?

Mr. Haigh: No. You will not. That is still in process.

Councilmember Cowden: I did not mean today. I just want to make sure that when this stuff is built, that we know it was responsibly designed.

Mr. Haigh: If we can get a written question on that, I can get a written response from my consultant verifying how the final design is addressing that issue.

Councilmember Cowden: Certainly, not a problem. Thank you.

Councilmember DeCosta: I think I would like to shed a little light on that question for Councilmember Cowden. My construction background tells me that when this wall is designed, the engineers will design it to a way that will alleviate any water damage. Even if it comes back to us, we do not have that expertise to look at that design. I hope that our County has the best engineers possible. I would like to think so. They fall under my Committee's department. I believe that our trust will be in the design of this perpendicular wall.
Councilmember Cowden: I respect and appreciate our engineers. My point was that I just observed many failures as I drove down here. We are getting heavier rains and getting more plans and sitting waters. There are a lot of stuff outside of the design, such as overgrowth of plans, and I just want to be responsible to make sure we have those holes, in case it is designed by O'ahu or someplace other than right here.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I will make this real quick. I do not mean to be a ping pong table and go back and forth. This morning on the news there were a lot of people crying in the media about the storm damage and the County being responsible. I believe we have some responsibility, if not a lot. With that being said, we do live on an island with the wettest spot in the world. We are going to have rain. It is easy to point fingers. Let us be solution-based problem solvers. Community members, you can always take your shovels and clean out the storm drains. Let us all work together, like Councilmember Carvalho always says. Let us be problem solvers. Thank you.

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

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

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

The motion to approve C 2021-58 was then put, and unanimously carried.

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

C 2021-59 Communication (02/26/2021) from the Housing Director, recommending Council approval of two (2) Right-of-Entry Agreements and the associated indemnification and attorneys’ fees provisions between the County of Kaua‘i and McBryde Sugar Company, LLC.

- Right-of-Entry Agreement for Grading and Drainage purposes; Tax Map Key (TMK) No. (4) 2-1-001-054,
- Right-of-Entry Agreement for Construction Vehicles Access and Washdown Station; TMK No. (4) 2-1-001-055.

Councilmember Kuali‘i moved to approve C 2021-59, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?

There being no objections, the rules were suspended.
Councilmember Cowden: I am just wondering if you can explain this item and exactly where it is? I looked at the pictures and still did not quite get the location.

ADAM P. ROVERSI, Housing Director: My apologies. I was distracted by another meeting in my office. Are we discussing the Right-of-Entry Agreements?

Councilmember Cowden: Yes. Just a simple overview of where it is at.

Mr. Roversi: Sure. There are two (2) separate agreements. The Access Right-of-Entry Agreement simply provides a vehicle access right on the existing dirt road that travels from the State highway, south of the Lima Ola project through a small portion of the existing Kaua'i Coffee fields to reach the Lima Ola construction site, so that the construction vehicles do not need to travel through the existing Habitat for Humanity residential property that is located just to the west of the Lima Ola site. That will ultimately be the regular vehicle accessway to the project once it is completed. It is not appropriate for construction purposes to have the heavy vehicles going through that neighborhood. On the one hand, we just have a temporary access road through a small portion of the coffee fields to get back and forth from the highway to the Lima Ola Phase I work area. The second Right-of-Entry Agreement allows us to do limited grading work on the northern portion of the Kaua'i Coffee field that abuts the southern edge of the Lima Ola development, which is where we are constructing multiple overflow drains from the detention basins that are required as part of the Lima Ola subdivision. Taking a step back, the southern downhill portion of the Lima Ola project has numerous detention ponds that are designed to catch any surface water runoff from the Lima Ola project site. Those detention ponds in turn have overflow drains, in the event that they ever fill to their limits, that flow into Kaua'i Coffee fields that are south of the project. The second Right-of-Entry Agreement that is described in the communication for grading and drainage purposes allows us to work along the northern edge of that Kaua'i Coffee field to establish these drainage outfalls, which are basically concrete pads with dissipater blocks to control the flow of water that may leave the detention ponds hopefully happening only during periods of very high rainfall like we have had the past couple of days.

Councilmember Cowden: Thank you so much. I am excited that we are going to get that housing development in 'Ele'ele. I appreciate the clarity on this item. Mahalo.

Mr. Roversi: I would just like to add a thank you to Kaua'i Coffee, McBryde, and Alexander & Baldwin (A&B) for working with us cooperatively to get these done.

Council Chair Kaneshiro: Are there any other questions from the Members?

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

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)
The motion to approve C 2021-59 was then put, and unanimously carried.

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

COMMITTEE REPORTS:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (No. CR-PRT 2021-01) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Received for the Record:

“Communication (02/02/2021) from the Director of Parks and Recreation, requesting agenda time to provide an update on the current and future status of the ongoing camping permit program for the Houseless Community in County Beach Parks that started on March 4, 2020,”

Councilmember Kuali‘i moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

Councilmember Cowden: Thank you. I appreciate the Department of Parks & Recreation for having the compassion for over a year at some parks for housing our at-need or at-risk populations through the encampments. I am not asking for something different, but it is important to me to share what I see. I have been going down to the parks in this heavy rain. I would describe profound despair. I have tried personally to house a couple encampments. There is significant vulnerability in one case and quite a bit of capacity in another. I have been lucky that I have my own home. I have not had to look for a place for a while. As I am calling around trying to address that need, really begging, people are not willing to rent to this community for the most part. We are going to lose a lot of rental houses once we get through this pandemic. So many landlords have gone through a lot without getting paid their rent. It is also sometimes hardest to place local families, because people do not have enough room to take in large families. You take some in and everyone else is going to come. These are anecdotal stories, but I just want to make sure that we do not feel like we are solving the problem by getting rid of people in the parks. We are solving the problems that the parks are open. The difference between the people outside the parks and in the parks is profound in terms of their health and their capacity. I just want it to be known that I respect the collective decision to return the parks to the public that is lucky enough to have housing and lucky enough to be stable. I just do not want it to pass to not share the acknowledgement that this is not a solution for the people who are in there. I have seen that some have been able to move along, but very few. Our problem continues for the people as we solve the problem for the parks. Thank you.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)
The motion for approval of the report was then put, and unanimously carried.

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2021-02) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“Communication (02/12/2021) from Council Chair Kaneshiro, requesting the presence of the Managing Director, to provide a briefing on the current status of COVID-19 travel restrictions and other upcoming COVID-19 initiatives or updates for the County of Kaua‘i,”

Councilmember Kuali‘i moved for approval of the report, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

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

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

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

RESOLUTIONS:

Resolution No. 2021-12 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (Ryan de la Pena)

Councilmember Kuali‘i moved for adoption of Resolution No. 2021-12, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Do we have any questions from the Members? If not, is there any final discussion from the Members? If not, roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)
The motion for adoption of Resolution No. 2021-12 was then put, and carried by the following vote:

FOR ADOPTION: Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali‘i, Kaneshiro TOTAL – 7,
AGAINST ADOPTION: None TOTAL – 0,
EXCUSED & NOT VOTING: None TOTAL – 0,
RECUSED & NOT VOTING: None TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes. The next item is Resolution No. 2021-13.

Councilmember Kuali‘i: We took the motion earlier today.

Council Chair Kaneshiro: We did take public testimony earlier in the day on this item. Are there any questions from the Members? I will suspend the rules, Council Vice Chair Chock.

Councilmember Chock: I just wanted to get clarification on the price offered for the easement. We are purchasing this easement for twenty-four thousand three hundred dollars ($24,300). I understand that the Board of Directors have agreed to that price. I am not clear as to the proceedings in terms of their interest. It almost reads as if they are willing to give it to us, but because they cannot get the signatures we have to condemn it. Is that correct? Can you explain that process a little more? Do we have to condemn it? Is the price set in stone?

There being no objections the rules were suspended.

Mr. Haigh: Is it appropriate for Doug Haigh to respond?

Council Chair Kaneshiro: Anyone can respond.

Mr. Tanigawa: Go ahead, Doug.

Mr. Haigh: When we do this type of land acquisition, there is a very formal process that we follow since we are using Federal Highways funds. The process is monitored by the Hawai‘i State Department of Transportation (HDOT). We do an initial appraisal of the property to determine the value of the easement. Then we have another appraiser review the first appraiser’s review. That sets the value, of the property. HDOT and Federal Highways accepts that value because that is what came through the formal process. Since they are paying for it, it is important for them to approve it. With a condemnation process, the first step of condemnation is passing the Resolution, then the County Attorney will file in court. Once the judge accepts the condemnation document, we have legal access for the property, so we can get in for construction and we can use it. Then, through the
condemnation process, that is when the final value of the property easement is determined. In this case, we already have agreement from the Board that that is a reasonable price. Most likely, that is the price that the court will approve. Really, the final price gets determined during the legal process of condemnation that occurs after we get the land and get to the point where we actually get the deed for the easement.

Councilmember Chock: The reason why I ask...when I look at the map that you provided and the pathway, I believe that pathway is already currently being used. At least the mauka to makai portion. Is that correct?

Mr. Haigh: Not really. It is being used...it has opened in the last couple of years, much more than it has been historically. I have walked it several times myself. I have never really noticed anyone else walking it. It is there. It is now open where the public could easily traverse across it. It is an uneven, grassy, and sandy surface, so it certainly would not have Americans with Disabilities Act (ADA) accessibility to traverse. It is open right now for the public to traverse.

Councilmember Chock: Okay. I think this is a question for possibly Matt Bracken if he is on. I know this is going to a public hearing, but I just wanted to get some of these questions out of the way. We know that there is an issue of sea level rise that is happening everywhere. Our easements everywhere are being affected. We are no different than anywhere else. There must be some sort of means for us to be able to mitigate, especially as we move forward, on how it is that we acquire these pieces of property. In five (5) to ten (10) years, if the seaside of this pathway is now gone, we have just spent twenty-four thousand dollars ($24,000) on something that no longer exists. I am curious if there is any remedy to that, from a legal standpoint in how it is we...I do not know if there is a sort of blanket easement...when we ask for something, that we might be able to have multiple choices or flexibility as sea level rise affects us? I am just curious as to that. I know it is a big question that you might not have an answer for right now. I think we are going to have to start to ask that question about what the remedies are as we want to have these easements. It is important for our public in terms of access, but we cannot just continue to pay for them and not have them in the short-term, say ten (10) years or so. Have you heard of remedies to this?

MATTHEW M. BRACKEN, County Attorney (via remote technology): This is kind of a difficult question in that usually when you purchase or condemn an easement, you get specific metes and bounds. You are purchasing an exact area or a right to use an exact area. When they did an assessment on this area, and arrived at the twenty-four thousand dollars ($24,000) for a specific area, that is what we would be condemning and/or purchasing. Would it be possible to purchase a moving easement? It could be possible. I think you would end up paying more for it. You could set the metes and bounds larger and say that we are going to set a bike path...
somewhere within this easement range, depending on sea level rise or something else. Maybe the bike path gets moved. You could possibly purchase a larger easement area to take care of that. I think the reality is if you did do something like that, it is going to cost more. You are getting an entitlement to a larger piece of land. There is a potential way to do that, I just think you end up getting a right to a larger piece of area to allow for movement. For instance in this area, if the sea level gets there and you have to remove the bike path, the way the law currently works...if that ends up in the high water mark, it basically becomes State land anyway. Our easement will disappear, and it will become State land.

Councilmember Chock: At its simplest form, possibly a contingency clause that says, “There is a good possibility this moves and what can we negotiate with you now for the movement.” I foresee this happening a lot for us. I want to feel more comfortable when we make these decisions. Right now, I am a little bit uneasy. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta, then Councilmember Cowden.

Councilmember DeCosta: This will be a small discussion following Council Vice Chair Chock. Perhaps I can shed some light on this. I believe when we condemn or buy access, it is not only perpendicular, it is horizontal as well. Am I correct?

Councilmember Cowden: Parallel.

Councilmember DeCosta: Basically, we may lose a little bit of that horizontal access due to sea level rise. I am not sure if that is going to happen in five (5), ten (10), or fifty (50) years. That would be nice, since we would get the life out of our bike path. I do not think we would ever lose the perpendicular access. Even though it is not a sandy beach where we can go and have a picnic, it might be a beach where we can go and fish. I think if we have that perpendicular access...it should be any makai or mauka areas. I know we focus a lot on our ocean areas. We need to focus on our mauka access as well. I think this is a great start. Thank you. I hope I shed some light for you.

Councilmember Chock: No, you did not.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Doug, you probably heard Mel Rapozo's comments earlier, which I think is felt by many people when you put these hardened surfaces near the ocean. Is it possible that we use crushed coral or something more permeable? What are we going to use? I appreciated what he asked about making an adaptation in the Resolution for not having a hardened surface. What are your
thoughts on the make-up of the texture of the path. If they come off the concrete onto crushed coral, I think the bike will still move just fine. What are your thoughts?

Mr. Haigh: We have chosen to do the path in concrete in all areas. First, for minimal maintenance cost and second, to assure full accessibility. I think it is a little bit of a misrepresentation... I know that concrete is hard. We all know that. I am not going to argue that point. To refer to concrete as a hardened surface in relationship to a coastline improvement gives a false impression. That implies a surface that is hardening the shoreline. I think a lot of people perceive that word "hardened," as once we put the path in, we are hardening the shoreline. The studies that we have looked at and the research we have done... I know Chip Fletcher was quoted earlier. He has responded that the bike path... he was not concerned about the bike path accelerating erosion. He just said that if it does get eroded, you will have to replace or remove it. When we were working at the Wailua Beach and we negotiated with the HDOT to move the bike path into their highway right-of-way, their engineers were concerned about potential effect of the bike path. They had a study asking the Army Corps of Engineers to evaluate. The Army Corps of Engineers came back and said that this type of concrete slab structure does not increase coastal erosion. This is not a hardened surface like a breakwall. A breakwall is a hardened surface for coastal erosion. A bike path is a hardened surface on top of the sand. Once the waves come up and come underneath the path, it just keeps eroding. A breakwall... the Pono Kai seawall is a good example of a breakwall and what the impact is of a hardened surface for coastal erosion. At the end of a breakwall, you see increased accelerated erosion. That is exactly what we are seeing near the Pono Kai seawall. It is something we always knew was there when we put the path in. We do have a beach nourishment program to address that issue. We planned for that there at the Pono Kai seawall. For a regular path, our planning includes going to the Planning Department for a Special Management Area (SMA) permit and a variance permit, the Planning Department has very strict requirements that our path is built in a way that is going to minimize any impact if the area does get eroded. We are looking at five (5) foot joints so that the concrete will break up easily so that it can be easily removed if it is does get eroded. I think it is a misnomer to consider a concrete bike path pad as an improvement that will increase coastal erosion. Going back to the comment about the life of the path... using the University of Hawai'i's latest study, which the Planning Department just published or put on their website... the erosion rate at this narrowest corner where we are closest to the certified shoreline, which is about sixteen (16) feet, the erosion rate at that area is about 0.3 feet per year. That is from the latest study. Based on that erosion rate, you have an over fifty (50) year life in the tightest area of this path. We all acknowledge that there is also sea level rise. That erosion rate... the fifty (50) years will probably be shortened, but no one knows how much shorter. We are making the right decision to minimize County maintenance costs and get maximum public use, while still building it in a way that if it gets damaged, we can easily remove it and satisfy the coastal environment.
Councilmember Cowden: Thank you. I tend to walk the path, mostly to check on the people who are living along it, I will be honest about that. There are areas where it has been washed out about seventy percent (70%) under the path, I am going to guess. It has been that way for at least a year or a little longer. It does not seem like it is that easy to maintain. When I was thinking of having something like crushed coral, that does not take that much to maintain it. You just put a little more crushed coral down or move it slightly. It seems for concrete, even it is in theory removable, I do not see us removing or fixing it. It seems like that is a lot of cost.

Mr. Haigh: The place where you are talking about...we have two (2) places where we have some erosion underneath the path. Along Wailua Beach, we have coastal erosion, that has gotten under the path. When we built the path along Wailua Beach, we knew it was subject to coastal erosion even though the studies show that that beach is accreting or growing, we know there are extreme erosion episodic events. We designed that path so that it could be removable in sections. Your barricade wall from the highway to the path can come out as a single piece. That is how we addressed Wailua Beach. The other area that you are talking about is within Lydgate Beach Park. That is not coastal erosion. That was from stormwater flow erosion.

Councilmember Cowden: Correct.

Mr. Haigh: The key to stormwater erosion is to be able to address that issue as soon as possible to minimize stormwater erosion. You use techniques that divert the stormwater flow, so that it does not erode the path. The difficulty in repairing that location is the fact that it is going through regulatory review since it was not repaired immediately after the storm, now you are going through a regulatory review process which is tremendously burdensome and long-lasting. To address crushed coral, Black Pot Beach Park parking lot is a prime example of the high maintenance associated with a crushed coral surface. It does not stay in place. It gets potholes and it erodes in a variable fashion. Some areas erode and some do not. To maintain a constant, smooth surface that will satisfy ADA accessibility requirements is extremely difficult and time-consuming. It would be a high maintenance cost.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Council Vice Chair Chock, followed by Councilmember Evslin.

Councilmember Chock: I just wanted to check on the replacement aspect. I keep hearing that piece. Do we have some sort of standard rule that if any coastal erosion affects the pathway, that we are not going to replace? I just want to clarify that.
Mr. Haigh: The commitment we made during the environmental process...this is a part of our clearance with Federal Highways and the regulatory agencies...we will never do anything to harden the shoreline to protect the path. We are not going to build a seawall to protect the path. At Wailua Beach, it is very possible that HDOT may build a seawall to protect the road, but that is going to be their decision. They will be working with the regulatory agencies. If the path goes at Wailua Beach, you will probably lose a travel lane as well—that is significant. We came to an agreement with HDOT that they will take care of the maintenance of the path, because it is their highway at risk. That is their decision. We are not involved in that. At this one place where we are most sensitive, on the property in front of the Islander, is right at that corner at the south corner. If the path starts getting eroded, that means their building is going to be at risk. We are not going to harden the shoulder for them to protect their building. They may be able to get approval to do some hardening to protect their building. We do not know what the regulatory environment is going to be when and if this coastal erosion happens. Clearly, if we get accelerated coastal erosion or sea level rise, this is not going to be the only area in the State of Hawai‘i that is seeing extreme danger to existing facilities due to coastal erosion. I think there is going to be a statewide discussion or solution of what the approach is going to be. That is going to be beyond the County. That is going to be more of a State regulatory decision, since they regulate the active shoreline. I got lost in my talking. Hopefully I answered your questions.

Council Chair Kaneshiro: Councilmember Evslin, then Councilmember Carvalho.

Councilmember Evslin: Thank you, Doug for being here and answering these questions. Building off of Council Vice Chair Chock’s questions and this question might be for Matt. Is there any possibility that Islander on the Beach could ever make a legal claim that we are responsible to protect the path and protect their property when the sea begins to erode?

Mr. Bracken: The County would just be condemning or purchasing an access easement. Not really. We only have the right to use the property. There will not be any sort of language that would require us to protect that property.

Councilmember Evslin: Okay. When it starts to get undermined and chunks of that path start to fall in, impacting their property in some capacity...and they want to protect their own property, but there is a path in front of it, they cannot come back to the County and say that you have to do that? Is that correct?

Mr. Bracken: Right. If it gets to the point where it is getting that close, we would just remove our bike path and they could do whatever it is they would need to do.
Councilmember Evslin: Thank you, Matt. For Doug, I know we spoke about this yesterday. Could you speak to any other...why the path is right there or if you looked at putting it behind the resort. If you could explain what the factors were considered as part of your decision to put it in front there. Is this as far back as it could possibly go if it is in front of the resort?

Mr. Haigh: Originally, many years ago, we were going to go through a beach access between Kaua'i Shores and the condominium on that side. There is a heiau structure there. During the Section 106 process, we heard great concerns that they did not want to encourage people to go in the heiau. This was a sensitive heiau. People were using it for weddings, and it was on private property. This was a sensitive area for the community. That is why we shifted over to the next nearest easement. This is to get access to County parkland. We own the land in front of the Islander. We own land going from Wailua Beach all the way to in front of the Beach Boy. This was land that was given to us by the State in the 1970s or 1980s. It is providing public access to the beach. To try to go on the mauka side of the property is very difficult. They have existing parking lot and traffic. Then you are going to have to create a new easement. We already had an existing six (6) foot wide easement. That is why our cost on this is so low. We already had an existing easement. We are only asking for another couple of feet. That is one of our responsibilities—to try and keep the costs down.

Councilmember Evslin: Thank you, Doug. Are there any other future areas that will be this close to the sea, with existing maneuverability with existing footprints?

Mr. Haigh: Along this existing portion of the shoreline, this is where we are the closest to the existing certified shoreline, this section right here. It is tough, because the building is right there. During the SMA process, we tightened it up even more. The engineer wanted the path to have a softer radius for a softer turn for safety reasons, but we had to balance the potential coastal erosion with safety. We said that it would still be safe, but with a tighter turn and we would have to install signs to tell people to slow down. We had to address the coastal issue and that “won out” in that decision to try to get the path as far away from the eroding shoreline as much as possible.

Councilmember Evslin: Thank you. Last question. I know you addressed this already pointing to evidence that this type of path broken up into five (5) foot sections does not lead to increased coastal erosion. However, it is cited all the time as something that does lead to coastal erosion. Is there any evidence that you know of that this leads to increased coastal erosion or does basically all the evidence that you have says that this does not?
Mr. Haigh: All the evidence that we have... it was many years ago when we asked Chip Fletcher to comment on it. I believe this was for the original Kapa'a to Keälia path going along Keälia Beach. There was concern there even back then. He came back and said that we do not see that as increasing coastal erosion, but you may have to replace it or take it out. It does not increase it. As I mentioned, the Army Corps of Engineers did a study for HDOT looking at the type of improvement and coastal actions. Their determination was that, no, it does not increase coastal erosion. I have not heard of or seen a scientific study that says that a hardened concrete bike path would increase coastal erosion.

Councilmember Evslin: Thank you, Doug.

Council Chair Kaneshiro: Councilmember Carvalho, then Council Vice Chair Chock.

Councilmember Carvalho: That leg right in front of Islander and other parts of the path... the bigger vision was always to connect Keälia to Lydgate Beach Park. We knew that in between each area there were challenges along the way; however, we worked through it every step of the way. In this particular case, this is the Islander stretch from Safeway all the way to Lydgate, this was the last leg to make the final connection. Is that correct?

Mr. Haigh: That is correct, sir.

Councilmember Carvalho: The Islander portion... addressing the sea level rise that could occur and making sure that we are sticking with the vision that would include ADA traverse for all... ADA was a big one. We wanted to be sure that everyone could access this, including the ADA community and that families together could use this path. I use the path almost every other day with my grandchildren. It is important that we complete it, knowing there are challenges along the way. That portion in front of the Islander is as far inland as possible, right?

Mr. Haigh: That is correct.

Councilmember Carvalho: With any other issue in that area, we just have to address it accordingly and move forward. For other parts of the path in the right-of-way, like near Wailua Beach, those areas fall under the State's jurisdiction so they would take care of the repair of it as they tie it in to the repair of the roadway.

Mr. Haigh: That is correct. That is what I mentioned when I was talking about Wailua Beach.

Councilmember Carvalho: I just wanted to confirm and clarify that.
Mr. Haigh: In different areas of the path, the original concepts that our consultants gave us...as we went through the regulatory process, including the environmental assessment and the SMA permits, we adjusted things and fine-tuned them. In ninety percent (90%) of those cases, it was to further retreat from the coastline. Our consultant’s original concept was to go along the sand at Wailua Beach. Well, thank goodness we did not do that. At Kapaa Beach Park, we were going to go on the makai-side of the parking lot. That was the original design. During the environmental and the Planning Department SMA process, we said that it does not make sense for long-term. We went on the mauka-side of the parking lot, so that gives us some additional protection. In the process to develop this before we get to here, we have already received tremendous input from experts on what we need to do to minimize potential coastal erosion and we respond to that. The Planning Department and the SMA process was one of the key regulatory steps that makes sure that we do the best that we possibly can.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Council Vice Chair Chock: When we call it a pedestrian and bike path, are we as a County now obligated...when we bring up the need for ADA access...this whole conversation has been about...not so much about the condemnation...I think we all agree that we want access both mauka, makai, and laterally for this access. Really, it is about whether we should be installing this concrete portion. When I look at this Resolution, it appears to not be a problem. The heartburn comes when it comes to the construction clause wording. If we call it the pedestrian and bike path, we are obligated now to build that concrete pathway, correct? For liability purposes, we have to follow through on that.

Mr. Haigh: Our current commitment to Federal Highways is that we are going to be providing an ADA accessible pathway. If we change from that, that could impact the Federal Highways funding for the project.

Councilmember Chock: Okay. Currently, in this section that you looked at, I am sure you can ride your bike over. It is somewhat grassy and sandy. You would not consider that to be compliant?

Mr. Haigh: It is not ADA compliant. Even if we were spending our own money, we would have to get approval from the Hawaii Disability and Communications Access Board (DCAB) for approval of our plans. When we spend County or State money, there is an obligation for us to meet ADA requirements. Even if we decided to forego the Federal Highways funds, we would be in a quandary, if we are doing an improvement, to provide equal access for the ADA community.
Councilmember Chock: I know my first question was a little confusing, so I just wanted to clarify it. In a previous request for condemnation or receival of an easement, the landowner was able to gift it to us. That is why when I read the documentation, it seems as if there was a little more interest to deed the existing pathway over to us. That is why I had asked. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: This is one hundred percent (100%) federally funded, correct? Condemnation and construction?

Mr. Haigh: As far as the hard dollars, yes. We have been using a soft match. The donation of land along the path corridor have been used to provide the twenty percent (20%) County funding requirement as a soft match. Even some of the improvements that have been done by private owners, such as the bridge between Foodland and Safeway, we were able to get the value of that improvement accounted for as a soft match.

Councilmember Evslin: Sorry, a lot of this was before my time on the Council. That goes for the entire length of the path. There has been no County money used.

Mr. Haigh: At the very beginning of the project, we put some moneys in for planning purposes. I forget the exact amount. It was insignificant compared to all of the funds used since then.

Councilmember Evslin: Awesome. Thank you. I knew that it was federally funded, but I did not know it was to that extent. That is great.

Council Chair Kaneshiro: Any further questions from the Members on this item?

Councilmember Kuali'i: Thank you for being here, Doug. If you do not have this information, which I do not think you will, you can follow-up on it. With the events that have happened at Wailua Beach, that have or will be requiring intervention and repair, do you have a sense of the cost of that?

Mr. Haigh: According to the science presented by the latest coastal erosion study, at Wailua Beach, we should be patient. The beach should naturally come back at this point. It is going through the process where the sand dune gets eroded, the sand goes out to sea, there are changes, and then the sand comes back. We have seen that happen already several times. Certainly, once within the path life we have seen that occur. It got eroded very close to the path and then it grew back. According to the scientific study that claims that beach is accreting, it
will grow back. I believe in the interim, what HDOT is trying to get is approval to push sand from the beach. It is a minimal cost to push that sand up and under the path area. In the future with the impact of sea level rise and how it is going to impact periodic episodic events, there may be more action that is going to be required in the future. I cannot predict that. That is something that HDOT is looking at all over the state. They are looking at how they are going to protect their highways from sea level rise and this is occurring all over the state. State highways are threatened by sea level rise. The east side of O'ahu is especially in much worse shape than Wailua Beach is. That is something that they are working on and is a part of their mid-term to long-term planning.

Councilmember Kuali'i: Thank you. Although you said that the Lydgate Beach Park area erosion was not caused by coastal erosion, but was caused by stormwater flow erosion, the County has incurred costs to repair that? What were the costs? Also, with the Pono Kai damages, has the County incurred costs to repair that?

Mr. Haigh: For the Lydgate project, no repairs have been made. Minor costs have been incurred to barricade it off and to push traffic to go around that eroded section. I have not been involved in this...but my understanding is that they are going through the regulatory process. Once they get the regulatory approval to do whatever repair they are planning on doing, then there will be costs associated with those repairs. They are probably going to have to remove some of the concrete and then bring in crushed coral or sand to backfill, compact it, and repour some concrete. That is what they are going to do, I assume. Like I said, I am not involved in the planning of that. The Department of Parks & Recreation could better respond to that question. As far as the Pono Kai seawall, what we have is a periodic cost of loading up sand at the Kapa'a Baseyard. We have an agreement with the State Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR) that when they dredge the Lihi Canal for boat ramp access, they give us the sand. We have approval from DLNR to use that sand for beach nourishment. It was just a year or two (2) years ago, they dredged it. They delivered about four thousand (4,000) cubic yards of sand to the Kapa'a Baseyard. We put a loader down there, they bring the truck down to the beach, and they dump the sand. They have a Bobcat at the beach to spread it a little bit. That is the process. How much money has been expended, you would need to check with the Department of Parks & Recreation? The frequency has been very variable. We went for over a year from 2018-2019 with not having to do any nourishment. A couple of years before that, we were doing it every three (3) or four (4) months. Right now, it is probably time to do more nourishment. How often they will have to do it is unknown. We do not know what nature is going to do. It is variable. It is hard to put a hard cost to it.

Councilmember Kuali'i: Thank you.
Council Chair Kaneshiro: Are there any further questions from the Members?

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

Council Chair Kaneshiro: Are there any final discussion from the Members before we vote? Councilmember Evslin.

Councilmember Evslin: Doug, I really want to thank you for all your work on this project. I really do think it is among the best long-term projects that the County has ever pursued. I know it has been a heroic task to connect all these pieces. I know you often get a headache for it all, especially when you come to Council. I want to recognize your hard work, that of the Kaua'i Path, the former Carvalho Administration, and all the way back to the efforts of the late former Councilmember Tim Bynum. I think all that good work is reflected in the award that the path just got from USA Today for being one of the top ten best recreational trails in the country. That is a huge recognition and a recognition of your work here. For me, as a frequent user of the path, I know that it provides an invaluable space for the community to get exercise, to connect with each other, and to provide lateral access to the ocean. I am looking forward to the day when Lihu'e to Anahola is connected. All that said, I do certainly want to express my concerns with the path being within the sea level rise exposure area. I know our role here as a Council is limited. I think our formal role is mainly just condemning property or accepting property from the State for the path. I know this is one of the final steps for this section. Given that it is the eleventh hour here, I am going to fully support this condemnation. I want to be clear that I am going to be skeptical of future condemnation requests or potential funding requests for a path, which is in the sea level rise exposure area mainly because I think it is vital that we are creating a resource that can be utilized for generations and not something that we know can be undermined by the sea in the next few decades. As we ask for the community to plan for sea level rise with strenuous setback requirements, it is important that we do all that we can to abide by those similar setback requirements and plan for sea level rise as well. All of that must get weighed against the value of ensuring lateral public access to our beach parks. Like today's condemnation vote, sometimes the only option is to go within the exposure area. With all that said, I hope that when we do go within the exposure area, that it is our last possible resort. I really appreciate all of the work here and thank you for being a pivotal part of creating this resource for our community.

Council Chair Kaneshiro: Anyone else? Council Vice Chair Chock.

Councilmember Chock: I, too, want to thank Doug. You have been a huge champion of this project over the years. I think we really must look at...it is not about whether we want the condemnation or the bike path. I am a supporter of the bike path. I think we just need to ensure that we are doing this in the smartest way possible and with the least amount of mitigation. We have an obligation as government to set the example of what is to come. Clearly, as you know, this particular property is within the shoreline setback exposure area. As we look at developing these hazard mitigation plans that we are right in the midst of, it behooves
us to delineate these high-risk areas and inform our community about the fact that these places will be under water. To that end, even figuring out a way to properly value these areas or devalue these areas because the opposite continues to happen. Our shoreline areas continue to be highly sought after and come at a high property cost. That is counterproductive to what science is saying. We have an obligation to be a part of that process and potentially affect future appraisals of certain areas. The lines are being drawn and to be able to communicate that well is important moving forward. I look forward to hearing what the community has to say. At this point, I do support the condemnation. I am a little hesitant on the construction aspect of it and will look further into it. Thank you.

Council Chair Kaneshiro: Does anyone else have any questions? This item will be scheduled for a public hearing and will be referred to the Council Meeting on April 21, 2021.

The motion that Resolution No. 2021-13 be ordered to print, that a public hearing thereon be scheduled for April 7, 2021, and that it be referred to the April 21, 2021 Council Meeting was then put, and carried by the following vote:

FOR PUBLIC HEARING: Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali'i, Kaneshiro TOTAL - 7,
AGAINST PUBLIC HEARING: None TOTAL - 0,
EXCUSED & NOT VOTING: None TOTAL - 0,
RECUSED & NOT VOTING: None TOTAL - 0.

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

Council Chair Kaneshiro: Could you please read us into Executive Session? We will then take our caption break and then we will convene the Committee Meetings.

EXECUTIVE SESSION:

ES-1045 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in the matter of Matthew Mannisto, Esq., as Personal Representative of the Estate of Leslie Gae Lutao, Deceased, et al. vs. County of Kaua‘i, et al., Civil No. 19-1-0107 JKW (Fifth Circuit Court), and related matters. 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-1046 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to provide a briefing on the Adolescent Treatment and Healing Center, 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-1047 Pursuant to Hawai'i Revised Statutes Sections (HRS) 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on workforce housing requirements for Tax Map Key No. (4) 2-8-014-032. 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.

Councilmember Chock moved to convene in Executive Session for ES-1045, ES-1046, and ES-1047, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We did receive written testimony for ES-1046. Are there any questions from the Members?

(Written testimony was received for ES-1046 and no registered speakers requested to testify regarding these agenda items.)

The motion to convene into Executive Session for ES-1045, ES-1046, and ES-1047 was then put, and unanimously carried.

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

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:41 a.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks