

COUNCIL MEETING

APRIL 24, 2019

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, April 24, 2019 at 8:53 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable Ross Kagawa
Honorable KipuKai Kualii (*excused at 1:35 p.m.*)
Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Is there anyone in the public wishing to testify on the agenda?

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

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

Council Chair Kaneshiro: Seeing none, is there any discussion?

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

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The next item is the minutes of the following meeting of the Council.

MINUTES of the following meeting of the Council:

March 27, 2019 Public Hearing re: Bill No. 2736 and Bill No. 2737

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

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Minutes?

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

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

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

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

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

Ms. Fountain-Tanigawa: The next item for receipt, are items on the Consent Calendar.

CONSENT CALENDAR:

C 2019-80 Communication (04/01/2019) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2019 through March 31, 2019.

C 2019-81 Communication (04/11/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking And Tow Away Zones Along A Portion Of Hehi Road And At The Entrance To Hanamā'ulu Beach Park, Lihū'e District, County Of Kaua'i.

Councilmember Kualifi moved to receive C 2019-80 and C 2019-81 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Councilmember Cowden. What is your question on?

Councilmember Cowden: C 2019-81.

Council Chair Kaneshiro: We are going to see the resolution come up later in the agenda.

Councilmember Cowden: Will we talk about it then?

Council Chair Kaneshiro: Yes. We are going to receive this communication. Are there any further questions or discussion from the members? Is there anyone in the audience wishing to testify on the Consent Calendar?

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

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

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

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

Ms. Fountain-Tanigawa: Chair, next item is Communication.

C 2019-65 Communication (03/11/2019) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commissions Resolution No. 2019-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its March 7, 2019 meeting.

- Salary Commission Resolution No. 2019-1

Councilmember Kagawa moved to reject Salary Commission Resolution No. 2019-1 in its entirety, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Members, do we have any questions on this item? In order to reject it in whole, it will take five (5) votes. If we are not able to get the five (5) votes, it will move with no motion. Councilmember Cowden.

Councilmember Cowden: Are we going to be able to talk about this in a little bit?

Council Chair Kaneshiro: Yes, we can talk about it right now. Do you have any questions for the Administration?

Councilmember Cowden: Well, I do not want to reject in whole.

Council Chair Kaneshiro: Then you would vote against it.

Councilmember Kagawa: Then you would vote "no."

Councilmember Cowden: Okay.

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

Councilmember Kagawa: I will not be supporting any motion to chop/dissect or vote in parts. It is bizarre the way it was set up where a minority vote will pass the Salary Commission's recommendation. I have never seen...this is not democracy when you see a 3:4 vote win. In any sport, where does a vote of 3:4 equal a victory? This is the most undemocratic piece of legislation that I have ever seen. But, it is what is, as we always say. With three (3) votes, it will pass. Now, to even think about chopping it up. The legislation is already bizarre and to say, "Hey, we are going to chop it up," is even worse. You either vote "Yes" or "No" in whole. That

is my feeling and I hope I have at least four (4) to agree with me that we will either vote yes or no, and not to chop it up. We are going to make it more bizarre than it already is.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I think we have gone over this a lot. As far as it being undemocratic, it is actually more democratic. The point here is to put the power in Salary Commission's hands, which is a citizen body. All we can do is sort of veto their decision. I think the process here is entirely democratic. As far as chopping it up, I will not be voting to reject in whole. I hope to remove the Councilmembers' salaries and vote yes on parts 1 and 2. As the Charter outlines, it is fully allowed to reject or accept in part or in whole. I just want to clarify my own perspective on this. I think that a "no vote" is simply telling the Administration that they cannot pay based on performance; as every other business in the country. They have said, "We are not going to pay increased salary right now, it would be one year, and simply based on performance." With a two hundred forty million dollar (\$240,000,000) operating budget, the County of Kaua'i is one of the largest businesses in the State, every single department would be considered a large business. The decisions that these department heads make impact every single person on Kaua'i. Whether it is in financial ways, in health and safety, et cetera. When a business makes a decision to increase executive pay, or anyone else's pay, that is not an altruistic decision. That decision is made based on the businesses financial bottom-line. They are making that in their own self-interest to improve their business by attracting and retaining the best people possible. When they pay based on performance, that is also a financial decision to ensure that the department heads are doing their job right. They will be rewarded or not rewarded for doing their job right. For me, I support the idea of performance-based pay. I support increasing the amount of two point five percent (2.5%) per year for thirty (30) years. This will get us slightly closer to the other islands. It does not even get us in their ballpark. We are still far behind the other islands. I will not be supporting to reject in whole. But, I fully support and I would hope to remove Councilmembers' salaries from this and vote to receive parts 1 and 2.

Council Chair Kaneshiro: I am sorry, do we have questions for the Administration? If not, we are going to take public testimony first. Councilmember Kagawa.

Councilmember Kagawa: Councilmember Evslin is talking about it being democratic. Do you read *The Garden Island* newspaper? How many people agree with you in *The Garden Island* newspaper's poll about this being the right thing to do?

Council Chair Kaneshiro: I do not know how you are able to answer that? If we have questions for the Administration, we will take the questions now.

Councilmember Kualii: This can go on and on.

Council Chair Kaneshiro: Yes, I want to take public testimony first before our discussion.

Councilmember Kualii: I want the same amount of time.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

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

BRUCE HART: For the record, Bruce Hart. I did not think I was going to be able to get a chance to speak on this because it has been delayed so many times. In general, I am in full agreement with Councilmember Kagawa. It is either up or down. I would like to point out something that occurred the last time before this issue became before this body. Former Council Chair Rapozo pointed out along with the Salary Commission's recommendations in writing point out that no one has to take the raise. In fact, as former Council Chair Rapozo pointed out the last time this came up, no one has to take any salary at all for this job. I do not see the purpose in chopping off Council salaries. If you feel that the Council should not get a raise, do not take the raise. From my own personal opinion, as I mentioned the last time, I do not see why if everyone else gets a raise the Council should not get a raise. I will remind the public as Councilmember Kagawa did the last time this came up, it is not any of you that will get the raise unless you get reelected. If you get reelected, then the people want you back in office. One other thing about the democracy, I know what Councilmember Kagawa is saying, but this is not a democracy that we live under, it is a republic. You all are elected representatives. I think you do a good job, I think you really care. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify on this? Seeing none.

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

Council Chair Kaneshiro: Is there any final questions for the Administration or we can have our discussion. The motion right now is to reject in whole. I am not trying to use Councilmember Kagawa's crystal ball. The way it is going now, we can run through as many motions as we want. The fact of the matter is, you need to figure out how many votes you need to get what you want passed. If you are going to break it up, are you going to have enough votes to do that? Right now, the way I am looking at it, this issue is going to end up at a dead still. There is not going to be enough votes to pass it and there is not going to be enough votes to reject it. That is my instinct. The sooner we know where everyone is at, the better. If we keep doing motions to reject parts, we will be going through the same exercise three or four times with different motions. There will be votes to either pass it or not. The faster we are able to get to that...we have seen this come up two or three times, we kind of know where everyone stands on it. I do not see us beating a dead horse on it. If the votes are not there, then the votes are not there. The contract is going to lapse, the raises are going to go into place, and that is the way it goes. Councilmember Kualii.

Councilmember Kualii: I have questions for the Administration. I apologize that I was not at the last meeting. I know you have had discussions, I could not help it, and I am still battling bronchitis. I am here today and I am not contagious.

Council Chair Kaneshiro: I will suspend the rules. Councilmember Kualii.

There being no objections, the rules were suspended.

Councilmember Kualii: We have sent over several questions from the different Councilmembers. One of the questions that I had...the representatives of the Salary Commission was stating that these were only caps and they were not necessarily going to go into effect. My suggestion was that I believe if we looked back at the previous raises, that in fact, when the caps were raised immediately on those same dates, the salaries were raised. Thank you for providing the chart. This is draft number 4. You originally gave us a spreadsheet with the salaries from the different counties. I will talk about that a little further. Draft 4, I wanted to confirm with you based on the information that you have provided, that indeed what I had suggested was probably true, when all of the raises that recently occurred with the increase and the salary cap, the column of 2016, Resolution 2016-2, for all those positions starting with the Mayor, Managing Director, County Engineer, Finance, et cetera, the group of positions that are in blue, the majority of those positions were increased to the max was in July 1, 2016. It was probably ninety percent (90%), maybe more, of those positions. We are talking about individual positions because I had realized that the Deputy, County Attorney, and Prosecuting Attorneys have multiple deputy positions. That is correct, right?

ELLEN CHING, Boards and Commissions Administrator: Correct.

Councilmember Kualii: It would be the same thing for the second group, which is on the next page from July 1, 2017, Resolution 2017-1. Again, most of those positions...and the Office of Economic Development (OED) is an exception to the prior rule where it happened three (3) months later instead of July 1, 2017. The Liquor, Parks & Recreation, Deputy, County Clerk, Deputy of County Clerk, their salaries were all raised when the cap was raised on July 1, 2017.

Ms. Ching: That is correct.

Councilmember Kualii: Now, the one thing you folks are not telling us is that this time it will be different because Mayor Kawakami supposedly made a promise to Councilmember Cowden. Councilmember Cowden and Councilmember Evslin were talking about how they did not want this to take effect until July 1, 2020. That would be next year's resolution so the correct vote this year would be to say, "No, and come back next year," but she is trusting Mayor Kawakami. Even though we would be raising these salary caps on July 1, 2019, that Mayor Kawakami would not utilize increasing the raises. We have seen by all of this...of course that is former Mayor Carvalho. You cannot speak for Mayor Kawakami or maybe you are able to and he has given you some kind of reassurance, or maybe he will come before us and tell us? We heard what we have heard.

Ms. Ching: Thank you. For the record, I apologize for not identifying myself earlier. Ellen Ching, Administrator, Boards and Commissions. Thank you for the question, Councilmember Kualii.

Councilmember Kualii: Maybe you need someone from the Salary Commission, is there a Chair?

Ms. Ching: There is a Chair, but the statements that you are referring to was made by our Managing Director. It was directed in response to the question by Councilmember Cowden. The commitment was said to the whole body of the Council that any raises given would be performance-based and after an evaluation is completed.

MICHAEL A. DAHILIG, Managing Director: Good morning, Councilmembers. Mike Dahilig, for the record. I apologize for my voice, I was at the University of Hawai'i Volleyball game on Saturday and I have not recovered yet. Councilmember Kualii, just to confirm the statements Mayor Kawakami has authorized me to make on behalf of the Administration. Given the thirteen (13) out of thirty (30) positions that Mayor Kawakami has direct salary control over, those positions that are under his control would not receive any increases based off of this resolution until one year of service has been completed along with a comprehensive evaluation of that person's performance has been conducted by the Administration. We do not intend to take any of the salary increases and immediately use it. We believe in performance, evaluation, and feedback of the employees. That will affect the thirteen (13) out of thirty (30) position types that Mayor Kawakami has direct salary control over.

Councilmember Kualii: You are saying that you are not taking the raises, but you want the caps to be in place anyway? What is the logic there?

Mr. Dahilig: The logic is that one-year of service...the Administration took office in December. One-year of service would be midway through the Salary Commissions Resolution finding. That is why we can only make the statement and suggest that we will follow-through with that commitment regarding the thirteen (13) out of thirty (30) position types. We cannot speak for commissions like the Police Commission, the Fire Commission, the Planning Commission, the Civil Service Commission, or the Liquor Commission. We cannot speak for those bodies. For the ones that are under our wheelhouse, we know that coming in December 3rd of last year, one-year of service will come up in December.

Councilmember Kualii: When you say, "Midway on the Salary Resolution," the Salary Resolution comes up every year.

Mr. Dahilig: Yes.

Councilmember Kualii: This Administration has just started.

Mr. Dahilig: Yes.

Councilmember Kualifi: In December, they will have completed the first full year term.

Mr. Dahilig: Right, so if you are looking at it from when the Salary Resolution takes place as of July 1, 2019, supposedly if the Salary Commission were or were not to come back with another resolution in the year 2020, that is why I used the phrase "midway" because it is a one-year period. December is about five (5) months into that period.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Yes, I have a follow-up question in placing context around my comments and the question why I asked the Office of the Mayor, I will say that it seems to me that we need a Charter Amendment that places the Salary Commission's submission to be six (6) months off of the budget. For people who do not understand, this Salary Commission is required on March 15th to come up with their proposals. The Council is required on April 15th to begin looking at the budget. When I began looking at the budget, and I am told, "We cannot consider the salaries because it is too close to the budget," so they have to change up the budget. They say, "Oh we will think about it next year." Well next year, we are going to have exactly the same problem. Every year, this excuse can be used. That is problematic and it is not anyone's fault. Hearing the litigiously of it and when we have brand new people or the new budget right next to the salary issue, it will always be there. I asked, "Can we have a commitment?" I believe I did, Councilmember Kualifi is saying that I did, can we have a commitment that there is a change and that we will not do that? I felt Mayor Kawakami fully when he said he was not going to put those into effect and it is based on merit increase. I do understand that it is only thirteen (13) of the positions? I am seeing "nods," but am I right? Can we change things? How does that work? How can we ever make it be such, the complaint that is being made now, is not correct?

Mr. Dahilig: I cannot speak for the Charter Commission specifically, but if you look at their history, they did in the last election pose a questions to electorate concerning this process. Their proposed change to the process was actually rejected by the electorate.

Councilmember Cowden: What was the change?

Mr. Dahilig: I believe it was to expand the membership of the Salary Commission as well as work on who actually has the authority to set the salaries within the County. I need to refresh my recollection.

Councilmember Cowden: I do remember it but it is something very different than what I am asking for.

Mr. Dahilig: Yes.

Councilmember Cowden: I am asking for a six-month window change so that we do not meet this problem every time, because there will always be a reason

just as tethering Council salaries to everyone else's salary is "chaining us" in a way that forces to not give other people the salaries.

Mr. Dahilig: I understand. It is something that we can raise with our Charter Commission. Under the Charter, if I recall, the Council is also a part of introducing charter amendments to pose to the electorate every other year. There is two mechanisms to propose charter changes in the matter in which you suggest, Councilmember Cowden.

Council Chair Kaneshiro: I do not necessarily think it needs to be changed in the Charter. I think that the commission can hear the issues loud and clear. By the time we get our budget, the salary increases come right after, you are going to get the same complaints. They can send it in earlier if they wanted to. Yes, that is the issue when we get it. We have the budget, the salary increases are going to become effective in that budget. We need to figure out what is going to happen because the supplemental budget is either going to incorporate those increases or not. Is there any other questions for the Administration? Councilmember Kualii.

Councilmember Kualii: There was talk with Councilmember Kagawa and Councilmember Evslin of democracy and representing the people. Let the people be clear of what the condition of the Salary Commission is. How many people serve on the Salary Commission?

Ms. Ching: The Salary Commission has seven (7) individuals.

Councilmember Kualii: Seven (7)? How many vacancies have you had in the last year?

Ms. Ching: We currently have two (2) vacancies.

Councilmember Kualii: How many vacancies do you have right now?

Ms. Ching: Two (2).

Councilmember Kualii: Are all the commissioners appointed by the Mayor and confirmed by the Council?

Ms. Ching: Correct.

Councilmember Kualii: These are all volunteers?

Ms. Ching: Correct.

Councilmember Kualii: How many meetings did the commission have in 2018?

Ms. Ching: I believe they had about five (5) meetings. They started meeting in January, and weekly thereafter up until March. This was in order to get the Salary Resolution to the Council by March 15th.

Councilmember Kualii: In those meetings, a big part of that was preparing the Salary Resolution?

Ms. Ching: Correct.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: It might be that we need a charter change, but are you able to make sure that next year that this does not happen in January? I know you just began. What if the Salary Commission took two (2) or three (3) months and did it in August or September, did it earlier, so that we have this well ahead of time and if those meetings can be well publicized. This is not my first time listening to this challenge and it happens every single year. To me, this should be well anticipated, so I appreciate what Council Chair Kaneshiro is saying that is up to the Salary Commission. We need to choose differently in how we make that action happen. Is that possible?

Ms. Ching: It is absolutely possible. There already has been a lot of discussion on when the Salary Commission should start meeting in preparation for next year and if they are going to be submitting a resolution. Right now, we are looking at starting somewhere in August or September. I cannot speak for the prior Administrator or Administration, but my interest is certainly to do the best possible job in supporting the Salary Commission in its efforts. We definitely take all concerns and/or comments from the Councilmembers to heart and we will try to absolutely meet with your concerns and/or suggestions are.

Councilmember Cowden: Do you have an observation from the notes? I know that you are new, but what the morale of the Salary Commission was over the years when they do bring this up late?

Ms. Ching: I am new and I just started in December. I can tell you that I really appreciate the comments and the clarifications; and that this is "voluntary" and they have worked really hard, out of care and concern that they put in the time and effort to come up with a Salary Resolution. Some of the members have been on the commission for a while so they have been through several resolutions. They have the institutional knowledge of putting in the resolution earlier and the feedback they have received from past Council was that it was too early and it was defeated. They are really struggling with given past "historical feedback" and the "new Councilmembers today," what the Council would like to see in what form and at what date? In my mind, for me, I think it is being in constant contact with your support staff, with you, as time draws near to try and accommodate and provide something that you all are able to support.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Attachment 3. At the very top, this is not the original slide that you have provided us, but you have basically provided the salary comparisons with the different counties: Maui, Hawai'i, and O'ahu. When I have asked for it, you have provided me with this as well. I wanted to confirm that when you compare the four (4) counties on different criteria other than salaries of these top positions, in looking at the operating budget of Kaua'i compared to Maui, Hawai'i Island, and the City and County of Honolulu, that Kaua'i's operating budget is about one-third (1/3) of Maui, about one-half (1/2) of Hawai'i island, and about one-tenth (1/10) of O'ahu's, which this is representing our expenditures, staff, and on our operations. Correct?

Ms. Ching:

Correct.

Councilmember Kualii: The other part of this in the second area it says capital improvements. Kaua'i is about a quarter (1/4) of Maui, one-fifth (1/5) of Hawai'i County, and one-twentieth (1/20) of the City and County of Honolulu. Of course, the City and County of Honolulu is much larger than Kaua'i. On another slide, I have more comparisons with the other counties. Attachment 4. I appreciate the data you provided on my requests with some of the others, which I am sure was hard to get, hence some of the data is missing. I will go over the "big ones." At the very top, the amount of residents that are in each of these counties. Kaua'i County has seventy-two thousand (72,000) compared to Hawai'i Island, Maui, and City and County of Honolulu, Kaua'i is thirty-six percent (36%) of Hawai'i Island, forty-three percent (43%) of Maui, and seven percent (7%) of the City and County of Honolulu. The population that we are serving, the budget that we have, the staff that we have, with the directors and salaries that we pay, there is that comparison as well. We can make the comparison of a square miles, we do not have the data there, but we can imagine that of all the three (3) counties, Maui might be the closest. It is significantly larger than what we have under our jurisdiction. The total number of county employees is there in blue. For Kaua'i, we have one thousand two hundred sixty-one (1,261) that is forty-five percent (45%) of what they have on Hawai'i Island, which is twenty-eight hundred (2,800), fifty-two percent (52%) of what they have in Maui, and fifteen percent (15%) of the City and County of Honolulu which has eight thousand four hundred two (8,402). There are a lot of other factors that I hope the Salary Commission is also looking into when they are doing comparisons. I think I had even asked under the line of supervision. At times, it is relatable and sometimes it is not because counties do it differently. Even in things like...you are able to break down the staffing by the Police Department and the Fire Department, and do that kind of comparison as well. You are also able to do it by the amount of total parks, facilities we are responsible for, neighborhood centers, et cetera. It would be good to see all of that too. A thorough analysis would include all of that so we are able to say, "Sure, yes, the County of Kaua'i is paying lower than these other counties," but our responsibilities is much lower." At times, people may say, "If you have to manage five (5) people or fifty (50) people it is the same because you have to manage them." But really, no, because with fifty (50) people, you are going to have more Human Resources (HR) issues, it is more work, and it will take more people at the top doing their job. I thank you for that information, I would like to see more of it in the future. For me personally, I will try and get involved earlier to try to provide input to help as well.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: For me, the word is "timing." The 2016 Resolution that came before us, it was at very poor timing. Former Mayor Carvalho was on his way out with his Administration. It could be seen as "before you folks leave my Administration, here is a raise." Under former Mayor Carvalho's Administration was reaching the end so I kind of felt that it was bad timing. Why it was not passed at that time to make it effective when the elected mayor is going to hire their team? It was already given to the Carvalho Administration for the two (2) years. Now, this is great work done by the commission...I do not know if great, but, they did their job and they had it done by the 31st. It is just the timing, Mayor Kawakami has just started. If you look at the poll in *The Garden Island* newspaper, I do not pay attention much to the newspaper, but when I saw the poll, it confirmed what I was feeling. When I looked at it last, there was about twenty (20) people that said they deserved the raise and it should be passed; about two hundred (200) people that said it was a bad idea. For me, the reasoning is that the Carvalho Administration left a lot of questions out there saying, "Can this County do better with a new team?" People are frustrated with the infrastructure, et cetera. We have the same County Engineer, recent reports on bad spiking by fire...it is timing. If the public is able to see, "Wow, the County is in a good place and we are doing a good job," I think these numbers would be better on the poll and it would be easier for me to say...for me, it is all about the timing. Has Mayor Kawakami thought about pushing this off for a year so we are able to fix the timing? This is all that it is to me, the timing is really bad. Let your department heads show me, show Kaua'i what your new team can do with new leadership. We had former Mayor Carvalho for ten (10) years. Let us show the people what the Kawakami Administration is all about. Then when you come to the Council, I do not think we will have all of this...we would have the votes, but we would not have all of this. There are a few things that bother me on this table. Bill No. 2491, bothered me and it still bothers me in the way it was put off to override the veto. I do not need to go into details on that...but this here bothers me. It bothers me because I think we are able to do better with timing. It is not hard to fix. Has Mayor Kawakami thought about putting it off for one year and then we will have less of this? We can have fire show that they have fixed their problems. We can have Mr. Tabata show that he is able to fix Olohena Road. I know at one time he blamed funding, but he did not ask us...I do not think anyone here would say, "Do not fix Olohena Road?" I think he needs to point to himself on that one? Have you folks thought about the timing?

Mr. Dahilig: I think that the timing is absolutely an issue as you are pointing out as well as other members around the Council. Within Mayor Kawakami's wheelhouse, we have the authority to only adjust the timing within the Charter required dates for thirteen (13) out of thirty (30) positions. Mayor Kawakami hears that, he hears the skepticism concerning why now? Why do we have to discuss raises when we have only been office for four and one half (4 ½) months. All we are able to do within the parameters of the Charter says, is to say, "We are not going to electively go to the cap unless someone has at least a year of service." The way that our government is setup is that most of the department heads in this resolution are not under his control. They are under the control of either this body, which includes the County Clerk, County Auditor, et cetera. When you look at the Office of the

Prosecuting Attorney, that is a separate office from the Office of the Mayor. Each of the Boards and Commissions will hire, fire, and set their own salaries and they are independent of the Office of the Mayor. We can only commit to what we are able to commit too, and we are. We are saying, "Within one year, we are not going to give any increases until there is at least one year of service. We will not even start thinking about that until Mayor Kawakami has had at least one year in office, and for those that were appointed on December 3, 2018. We will not jump at the candy because we see it sitting in a bowl in front of us, we are going to have to wait, and it is only based off of performance and merit."

Councilmember Kagawa: I appreciate that, thank you, Mr. Dahilig.

Council Chair Kaneshiro: I believe the March 15th date is so that we get the resolution. Our budget is supposed to be due on March 15th and we are get the resolution before the budget. All the issues come when we do not make a decision at that time, we are getting a budget that may not have incorporated the resolution. A solution would be to maybe be pick sixty (60) days prior to the budget submission, which is in January. Council will probably say, "If you put it in December, they might say you might get a new Council coming up if it is election year so we are not going to make a decision." If you put it in for January, I think if new members are on there, they are going to have to vote on it no matter what. If old members are there, vote on it. If there is no decision, the time will lapse and it can get incorporated into the budget before we get our budget submission. It would be a lot smoother and it would get rid of that whole budget issue. Councilmember Brun.

Councilmember Brun: Thank you. Mr. Dahilig, you talk about one year of service. You have been in the County for one hundred (100) years, you are able to get your raise as soon as we approve this resolution?

Mr. Dahilig: No.

Councilmember Brun: One year of service is what?

Mr. Dahilig: One year of service in my position. For example, I am not taking the full salary right now. Although the cap is set at twenty-two thousand dollars (\$22,000), I am taking the exact same salary I got as the Planning Department Head. I am doing that as...if we are going to say that we are not going to give raises to people and we are starting people off below the caps, as the Managing Director, I need to be in that canoe as well. Until I hit December 3, 2019, I am not going to approach Mayor Kawakami with any discussion about whether or not...with or without this resolution.

Councilmember Brun: One year of service is for every single Department Head?

Mr. Dahilig: That is starting December 3rd. At least for those...

Councilmember Brun: It is for whomever is qualified for their raises?

Mr. Dahilig: No. We are looking at it as...if the thirteen (13) out of thirty (30) were reappointed by Mayor Kawakami on December 3, 2018. They need to wait until December 3, 2019 to even have the discussion.

Councilmember Brun: Okay. My next question is...we voted on this and we all have heard about those raises, and we all know that those raises was not given out fairly on the last Administration. I believe there was a committee the last time that overlooked the salaries. Who is giving out the...are you folks putting together another committee or will this be put out by Mayor Kawakami himself?

Mr. Dahilig: Well, we have an established process within Human Resources that requires a job performance review within six (6) months and one year of service. In our opinion, those are the qualitative and quantitative metrics to look at whether or not someone is actually satisfactory or performing above board to warrant an increase in compensation. We are going to be relying on that performance evaluation. Who conducts those performance evaluations are done based off of the immediate supervisors. For example, within the wheelhouse of the Planning Commission for example, the Planning Commission would do the Job Performance Reviews (JPR) for the Planning Director, the Police Commission would do the JPR for the Chief of Police, for those thirteen (13) position types that are under the Office of the Mayor, I would be involved with that along with Mayor Kawakami. We would be looking at their performance. It is pretty clear over time whether or not a Department Head that is under "our watch" will be performing at a high-level or not.

Councilmember Brun: By doing it that way, do you honestly think that raises are going to be given out fairly?

Mr. Dahilig: We can only be as fair as the process permits and as we follow it. All you have is our word at this point that we are going to follow the qualitative and quantitative processes that every appointee across the County uses which is the job performance reviews. I believe we transmitted over a sample of what we use as part of that process. If there are metrics that you believe is needing to be added to that process, we can definitely look at enhancing those reviews. We try to keep it as fair in terms of using that standardized form, standardized process, looking at the timing, and being essentially a judge of that person's performance based on the immediate supervisor's review.

Councilmember Brun: I wish there was a way that we could...since this is the people's tax money, have the people vote on it. We saw how some people got raises, we are now looking back at those departments, and now we are trying to fix it. You know what is going on.

Mr. Dahilig: I understand.

Councilmember Brun: Those people got their max salary and it was not given out fairly. I am hoping with this Salary Resolution, if it passes, it will be given out how it supposed to and not "buddy-buddy."

Mr. Dahilig: Yes, we need to be consistent in how we treat everyone.

Councilmember Brun: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I had mentioned it earlier but I would like you to confirm the numbers as well. Near the bottom of the page, the green line, the number of fire protection stations. Kaua'i has eight (8), Hawai'i Island has twenty-one (21), Maui has fourteen (14), and City and County of Honolulu has forty-four (44). Kaua'i compared to the other counties; Hawai'i Island is at thirty-eight percent (38%), Maui is fifty-seven percent (57%), City and County of Honolulu is forty-four percent (44%). On the very bottom, the highways and streets that we have under our jurisdiction; Kaua'i County has three hundred ten (310), Hawai'i Island has nine hundred ninety (990), Maui has five hundred seventy (570), and the City and County of Honolulu has one thousand four hundred forty-six (1,446). Kaua'i represents one-third (1/3) of what Hawai'i County, fifty-four percent (54%) or just a little more than one half (1/2) of Maui, and one-fifth (1/5) or twenty percent (20%) of City and County of Honolulu. Those are more numbers and you can confirm that being that you have provided them to me. I think that the Salary Commission should be considering when they are comparing Kaua'i to other counties. Obviously, the cost of living in Hawai'i is much higher or different from many other states. It may be useful to consider another jurisdiction outside of the State of Hawai'i that is similar to our jurisdiction in size and complexity to make a comparison and adjust the fact that cost of living in Hawai'i is "X" amount higher than anywhere else. I would ask that you do that in the future. Another thing and this might be a little out of the box, we keep hearing about...I have always been concerned about...for me, my top two (2) priorities is *Kupuna* (seniors) struggling on a fixed income and the working class poor who are the lowest paid amongst us who struggle to make ends meet. The struggle is greater here in Hawai'i because the cost of housing, the cost of childcare, and the cost of food with most of it being imported. I think it would be helpful and meaningful to the public if it is a part of your evaluation to look at the top thirty-seven (37) to fifty (50) positions and compare to the bottom thirty-seven (37) to fifty (50) positions. I have pulled out from the budget, a couple of positions. When you compare the Parks & Recreation Director whose cap is currently at one hundred nineteen thousand dollars (\$119,000) and the proposal is to put it up to one hundred twenty-eight thousand dollars (\$128,000), which is nine thousand dollar (\$9,000) increase. If you compare the Parks & Recreation Director's position to the Park Permits Clerk base salary, which is thirty-five thousand dollars (\$35,000), the Parks Security Officer whose base salary is thirty-six thousand dollars (\$36,000), or the Recreation Worker I whose base salary is thirty-four thousand dollars (\$34,000). It is about one-third (1/3). If we go back and look, what is happening with that gap? Are we raising the top salary so high that it is getting farther and farther away from the lowest paid salary? You may not have the input on the lower salaries, but you do have the power to not let that gap get out of control, if you even look at that, I do not think that you are looking at that, correct?

Ms. Ching: The Salary Commission did not look at that. One of the issues they did look at was the inversion chart that you got earlier. Many of the individuals that were listed on the chart was by length of service and overtime which the top individuals do not qualify for overtime; because of overtime, their salary is more than the top positions. The Salary Commission looked at the situations being that the director positions do not make overtime, but they did not look at the issue you brought up.

Council Chair Kaneshiro: Councilmember Kagawa, you have a question?

Councilmember Kagawa: I just want to clarify if the Salary Commission knew that inversion...did they go back to the '70s to see that salary inversion has been there since then? You are trying to fix a problem that has been there from the '70s. I have worked for this Council...the salary inversion and with my father being a department head, his top civil engineers were making way more. The police chief has always been paid less than his inspectors. Is it a good thing with salary inversion? It is difficult to higher great people. We have great chief right now that I am one hundred percent (100%) confident, I do not know how we found him, he is a diamond. Salary inversion has been there a long time. What I had mentioned with during my dad's time, he wanted that leadership position, he wanted to be that "go-to person" to try and lead this island to be a better place, that is why he took is pay cut from Pacific Missile Range Facility (PMRF). That is the same reason the chief now is sitting right here. He wants to lead this department and be the person to do that. He does not want to be the second or the third person, he wants to be the person and try to do well; he does not want to be the assistant coach, he wants to be the head coach. This is part of why the inversion is acceptable and that we are still able to find good people. We have good people in place, right? Mayor Kawakami feels that he has a good team? I feel that it is a good team. You folks feel that you have a really good team based on salary comparison and what is out there?

Mr. Dahilig: We testified in front of the Salary Commission and we were really concerned about one (1) position, which is the one that your father held, engineering. Some of the things are really out of our control with inversion because we engage in statewide collective bargaining, statewide E&M raises that are set by the governor, and we are not part of that. We can lag the head position behind our division heads, but at some point when that gap becomes too large, does the altruism not make up for that gap? That is the situation we are seeing right now with the County Engineer. Mayor Kawakami has his own opinion concerning whether the Charter requirements for the County Engineers position are too stringent given the leadership and communication skills needed at this day and age for an engineer. To compound that with the current requirements of the Charter and to find that kind of skillset is really difficult.

Councilmember Kagawa: Yes I know, but, the situation that you have just described is as if we do not have the right solution. Our system of giving salary increases is wrong if we need to pass the Salary Resolution in order to compromise the greatest need for the County Engineer position. Like in any private business, if we see where the problem is, we should be able to fix the problem. If the County

Engineer pay is too low, less fifty thousand dollars (\$50,000), you should be able to come before the Council, get legislative approval, and increase the positions pay of fifty thousand dollars (\$50,000) in order to find someone that is able to fix a lot of the issues that we have. We should not have to fix the County Engineer's pay with everyone else because our Charter says that is what we should do. I hope I am able to work with you folks to fix this. The police and fire chiefs has the highest inversions because the assistant and battalion chiefs are already above them; they also get overtime. The Fire Chief, Police Chief, and County Engineer should be the ones that we are able to fix. It is like trying to pound a finishing nail with a sledge hammer. If we are really saying that those that we feel strongly about passing...it is kind of frustrating. If we see the results of the Kawakami Administration, which I am hopeful that we are going to see big changes, in one year, these numbers to the public might be a lot better, I feel it will as well. It is difficult when we do not have the right means of fixing our problems.

Mr. Dahilig: I agree and I would say that we agree with you in saying that the system needs to be looked at.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: I have a follow-up. Right now, we have no one sitting in the County Engineer position?

Mr. Dahilig: No, we do not.

Councilmember Brun: There is no "Acting County Engineer?"

Mr. Dahilig: We do not have an Acting County Engineer. We have a Deputy County Engineer.

Councilmember Brun: There is no one sitting in that position right now?

Mr. Dahilig: There is no one sitting in that position right now.

Councilmember Brun: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: How long has the position been opened?

Mr. Dahilig: Going back into the last Administration, I believe Larry Dill was the last County Engineer.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Since he has left, the salary of that position has been raised.

Mr. Dahilig: It was raised and even...

Councilmember Kualii: In 2017?

Mr. Dahilig: Even with that salary level, we are still not able to attract the right skillset.

Council Chair Kaneshiro: Is there any other questions from the members?

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

Council Chair Kaneshiro: The motion on the floor is to reject in whole and in entirety. Councilmember Cowden.

Councilmember Cowden: I am going to vote no to rejecting in whole and in entirety. Number 1, I really want to see the County Council pulled out of that. I think it is unfair leverage to force us into not supporting the needs of the rest of the County. I want to talk about the cost of government. Mistakes and inefficiencies are very expensive. Right now, we are talking about salaries, but when we have problems with our roads, water, people complaining about prosecution, or any of those types of elements. Since I have become a new Councilmember, I have been going around to every department as thoroughly as I can, probably the most with the police department and fire because that is my *kuleana*. Yesterday, I spent three (3) hours with the Department of Water. I know we do not directly regulate them, but they are a part of our bloodstream for how the county goes. What I see in every department is skeleton crews both in the workforce and the leadership. If people who are answering that opinion poll think people in the county are getting paid too much, please come join our team, we need you; come and get paid too much alongside of us. It is not the people at the top of the pile that is getting paid the most. For example, when I was at the Department of Water for three (3) hours, I met probably over sixty (60) people. They have eighteen (18) engineering positions and nine (9) of them are vacant. There are so many vacancies in different positions; for example we have Deputy Engineer, which means our leadership is overwhelmed. We have one of the top two leaders that is gone. How do we not make mistakes when we do that? When people complain about the county, this is our team and our family, and I look at this...the more I have gone department to department, looking in every closet that I am able, looking at what they are up against, it reminds me basically of the metaphor of a tug-of-war. The citizens are really reflected by the county. The county is us and we are in this tug-of-war against the industry. We lose our best players that leave us to the industry because it is double the price. People at some point have to get paid. I feel that when I sit and listen to where we have complaints about our roads being like Swiss cheese, it has been raining a lot. But really, our core team is like Swiss cheese when you see how many engineers are not in government, how many key people, and how many lawyers. I am looking at the prosecutor, we have had less

turnover this time; but usually there is a lot of turnover. You need skilled people and it is the same thing for the County Attorney's. I have noticed in here and later we will talk about the fire pay from the union, they get their raises, they are always getting their raises. It is not moving up with the speed...even if we were to have a slight disparity, but we do not. I will not support no in whole, if I get the opportunity, I am going to ask to separate the Council from it. I do not need a raise, I just got into office, and that is important but I am not going to cancel no in whole. To *The Garden Island* newspaper and the people that are taking the poll, these are very subtle issues and it takes a lot of research to be able to understand it. I hope that *The Garden Island* newspaper gets it and that everyone else is getting the pay raise but the leadership. I am getting stopped at the gas station or anywhere else, people are getting angry with me wanting my own raise, and it is not what I want. I want fairness and being able to have a strong leadership team. Thank you.

Council Chair Kaneshiro: Let me make a clarification, voting to reject in whole, you are voting to reject the Council raises. Council raises...

Councilmember Cowden: Okay, I want to vote and say no that we are looking at...how can I get it so that we can take just the Council off of it?

Council Chair Kaneshiro: Let me correct you, you need to make an amendment to reject in part. Let me say this, we are not voting for our raises. We have said it many times...

Councilmember Cowden: I know, the next...

Council Chair Kaneshiro: The Council raises become in effect in 2020. It is when our term is done. We are voting...the increase would be for the next Council.

Councilmember Cowden: Right, but a lot of the next Council sitting here...

Council Chair Kaneshiro: I do not know whose going to be there? Councilmember Kagawa terms out, he will not be here. We do not know what is going to happen?

Councilmember Cowden: We do not know what is going to happen but, okay that is there. But I am not supporting putting them all together.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: The language has been passed around to all of you saying, "We are not voting on our raises and if the raises are in effect, we can individually refuse the raise." I think it has also been said by the Managing Director. If you do not believe it, do not take it.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Mr. Chair for process sake, the motion right now is to reject in whole. If that fails, the opportunity to send another motion to reject in part is feasible if that is helpful until we are unable to come to a decision. If we are not able, it will pass on its own.

Council Chair Kaneshiro: Yes, as far as the process goes, as I mentioned earlier, we will take the motions as they come. We will take the motion to reject in whole and if that does not pass, we are open to any other new motions. If there is a motion to reject in part, we will take that and if that does not pass, we are going to be in a standstill. Ultimately, if we are at a standstill, the motion on the floor will be to defer passed the sixty (60) days. The salaries are going to go up and after sixty (60) days, we are going to receive this off the record. There is nothing else that we can do. It is just the way the votes are going to go. Keep that in mind as far as the process goes. I do not know how many times we want to vote in part and change the motion? We can vote on parts 1 and 2...we will go through this whole process, but keep in mind if the votes are not there, ultimately what is going to happen is it will get deferred past the sixty (60) days, it will become into effect in its entirety, and after sixty (60), we are going to receive it. There is no action on our part that we are going to be able to do. Councilmember Chock.

Councilmember Chock: Mr. Chair, I am going to state where I am on this so we are able to set ourselves up in getting through this. I will not be supporting the rejection in whole based on the needs of most of the positions in part 2. Part 2 is my priority based on the discussion that we have had with everything ranging from the inability to fill positions and variances in pay. Not only statewide, but also in each department that is in part 2. Ultimately, the thirteen (13) department positions under purview of mayor, I will support taking out if that is the will of this body and if we are able to get three (3) votes for it? Obviously, I am willing to take out the Council positions as well. If this does not fail, perhaps that motion can be entertained to see what we are able to get done. If not, it will probably fail all together. Thank you.

Council Chair Kaneshiro: If we would like to state our position on whether we are voting in parts or what have you will be a good thing to state now in order to see how many times we are going to have to go through this exercise. I do hear that there is a want to take out Council salaries, it is fine, and we will take the vote on it at that time. If the votes do not pass, the ultimate decision that will happen is the resolution is going to pass in whole. Councilmember Cowden, do you have a question?

Councilmember Cowden: I have a simple comment that I would support Councilmember Chock if we took out the Council and the mayor's appointments. We are able to put the mayors appointments back in after one year of service.

Council Chair Kaneshiro: That is good to note. As far as discussion on it, if there is a motion after this one, we are able to take the discussion on that at that time. Councilmember Kagawa.

Councilmember Kagawa: I want to reiterate my position to reject in whole. I do not think the proper decision is to pass the whole resolution when we have only one vacancy that we are hoping to fill, which is the County Engineer's position. Again, I think it is like using a sledgehammer to pound a finishing nail. When I ran for office six (6) years ago, I wanted to try and take things from a different perspective. We have the federal government at its all-time low right now, twenty-three trillion dollars (\$23,000,000,000,000) in debt. President Donald Trump has added five trillion dollars (\$5,000,000,000,000) in his short term. The Hawai'i State government is thirteen billion dollars (\$13,000,000,000) in debt with their Employee Retirement System (ERS), they have a twenty-year plan to catch up. It is really sad. Then you have Kaua'i. We got our Transient Accommodations Tax (TAT) taken away, we replaced it with the General Excise Tax (GET), and now we have a bigger budget that we just came out in the newspaper. It says it goes up twenty-five million dollars (\$25,000,000) but in actuality, the twenty-five million dollars (\$25,000,000) is because of the one half percent (.5%) of GET. It should last ten (10) years, you are relying on that; after ten (10) years, you are messed up and twenty-five million dollars (\$25,000,000) in the hole when it lapses. A responsible business is not going to spend money...even if they are saying it is going to be in one year...you are not going to spend money when you have so many unknowns. If you look at the fire contract, they will get bonuses for the next two (2) years. Rank for rank will continue to stay there plus two percent (2%). They are the first ones, police will come next, then Hawai'i Government Employees Association (HGEA) and United Public Works (UPW). Are you going to give pay raises before knowing all of that? You are going to say, "It is because we are shorthanded?" We are not shorthanded, there is only one position missing in the entire Administration team. Everyone else is working, all the positions are filled. What is that?

Councilmember Cowden: There is no fire chief.

Councilmember Kagawa: We have rejected numerous fire chiefs who have applied.

Councilmember Cowden: I know, but we do not have one, and that is another position that is missing.

Councilmember Kagawa: It is our choice to have one.

Council Chair Kaneshiro: Let him speak, do not interrupt him.

Councilmember Kagawa: We have a fire chief waiting that is right there. We do not have any issues right now besides our financial issues that are coming up with all of these union contracts. Are you going to give raises now? The timing is bad, let us try and be different here at County of Kaua'i. I do not think President Donald Trump is going to change. I do not think the State Legislature is going to change. Thirteen billion dollars (\$13,000,000,000) in debt is a lot of money. They say that they have a twenty-year plan to catch up, that is our children that are going to have to pay that. In twenty (20) years, I might not be here. We need to try and do something different at the County of Kaua'i and I would hope at some point, we will try and do better than the federal government who is able to print money, the

State government, they are able to push things off and push it off to our children's children. Hopefully at the County of Kaua'i, we have been good at paying our bills. With these big contracts that are coming up, fire, police, et cetera, it is a big headache in trying to deal with that issue, paving roads...this is not an easy job. It is easy to be Santa Claus but do you know what, if Santa Claus was running this County, he would quit. Good luck and remember if you want to be Santa Claus now, someone is going to have to pay for it later. Be responsible.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I agree with just about everything Councilmember Kagawa had said. I think we have deep issues across the board and I think doing things differently is vitally important. This is why I believe that giving the Administration the tools to pay based on performance is doing things differently. That is how every private business operates and that is why it is so important. I think I have said all that I needed to say before. I will be voting against the motion to reject in whole, I will not be supporting anything to take pieces out, or do anything differently than what the Salary Resolution proposed in three parts. I want to respect the work of the Salary Commission. I want to speak in value of having citizen commissions, we disperse power amongst the citizen boards & commissions because they are expert in their fields private and public sector people that come to the table taking the best available evidence that are outside of the political process. None of them have the access to grind, they are there to try and make the best decision for Kaua'i. I respect our Charter for granting our commissions with a lot of power. I will be looking at the three (3) part resolution as they have given it to us. I will be voting no on the motion to reject in whole and supporting a motion to reject part 3.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: Thank you, Chair. I have the same comments now as I did the last time. Part 1, is out for me. Part 2...I do not think I will get the votes to do what I want to do so I might end up taking it out in whole. The Managing Director should be taken out. We have no control over the Department of Water, I do not feel like voting on that; but, I will support the rest in Part 2. The only departments I will support is the Engineering Director, Prosecuting Attorneys, County Attorneys...you need degrees and you need to know what you are doing in order to be in that position. I will support the police and fire chief...when you have your workers underneath you that are making more is not a good thing. I will not support everything else. The Managing Director, Department of Water, we have not control over...we are not even able to control how much you charge someone for a meter, I do not think we should be voting for their salary. I need to really think about how I am going to vote on this, that is my thoughts, if I am able to get the votes to do that, which I already heard I am not going to get the votes. It will probably be a decision to reject all. It is not what I really want to do, but I want to ensure that the people who deserve the raise will get it. I do not believe I will get the votes, which I will have to reject in whole because I am not able to support some of these positions in getting raises at all. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: In reaction to what Councilmember Brun said depending on how many positions he is talking about if it is a lot of them, one half or more, I would probably support that. I think we have only heard from Councilmember Kagawa and Councilmember Evslin that they will not support anything other than everything. It might be worth a try if there is five (5) us, and there is two (2). I am open to hearing what you have and I have some too, it might be in sync. For my comments, I just want to say...I am wearing this lei today that I got from the *Kūpuna* at the Senior Center's Craft Fair to remind myself why I am here. I said it earlier, but I am most concerned about the poorest amongst us. The ones that are struggling. I know firsthand because of the struggle I have seen family members go through. I think it is really important that we look at the big picture here and we consider the things that I have asked about, and that the Salary Commission will consider working on that in the future. It is important to look at our society as a whole. Our County is one of the largest employers, so we should be the shining example of how we treat our workers and the gap between the lowest paid and highest paid. If we keep giving raises to one hundred thousand dollar (\$100,000) positions, we are widening the gap. How much is enough? How much is enough to work in a public service position, to serve our people, to have that honor and privilege? You have heard from our very own, Deputy County Clerk Scott Sato today, about how an honor and privilege it is for him...it was straight from his heart, first and foremost, it is about serving the people. It is not about one hundred seventeen thousand dollars (\$117,000), one hundred twenty-five thousand dollars (\$125,000), one hundred forty-two thousand dollars (\$142,000) for the mayor. We especially as elected officials, we run for office to serve, it is not for a salary. The numbers are numbers, it is nice that we get the salary, and it is nice that we make a lot more than the average worker on this island. But let us think about the lowest part of our community, the twenty-five percent (25%), even the fifty percent (50%) in the State of Hawai'i according to the Hawaiian Business Change Report. When you talk about the Asset Limited Income Constrained Employed (ALICE), that is over fifty percent (50%) of the people in Hawai'i that cannot get by. They are struggling. While they are struggling, we are not even paying attention to that. We are raising the GET, the regressive tax that hurts them the most. How dare we? It is because of our own mismanagement...poor examples of what to do with the roads in the last ten (10) plus years. We have a backlog, we have to do the roads, we need to now find more money, and that is how we find the money on the backs of the poorest amongst us. The lowest paid. When you talk about ALICE, how many of our own employees at the very bottom, why are we not comparing the fifty (50) lowest paid in this County to the fifty (50) highest paid? It matters. In the long run, yes, it does not cost a lot of money to give only thirty-seven (37) to fifty (50) people raises, it is less than one million dollars (\$1,000,000). It is the principal of the widening gap. We hear about it on the federal-level, let us think about it right here on our local-level. How much is enough? Councilmember Kagawa said we have one primary hard-to-fill vacancy with the County Engineer. That has something to do with other than money, solve it some other way. You have already added additional money to that position and it has not resolved that vacancy. With the GET, this is absurd that we are considering this at this time. The timing is absolutely wrong, what we are saying to our voters is absolutely wrong. I cannot believe that we are leaving this decision to a commission not elected by the people...this setup of a three (3) vote minority and not allowing this to stop is wrong. It is not democracy. We were elected to take on this responsibility,

the mayor was elected, and we are shirking our responsibility by leaving this to others and not doing what is right for our people.

Council Chair Kaneshiro: Is there anyone else? I am the final Councilmember. I will make my stance clear and I think I have made it clear the entire time. I will not be voting for any raises period. I will also be voting to not split out any of the Salary Commission's recommendations. The Salary Commission comes in, they gave great recommendations, they have provided all of their backup information, and they are not looking at these positions as "who is in there now." They are looking at these positions as "where are these positions in comparison to the rest of the state?" That is the way we should be voting on it. We should not be saying, "I do not like this person, we should move them here, or this person should not get a raise." It is not about the individual in that position, it is about the position. Do we think that the salary recommendations raise is reasonable or not? For me, I really appreciate all of the Salary Commission's hard work; I know that they do a lot of work and it is disappointing when they come in and their recommendation gets evaluated. Unfortunately, that is how the process goes. If we wanted the Salary Commission to have total jurisdiction, then the Charter would say, "Whatever the Salary Commission says is what will happen." That is not how it happens. We need to vote on the resolution, it is very strange the way it is setup and it is the only time you will see a minority vote that will pass it. I understand why. It is so that we do not get political on the resolution. The Salary Commission's recommendation is able to get passed easier being that it is their recommendation. It is so that the Council does not make decisions based on the individual person. That is my opinion. As far as taking out Council salaries, I do not want to do that, I want to take the resolution as a whole. Council salaries is not "our" salaries. Council salaries is for the next Councilmembers. If "we" are so lucky to get in on the next election, we are able to opt out of taking the raise, if that is what you want as a Councilmember. That option is always there. As far as my belief on this, when the department heads took their position six (6) months ago, they knew that it did not come with increases. They took the position knowing what their salary would be. For me, coming in and accepting the Salary Commission's recommendation now, I am not comfortable with it. If it came in next year, maybe we would get to see how the Administration has performed. Right now, six (6) months in, I am not comfortable with it. We have talked a lot about vacancies, inversions, gaps; we have just raised the salaries. In 2016 and 2017, I have voted on the salaries the entire time. I was voting the entire time to increase it. Unfortunately, at that time, we were probably the lowest salary ratings. We then moved above Hawai'i Island and Maui, in the last two (2) years, Maui and Hawai'i Island moved ahead of us, and now we are at the bottom again. It is what it is; for me, accepting the Salary Resolution now is a little too early, six (6) months into office. I will not be breaking out any of the sections. The Salary Commission's recommendation will come as a whole, I will look at it as a whole, and I will vote on it as a whole. If we are going to start breaking it out, I am not going to be voting for any of the breakouts. Is there any final discussion? Councilmember Brun.

Councilmember Brun: If this motion does not pass as a whole right now and I put something on the floor to break it up, how many votes do I need in order for that to pass?

Council Chair Kaneshiro: If you break it out, it will take five (5) votes because you will be rejecting in part. You will be rejecting everything except "X" or everything except "Y." It will always take five (5) votes.

Councilmember Kualii: Why do we not clarify, did we hear from Councilmember Kagawa, Councilmember Evslin, and from yourself that you are not taking anything, if that is what it is, we already know that we will not get the five (5) votes.

Councilmember Evslin: Can I clarify my position.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I want to clarify my position. I am not in support of taking it outside of the format that the Salary Commission has given us. They gave it to us in three (3) parts, I will support breaking it up in the pieces that they have suggested. I am mainly going to reject part 3 which is the Councilmembers salary, and nothing outside of that.

Council Chair Kaneshiro: Is there any final discussion from the members before we take a vote in whole? This is to reject the entire recommendation.

Council Chair Kaneshiro: Let me clarify for the members, Councilmember Brun, I will let you vote again. If you are voting "aye," you are rejecting in its entirety. You are saying that you do not want salary raises.

Councilmember Brun: At that time, I am able to make another motion?

Council Chair Kaneshiro: Yes. If it does not pass, if it does pass, you are not able to make another motion. Is everyone clear on the voting process? Is everyone clear on the motion? I know it is a little confusing. If you folks are comfortable, we will proceed with the votes. Roll call vote.

The motion to reject Salary Commission Resolution No. 2019-1 in its entirety was then put, and failed by the following vote:

AYES:	Brun, Kagawa, Kualii, Kaneshiro	TOTAL - 4,
NOES	Chock, Cowden, Evslin	TOTAL - 3,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Council Chair Kaneshiro: That motion fails. Is there any other motions?

Councilmember Evslin moved to reject Part 3 of Salary Commission Resolution No. 2019-1, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any questions or discussions on this? Is there anyone in the audience wishing to testify on this motion?

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

Ms. Fountain-Tanigawa: We have one registered speaker, Jade Moss.

Councilmember Cowden: She has left.

Council Chair Kaneshiro: Is there anyone else?

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

Council Chair Kaneshiro: If not, is there any discussion from the members before we take the vote?

Councilmember Kagawa: Can you clarify the vote again?

Council Chair Kaneshiro: The motion is to reject Part 3. Is there any discussion from the members? I will say my discussion, I will not vote to take it out. I think we should be voting on this in its entirety. I hear a lot of Councilmembers saying, "I do not want to vote on my own salary." It is not your own salary, it is for the next term, and if you are so lucky to get in, you are able to reject and say, "I will get paid for the same salary as last term because I did not want to vote for the salary increase." You are then able to give the money back to the county and the county is able to use that money elsewhere. For me, I think it should be voted in whole and not breaking anything out. Councilmember Chock.

Councilmember Chock: Thank you. Mr. Chair, I wanted to reiterate. I do support the actual motion, but I will be voting against it. I believe there is another motion that will be forthcoming that I am in support of. If Councilmember Brun moves on that motion, I will support what I hear, and moving forward on that if he is willing to share it. Again, I would like to reiterate that if we are not able to get the three (3) votes now, in essence, we will get the whole resolution passed. I think it is a matter of "what you do not want." At this point, you need to consider what you are able to control. I have heard this a few times and I do agree in terms of part 3. The reason in why I am voting against part 3, it is not that I do not believe the Council deserves a raise. I believe this is a full-time job and they absolutely deserve financial support. What I disagree with is the fact that "we" have to vote for it regardless if it is not. What I mean by that is, we should not even be a part of this voting and we should probably get the Charter to be changed so that the Council does not have to vote on their own. No one there on the opposite side has to vote on their own salaries; therefore, this body should not as well. I know that I will not be getting the raise, this does not affect me, but the fact is that it sets a bad precedence on how we do business. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am not going to vote for a Council raise. I agree with several of things that Councilmember Chock has said. Right now, for the most part, because of the wage level, this seems to be a part-time job. I truly believe

this is a full-time job. I am blessed to be able to work that way, but most people are not able to do that. As it is, it seems to be a part-time job and I think it is very good pay.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I would like to comment. Former Councilmember Yukimura used always bring this up on how “others worked part-time or full-time.” I think that in this job, you need to worry about yourself. What you may take ten (10) to twenty (20) hours to do, it may take me five (5). Is that my problem? It is not my problem. When it comes to this job here as you are elected, all you need to do is worry about yourself.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to clarify that it was not meant as a “slam” to anyone.

Councilmember Kagawa: I am just saying that former Councilmember Yukimura used to always say that.

Councilmember Cowden: I am not meaning it as a “slam.” I am meaning as the fact that if what is expected is full-time participation out of people, it is not enough money. If it is open, I feel that it is good.

Council Chair Kaneshiro: Is there anyone else? I want to reiterate that we are not voting on “our salary.” It is the next elected Council which I have no clue who that will be. With that, roll call vote.

The motion to reject Part 3 of Salary Commission Resolution No. 2019-1 was then put, and failed by the following vote:

AYES:	Cowden, Evslin	TOTAL – 2,
NOES	Brun, Chock, Kagawa, Kualii, Kaneshiro	TOTAL – 5,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: The motion failed. Is there any other motions that we want as you can kind of see the way it is going. I do not know if we want to raise a white flag.

Councilmember Brun moved to reject Part 1, Part 3, and the Managing Director only in Part 2 of the Salary Commission Resolution No. 2019-1, seconded by Councilmember Chock.

Councilmember Brun: Being that you need a degree, I will keep that in. I will make a motion to pass everything except the Managing Director in Part 2.

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

Councilmember Evslin: To clarify again, I will be voting against the motion. I think that it is important that we look at the Salary Resolution as it came from the Salary Commission and try to depoliticize a process that is already overly politicized. I think when we try to start mixing and matching positions, it sets a bad precedent.

Council Chair Kaneshiro: Is there anyone else? Councilmember Chock.

Councilmember Chock: The reason why I am supporting this is because there already has been a determination that most of the positions in Part 1, which the Office of the Mayor oversees will be revisited and it is something that we can see in the future. The positions that we need immediately and the positions that are in need is in part 2.

Council Chair Kaneshiro: Is there anyone else? I will not be voting for this. We have talked about inversion and now we will have greater inversion by voting for only a portion of the salaries. You will have members getting paid more than the mayor whether or not we think that the mayor should be the highest employee here is a philosophical discussion. Again, I think we should be voting in whole with everything together, either up or down, which we have already taken the vote on. Is there any further discussion? If not, roll call vote.

The motion to reject Part 1, Part 3, and the Managing Director only in Part 2 of the Salary Commission Resolution No. 2019-1 was then put, and failed by the following vote:

AYES:	Brun, Chock, Cowden, Kualii	TOTAL – 4,
NOES	Evslin, Kagawa, Kaneshiro	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: The motion fails.

Council Chair Kaneshiro: The motion fails. Is there any other motions?
 Councilmember Kualii.

Councilmember Kualii moved to reject Part 1 of Salary Commission Resolution No. 2019-1, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion on it? Do you want to state why?

Councilmember Kualii: I am just trying to get something, I wanted it all.

Councilmember Cowden: I want to be clear before I vote. Councilmember Kualii is rejecting part 1, so he is putting parts 2 and 3 together? To say "yes" to parts 2 and 3?

Council Chair Kaneshiro: Correct. We just took a vote to reject parts 1 and 3 and a Managing Director. Now, we are voting to reject part 1.

Councilmember Cowden: Can you put part 3 in there?

Councilmember Kualii: We have voted on part 3 alone, too.

Council Chair Kaneshiro: We have voted on part 3 alone, we have voted on the total.

Councilmember Cowden: Can we vote to reject parts 1 and 3?

Council Chair Kaneshiro: You can kind of see where this is going and where this is going to end up.

Councilmember Kualii: We rejected parts 1 and 3, correct?

Council Chair Kaneshiro: We have voted to not reject in whole, we have not agreed to reject part 3, we have agreed to not reject parts 1, 3, and the Managing Director, and now we have a motion to reject just part 1. Councilmember Kagawa.

Councilmember Kagawa: I want to clarify why I seconded the motion. I do not agree with chopping it up because it goes against why it was created. The part I do disagree with is where the vote of three (3) wins. Of all of the amendments, this is the one that I would like the most because it includes the Chief of Police, the Fire Chief, the Deputy Fire Chief, the County Engineer, and our County Attorneys. I think that our County Attorneys is able to save us a lot of money, not in thousands but in millions, if we have a good staff. I think that is money well spent. I have to stick with my stance, I do not agree with chopping it up. I echo what Councilmember Evslin said, it further politicizes what is already over politicized. Thank you.

Council Chair Kaneshiro: Is there anyone else?

Councilmember Cowden: Was Councilmember Brun's motion almost the same thing?

Council Chair Kaneshiro: Almost the same thing as this motion? This motion is to reject part 1. Councilmember Brun's motion was to reject part 1, part 3, and the Managing Director.

Councilmember Cowden: Yes, I know.

Council Chair Kaneshiro: Is there any further discussion? I will not be voting for this motion obviously because we are breaking it up again. You have County Clerk, Deputy County Clerk, and the Councilmembers' positions in this,

Mayor, Director of Finance, breaking it up makes it messy. I have said this from the start. Roll call vote.

The motion to reject Part 1 of Salary Commission Resolution No. 2019-1 was then put, and failed by the following vote:

AYES:	Brun, Kagawa, Kualii	TOTAL – 3,
NOES	Chock, Cowden, Evslin, Kaneshiro	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion fails.

Councilmember Chock moved to reject Part 1 and Part 3 of Salary Commission Resolution No. 2019-1, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there any questions on this motion? The motion on the floor is to reject Parts 1 and 3. I do not know how many more options we have as far as rejecting unless we start to line item positions, which I really do not want to do. Councilmember Kagawa.

Councilmember Kagawa: Let me tell you why I believe why the Council raises are a good thing. You may all disagree but, I want to find good Councilmembers that will find it financially worthwhile, new candidates to run, to stay in office, serve, and to make great decisions. I think to some extent, you pay what you get. If you would like to make it a volunteer job, then you will get a bunch of volunteers that have only one track issues. I think it is easy for me being that I will term-out, it will not affect me, and I feel that I have an unbiased vote and voice. I do not plan on running again, but that could change later. I want to see good local people run, serve, and put in eight (8) years of their life like I have, to go through tough elections every time, and answer to the people. It is not an easy job considering the issues that you need to deal with; but, someone needs to do it. The ones that are going to benefit are the unsung heroes, our children, and the struggling families. That is why I believe the next Council should have a nice pay because I want good people in office. Thank you, Chair.

Council Chair Kaneshiro: Is there anyone else? Do we all understand the vote? Roll call vote.

The motion to reject Part 1 and Part 3 of Salary Commission Resolution No. 2019-1 was then put, and failed by the following vote:

AYES:	Brun, Chock, Cowden, Kualii	TOTAL – 4,
NOES	Evslin, Kagawa, Kaneshiro	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion fails. Are we willing to throw in the white flag?

Councilmember Kualii: Councilmember Evslin's proposal went through already; it was to reject part 3, which failed.

Councilmember Kualii: We were also talking about how it would be worth going on, if we are able to get five (5) votes for anything? Councilmember Evslin said he was willing to vote for something in part. I think we have tried every combination and he did not vote for it, or have we tried every combination? I am wondering if he has a proposal.

Council Chair Kaneshiro: I do not know how many more options we are able to do? I think we all knew from the start that we needed...I think we all knew from the start that we were going to end up here. If you did not want the salary increase, it would have had to have been rejected in whole. It would probably have been the closest, I guess there were a few close motions. Ultimately, is there another motion? My suggestion would be to defer to a date past the sixty (60) days. We are not going to come to any decision on this. The salary increases will come into effect in whole, at that time we will receive it for the record. There is nothing else we can do about it. Is there any other questions. Councilmember Kagawa.

Councilmember Kagawa: Do you want a motion to defer? Is that what we want?

Council Chair Kaneshiro: Unless we want to go through another motion to reject...

Councilmember Kagawa: If we are not going to have an outcome on the votes, I will make the motion to defer and to just accept...

Council Chair Kaneshiro: It would be on May 8th.

Councilmember Kagawa moved to defer C 2019-65, seconded by Councilmember Brun, and carried by a vote of 6:1 (*Councilmember Kualii voting no*).

Council Chair Kaneshiro: The motion is carried. Let us take a ten-minute caption break.

There being no objections, the meeting recessed at 9:45 a.m.

The meeting reconvened at 10:47 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Can we have the next item, please?

Ms. Fountain-Tanigawa: Chair, we are on page 2, C 2019-76.

C 2019-76 Communication (03/14/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association

(KLA) of one (1) 2019 Yamaha Jet Ski and Trailer, valued at \$18,523.89, which will benefit the Ocean Safety Bureau's lifeguard operation at the Hanalei Pavilion Tower: Councilmember Kagawa moved to approve C 2019-76 with thank-you letter to follow, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions for the Administration? If not, is there anyone in the audience wishing to testify?

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

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

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

Councilmember Cowden: I just want to thank you again for all that you do. I want to thank KLA and I want to acknowledge to you, I think you folks might have been in here when we were talking about the budget, but we are definitely recognizing what an important role KLA has been playing and that we cannot just assume that they will always be there for that. Just lots of gratitude. Dr. Downs is not here today, but I know he came in the other day, so just "thank you, thank you." This one is going at the Hanalei pavilion, so the North Shore has really been blessed this year with most of all the gifts.

There being no objections, the rules were suspended.

KILIPAKI K. F. VAUGHAN, Deputy Fire Chief: Thank you, Council Chair Kaneshiro, Vice Chair Kagawa, and of all the members of the Council. Deputy Fire Chief Kilipaki Vaughan. Merry Christmas back to the Council on behalf of KLA and this particular Yamaha Jet Ski and Trailer. By support from Peter Coutoure and (inaudible), we need to name them and acknowledge their support of KLA. This particular Jet Ski will be housed at the Hanalei Pavilion Tower. Mr. Coutoure swims there every day with a disability and he is very supportive of having this Jet Ski to help support that area. I just wanted to say thank you again to the Councilmembers. Yes, KLA has been before you many times and we hope they continue their support of the County of Kaua'i, the Kaua'i Fire Department, and the Ocean Safety Bureau.

Council Chair Kaneshiro: Are there any other comments from the members? If not, a big thank you to KLA. I know we have our new Police Chief Raybuck here and unfortunately, we do not have a group that gives police things all the time, so do not think we are going to receive new police things getting donated to us. KLA has been very supportive. KLA has saved the County a ton of money and resources in their donations and I just appreciate having a group like that. I wish we had a group like that for every single department we have. It would really make our lives a lot easier. We accept it and I am happy to get whatever we get from them.

Mr. Vaughan: To-date, KLA has donated nine hundred thousand dollars (\$900,000) worth of equipment and value to the County of Kaua'i. I am pretty amazed at their support.

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

The motion to approve C 2019-76 with thank-you letter to follow was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-82 Communication (03/12/2019) from Roy Asher, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval, to purchase non-budgeted items with anticipated unexpended funds from the Kaua'i Police Department's Operating Budget for Fiscal Year 2018-2019, Retirement Contribution, Account No. 001-1001-551.05-03, for the following:

- Seven (7) new marked Ford Explorer patrol vehicles to implement a three-year strategic vehicle replacement plan (approximately \$65,000.00 each); and
- To transition from .40 caliber Glock Firearms to 9mm Glock Firearms (estimated cost of \$65,370.00, which includes a buy back/trade-in element).

Councilmember Brun moved to approve C 2019-82, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify first on this?

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

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

Council Chair Kaneshiro: Are there questions for the Administration?
Councilmember Kualii.

Councilmember Kualii: In your memorandum, it says that the seven (7) new Ford Explorers that you are purchasing with anticipated unexpended funds is to purchase vehicles that are currently on lease or instead of leasing. You did not provide any type of replacement schedule like we asked for in the budget. What is this purchasing? Is it replacing existing vehicles and vehicles that are currently on a lease? How are we saving thirty-five thousand five hundred dollars (\$35,500)?

ROY A. ASHER, Assistant Chief, Patrol Services Bureau: Good morning. Roy Asher, Assistant Chief, Kaua'i Police Department. Sitting to my right is Captain Ozaki. This is to replace vehicles that have aged out or mileage out. We have a plan to rotate these types of vehicles out. Our plan is to purchase these vehicles in this year's budget, so it does impact next year's budget.

Councilmember Kualii: Can you provide the specifics? Which seven (7) vehicles; year, make, model, age, and whatever miles. That is the replacement schedule, right, that I guess...do you take care of that yourself or does the auto shop?

Mr. Asher: We take care of the rotation.

Councilmember Kualii: Okay. Can you provide that? And then the thirty-five thousand dollars (\$35,000) is just the overall savings.

Mr. Asher: The savings rather than leasing.

Councilmember Kualii: On the purchase of all seven (7)?

MARK T. OZAKI, Acting Assistant Chief, Administrative & Technical Bureau: For the record, Captain Mark Ozaki, Kaua'i Police Department. Good morning. The thirty-five thousand dollars (\$35,000) is the interest and if we purchase it outright, instead of leasing...that is where the thirty-five thousand dollars (\$35,000) in savings of purchasing it now instead of the overall span of a lease, that is where we would save the County money.

Councilmember Kualii: Do you have a quote?

Mr. Ozaki: To answer your question, I apologize if you did not get the request to have our vehicle replacement plan, but we do have a vehicle replacement plan. We have specific vehicles. In the past there has been about fifteen (15) vehicles that we have been replacing, so let me back it up a little. I need to thank the Councilmembers in the past that have supported our vehicle replacement plan and a bunch of you were on the previous Council table when that was approved. It really has increased the efficiency of our fleet. We think it has saved money because we have vehicles that are not over and out of warranty and now the County has to measure repairs on transmissions, rear-ends, so thank you for being supportive of that. Over the next three (3) years, we have a replacement plan that we project seven (7) vehicles specifically, that will go over what our policy is, which is ninety thousand (90,000) miles or six (6) years. Again, that is a conservative number. We cannot take into consideration vehicles that unfortunately, someone crashed into it and gets totaled. Of course, this is just a guide because sometimes we get brand new vehicles that turn into "lemons" and those end up getting rotated out as soon as the warranties expired. Some of the other vehicles that have been running smoothly and have been getting serviced correctly, and have been working really well, there is a gray area and we try to keep those vehicles. This is not set in stone, but we do have a definite guide of seven (7) vehicles that we are definitely looking at of rotating out.

I have a spreadsheet already made and I can gladly transmit that to you. I apologize for not getting that to you in advance.

Councilmember Kualii: When you say, "Implement a three-year strategic vehicle replacement plan," what does that mean?

Mr. Ozaki: We look at vehicles over a three-year span, the next three (3) years, that we project will reach...there is an estimated of twelve thousand (12,000) miles or so of usage per vehicle, per year. Based on that, we foresee certain vehicles that we check every year. Our fleet mechanic or fleet coordinator submits service, miles, and numbers on vehicles that have more miles than others. For example, the outer districts such as Waimea and Hanalei, they have a lot more miles to travel than the Lihu'e and Kapa'a officers, so those vehicles tend to put on more miles. It is not just a replacement strategic plan, it is also about utilizing the vehicles in a proper way or rotating it out. If we see a Hanalei or a Waimea vehicle that starts to have the same or large amount of mileage being used as compared to the same year of a Lihu'e or Kapa'a vehicle, we actually rotate those vehicles out to the outside districts and bring the higher mileage vehicles into the Lihu'e or Kapa'a districts to make sure that it is evenly distributed. It is not like we have a 2014 vehicle that we have to get rid of just because it was sitting out in Waimea and has a lot of miles, but actually still runs well or...so that is part of our plan. We actually have vehicles that based on the miles per year that we get from them, we see that those vehicles, we have narrowed it down to seven (7) vehicles that are projected to reach ninety thousand (90,000) miles or six (6) years, and the reason why we picked those is because that is when vehicles start to break down and that is when we lose our warranty. We like to keep vehicles that remain in warranty so we put less burden on the shop so they do not have to do these major overhauls on transmissions, near-ends, engine block failures, or whatever it may be. Of course, if a vehicle can be fixed within warranty, it saves the County money.

Councilmember Kualii: Based on your plan, do you know how many you will be replacing next year, the following year, and then you budget for that?

Mr. Ozaki: Yes. It is not budgeted for next year, so that is why we are trying to purchase seven (7) this year, so that we do not have to budget for it next year. We did not put it in next year's budget. A year or so from now when we are sitting at this table again, I am sure seven (7) vehicle, somehow, will be put into that budget because I do not foresee us having unexpended salaries next year to take advantage of it.

Councilmember Kualii: With this example, seven (7) vehicles, thirty-five thousand dollars (\$35,000) in savings, that is five thousand dollars (\$5,000) per vehicle saved, if you purchase versus lease.

Mr. Ozaki: Correct.

Councilmember Kualii: Each year in the budget, why are you leasing and not purchasing?

- Mr. Ozaki: That was part of the strategic plan in the past.
- Councilmember Kualii: Are you going to go back to purchasing?
- Mr. Ozaki: I am not exactly sure. I am going to evaluate that.
- Councilmember Kualii: Every year, you have millions in unexpended surplus, so it would make more sense to plan the budget ahead of time to not have that unexpended surplus and to spend that on purchasing the vehicles and saving five thousand dollars (\$5,000) on each vehicle.
- Mr. Ozaki: That is the reason we are presenting to purchase it this year because we have the money this year. Next year, I am going to be honest, I think we have a different type of budget, and we do not foresee having millions of dollars in unexpended salaries next year.
- Councilmember Kualii: But you have for many years though.
- Mr. Ozaki: Yes, exactly. I cannot speak on the past on why we went the direction of leasing instead of purchasing. Maybe it was an overall plan or maybe we did not have...and we purchased other things besides just the vehicles and that was how we could accomplish all of our goals as a department. But for this fiscal year, with this year's unexpended salaries, we found that this is the best option that we could present to you folks.
- Councilmember Kualii: Thank you. You have my support.
- Council Chair Kaneshiro: Are there any further questions on vehicles?
Councilmember Kagawa.
- Councilmember Kagawa: I am looking at the price of each vehicle and it looks pretty high. Can you explain? If I were to buy a Ford Explorer, I probably can buy one for forty-five thousand dollars (\$45,000). Why are we paying twenty thousand dollars (\$20,000) more on each? Are there a lot of accessories?
- Mr. Asher: This vehicle comes fully equipped with all of the lights sirens, "bells and whistles," graphics; it is turnkey at that point.
- Councilmember Kagawa: For instance, you can lock up whomever you arrest?
- Mr. Asher: It is caged.
- Councilmember Kagawa: Is the cage twenty thousand dollars (\$20,000)?

Mr. Asher: All the lights, sirens, radios; it is all placed in there.

Mr. Ozaki: The radio by itself is about seven thousand dollars (\$7,000).

Councilmember Kagawa: Really?

Mr. Ozaki: Yes, it is expensive.

Councilmember Kagawa: I can purchase the Costco boom box for one hundred dollars (\$100).

Mr. Ozaki: It is a different type of radio, Councilmember.

Council Chair Kaneshiro: Councilmember Cowden.

Mr. Ozaki: But it does add up and you have to factor in labor and all those things, it gets shipped from factories, it does not like it is directly from Ford to Kaua'i. It gets shipped to California where they have to outfit everything and you have to buy the radios from someplace, you have to buy the lights from someplace else, and you have to buy the cages from other places. It is a police-rated vehicle. The cost is significantly more than just buying one just off the lot.

Mr. Asher: It has more of a "beefed up" engine and drivetrain...

Councilmember Kagawa: Oh, like you have the eight-cylinder V configuration engine (V8) or whatever? So, the Ford Explorer, but you are getting the top of the line with the best powered engine. Is that what it is?

Mr. Ozaki: It is more of a safety police-rated type of vehicle for pursuit, so it does not flip over and things like that.

Councilmember Kagawa: Is that why we go with Fords and not with Toyota or other vehicles?

Mr. Ozaki: It is the specifications that we put out. There are companies that make specific vehicles that are rated for police work and it is a procurement process, too. We cannot foresee who we are actually going to buy the vehicles from, sometimes.

Councilmember Kagawa: Oh.

Mr. Ozaki: Some other company might win it; it just depends on the specifications.

Councilmember Kagawa: Sometimes the low bid could actually take away from what we may want to buy...for the regular consumer, maybe if they had a choice between a Ford and a Toyota, even though the Toyota costs a couple thousand more, they might go with the Toyota, but we are stuck with the low bid.

Mr. Ozaki: It comes down to doing our homework and our research and putting out the proper specifications on our bids. When we put our invitation for bids (IfB) out, that is our due diligence to make sure that whatever vehicle we get, the specifications will make sure our officers are kept in the safest manner to drive. That goes for all of our equipment, not just for the vehicles.

Councilmember Kagawa: My last question is, are we transitioning more to Sports Utility Vehicles (SUVs)?

Mr. Ozaki: Yes, sir.

Councilmember Kagawa: Because it has more room and what have you...

Mr. Asher: They do not make the traditional Crown Victoria (Vic) anymore.

Councilmember Kagawa: They do not make the Crown Victoria?

Mr. Asher: Not anymore.

Mr. Ozaki: Not for police-rated.

Councilmember Kagawa: Oh, it is not police-rated.

Mr. Ozaki: Right.

Councilmember Kagawa: I thought that car can zoom faster.

Mr. Asher: I remember years ago, they talked about putting us in Prius' and that did not work out so well.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have two (2) questions. One is about the source of the money. When it says that it is coming from unexpended funds, that is from positions that were not filled, right? It says, "Retirement contributions,"—can you just help me understand? I know we have a lot of challenges with funding our retirement contributions, so how is that money coming? Can you help me understand what that is?

Mr. Ozaki: I probably cannot explain that one hundred percent (100%). If you present me that question, I can give you a detailed response, but in a nutshell and if I am wrong, I apologize in advance. The retirement funds—I believe that is projected funds every year. We cannot say who is going to retire, who is not going to retire, it is a set amount that is budgeted, the “just in case,” and sometimes we do not have enough and sometimes we have excess. We are using whatever money we have that we did not spend and we are moving that into the right location.

Councilmember Cowden: Okay. I just hear Councilmember Kagawa helping us to understand that that is a high budget item. In transitioning...

Council Chair Kaneshiro: Just to clarify, too, a lot of times you will see money available where you saw on the budget they had twenty (20) police vacancies, they six-month funded a lot of them. In that time, there are retirements, some people get hired, and those positions remain vacant, then that money is still there in their budget. Therefore, if they did not hire into those vacancies, then you will see a lapse of money. For instance, the amount we were projected to put into the State of Hawai‘i Employees’ Retirement System (ERS) for those employees, they did not hire those employees, so that is where you will see some of this money come from.

Councilmember Cowden: Okay. Changing guns, I got to learn from you. I like the 9 millimeters (mm) a whole lot better because I think about the target instead of think about the gun, but why are you changing from a .40 caliber to a 9mm?

Mr. Asher: The .40 caliber is a bigger round than the 9mm, so with that comes a more powerful recoil, which makes it more difficult to handle and that is why you liked the 9mm better because of the less recoil. With the less recoil with the 9mm, you get better shot placements.

Councilmember Cowden: Okay, that makes sense to me. I find one a whole lot easier than the other, so even for the experienced gunman, they would prefer that. Okay.

Council Chair Kaneshiro: Is the cost of bullets are cheaper? Is that going to save the County money?

Mr. Asher: Yes. We are getting into, I believe, a generation (Gen) 4 and 5 pistol, which is actually adjustable. We brought some weapons with us, if you want to examine them and you can feel the difference. It is more conducive for smaller hands. The weapons we have if you inspect, we have cleared them from the firing pins, so they do not work.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Can we see them? Did you bring them for later?

Mr. Asher: We brought them in the event you wanted to see them later.

Councilmember Cowden: Okay, I want to see them.

Council Chair Kaneshiro: Are there any further questions from the members? If not, thank you. I apologize, Bruce Hart did want to speak on this, but I moved too fast, so I will let Bruce come and testify.

Mr. Hart: For the record, Bruce Hart. The questions I had were asked by Councilmember Cowden. In the memorandum that was sent in regards to this, there were four (4) resignations of Kaua'i Police Department (KPD) officers unexpected and that is where the money is coming from. I just wanted to express a concern that I understand we need new vehicles and the rotation plan, but I also have seen several articles and heard from several KPD officers, both in the troops and of rank, that we need new officers. Therefore, I do not quite understand how if the money was intended to be going for officers and now is being diverted and going for vehicles, I am wondering whether it might not be wise to hire more officers, which is the priority. That is one of the questions that I had. The other is on the weapon exchange and I understand I am an armed chair and I am interested in handguns and I understand the advantage is the 9mm, but one of the questions I had is and what I have read and being proposed is that there is going to be a recoup of the cost of the weapons by the savings in ammunition. I am wondering if there is any projection as to how long it will take in order to recoup the cost by the savings and ammunition. Those were my two (2) questions. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Seeing none, I will bring this meeting back to order. Are there any questions for the Administration? If not, is there any final discussion from the members?

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

The motion to approve C 2019-82 was then put, and unanimously carried.

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

C 2019-83 Communication (04/01/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8 and Chapter 10, Kaua'i County Code 1987, as amended, relating to Enforcement, Legal Procedures, and Penalties by adding additional mechanisms for service of notice of violation and orders; adding procedures for placing and enforcing liens; amending the amount of funds that may remain in the Planning Enforcement Account and the purposes for the expenditure of such funds, and to clarify the applicable enforcement section for violations of any provision of Chapter 10: Councilmember Kualii moved to receive C 2019-83 for the record, seconded by Councilmember Chock.

(Councilmember Kagawa was noted as not present.)

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this? This is the Communication. Councilmember Cowden.

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

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

Councilmember Cowden. I just want to be clear that I know what I am voting on when I am looking at all of these pages. Is this basically our communication saying, we are bringing it from one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000) for contested-case hearings?

Council Chair Kaneshiro: This is just the Communication. The Proposed Draft Bill is going to come up later on the agenda.

Councilmember Cowden: Okay.

The motion to receive C 2019-83 for the record was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as affirmative for the motion).*

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-84 Communication (04/03/2019) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$295,248.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 17-VA-3 for the period of July 1, 2019 through June 30, 2020: Councilmember Kualii moved to approve C 2019-84, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the public wishing to testify on this?

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

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

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

There being no objections, the rules were suspended.

JUSTIN F. KOLLAR, Prosecuting Attorney: Good morning. Justin Kollar, Prosecuting Attorney.

Councilmember Cowden: Thank you for clarifying. I just want to be really clear what I am voting on. Are we getting these funds...or coming from essentially a grant from the federal government?

Mr. Kollar: Yes.

Councilmember Cowden: For the Victims of Crime Act (VOCA). Therefore, what we are getting here is another attorney?

Mr. Kollar: No. There is a detailed budget attached to the grant request and what these funds go to...these are long running formula funded grants we have received, I think, since the late 1980s and what that does is help to pay our victim witness advocates who deal with our crime victims. We are not adding any personnel, we are not adding any staff, this is just an ongoing situation. VOCA is a mechanism, the federal government collects a lot of money in fines from the criminal justice system and that money goes into a pool that is intended to serve and support victims of crime. Those funds are then distributed across the nation to district attorneys' offices and other service providers that provides direct services to victims of crime. That is what that supports.

Councilmember Cowden: When this says, "For approval to indemnify the State of Hawai'i, Department of the Attorney General and for the Kaua'i Victims of Crime," that sounds like an insurance policy, but when I looked at the details, this is for funding some positions.

Mr. Kollar: Correct. This pays salaries; forty thousand dollars (\$40,000) goes to the Wise Shelter, forty thousand dollars (\$40,000) goes to their sex offender victim treatment counselor, so it goes to provide direct services to crime victims here on Kaua'i.

Councilmember Cowden: Okay, so this supports our partners?

Mr. Kollar: Yes, us and our partners.

Councilmember Cowden: Us and our partners. Why do they use that word "indemnify" in there?

(Councilmember Kagawa was noted as present.)

Mr. Kollar: It is a standard contract provision that is in all the State's contracts, which is if you are taking money from the State; you have to indemnify them against any liability that may arise because they are providing those funds to us. It is a technicality.

Councilmember Cowden: Okay. Thank you.

Mr. Kollar: Sure.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Just a quick comment. It would probably be informative and good to know if you provide a little bit of history because you said longstanding, I mean it is a grant you get over and over.

Mr. Kollar: Every year, yes.

Councilmember Kualii: So maybe if you just told us, "For the last five (5) years, we received x, x, x," and we are applying for this now and is likely that we are going to get this again because it is an ongoing thing.

Mr. Kollar: Yes. We can always provide you with historical information on how the grants evolved over the years.

Councilmember Kualii: Thank you.

Mr. Kollar: Sure.

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

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

The motion to approve C 2019-84 was then put, and unanimously carried.

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

C 2019-85 Communication (04/04/2019) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (DOT), in the amount of \$180,467.00, to be used toward continued funding of one (1) Full-Time Equivalent (FTE) Special Prosecuting Attorney, travel, and training: Councilmember Kagawa moved to approve C 2019-85, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none. Are there questions from the members? Councilmember Cowden.

Councilmember Cowden: I just wanted to be clear, is this an attorney who is going to be specifically addressing traffic accidents and tickets?

Mr. Kollar: This pays our Traffic Safety Resource Prosecutor (TSPR) salary. The Traffic Safety Resource Prosecutor program is a nationwide program. There are prosecutors in each state that are designated as the resource prosecutor in that jurisdiction to provide training, support, information sharing, and also full-time case litigation in our courts. We have been managing this project in Hawai'i for about three (3) years now and our TSPR is a deputy prosecuting attorney who is currently on staff and he handles most of our felony traffic crimes, so vehicular manslaughter and serious crash cases where injuries and death have occurred. He is also responsible for communicating with the other counties to make sure that our practices and procedures with these types of cases, such as, driving under the influence (DUI) cases and DUI drug cases are the latest and greatest and that we are being consistent across the counties on how we do that.

Councilmember Cowden: So, this is another federal grant and this is paying another year of this person's position?

Mr. Kollar: Correct. This comes...

Councilmember Cowden: Rather than hiring a new person.

Mr. Kollar: Correct. This comes through the federal Department of Transportation through National Highway Traffic Safety Administration (NHSTA) down to the states.

Councilmember Cowden: I want to compliment your department for finding funds to be adding these additional people. I just want to acknowledge that happens. I appreciate that. I found information that you included and what was interesting to me, again, where we are seeing that there are more vehicles on the island than people.

Mr. Kollar: One area that we can take concrete steps and do very specific things to reduce fatalities in the community is by having good traffic laws and then enforcing them along with well-designed roads. That is why the streets in our country are fifty percent (50%) safer than they were a generation ago. We may have a consistent number of injuries and fatalities, but you have many more cars on the road driving many more miles. The Department of Transportation and (NHSTA) are very invested in making these steps that we can to reduce drunk driving and reduce injury or fatality involved collisions. Part of that is having a good enforcement program in the states for DUI and DUI-related issues.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: In fact, same as the last one, just a couple more sentences in your cover letter would have explained what you just talked about. I thought having the whole grant application is quite interesting because we can learn about all these numbers and things. I thought it was pretty interesting that there is seventy-two thousand one hundred fifty-nine (72,159) residents, but eighty-eight thousand six hundred fifty-seven (88,657) vehicles.

Mr. Kollar: And they are all on the road at the same time, so I do not know how that math works.

Councilmember Kualii: Thank you.

Mr. Kollar: Sure.

Council Chair Kaneshiro: Are there any other questions? If not, is there any final discussion from the members?

The motion to approve C 2019-85 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-86 Communication (04/05/2019) from Ka'aina S. Hull, Clerk of the Public Access, Open Space, Natural Resources Preservation Fund Commission, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission's recommendation to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, to include lands or entitlements to lands acquired by the fund, and improving existing public beach accesses: Councilmember Kagawa moved to receive C 2019-86 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

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

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

Council Chair Kaneshiro: The proposed draft bill will come up later in the meeting. Are there any questions?

The motion to receive C 2019-86 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-87 Communication (04/08/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in the amount of \$142,000.00, to

support programs and initiatives through State-wide mutual and joint efforts in narcotic enforcement: Councilmember Kagawa moved to approve C 2019-87, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

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

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

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

Councilmember Cowden: Actually, my question is probably a little bit more on C 2019-87, C 2019-88, and C 2019-89. Are they all basically together?

Council Chair Kaneshiro: No. If you can keep your questions to the particular communication.

Councilmember Cowden: Can you just give me a little bit of extra background on what this is doing? Is this mostly crystal methamphetamine (meth), heroin, and the harder drugs? Is that correct?

There being no objections, the rules were suspended.

BRYSON M. PONCE, Assistant Chief, Investigative Services Bureau: Bryson Ponce, Assistant Chief, for the record. Yes, you are correct. We use the money for meth investigations, heroin, cocaine, and prescription pills.

Councilmember Cowden: Are these moneys here targeting that particular group, because we have another one in the next group, but this one is largely for those difficult drugs?

Mr. Ponce: Yes.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Are there any other questions? If not, is there any discussion from the members? Councilmember Kualii.

Councilmember Kualii: The one hundred forty-two thousand dollars (\$142,000) represents moneys coming to us from them; how often does it come? Is this an annual amount?

Mr. Ponce: I will let Sergeant Carvalho explain a little bit more about the High Intensity Drug Trafficking Area (HIDTA) grant.

KENNETH CARVALHO, Sergeant: For the record Kenneth Carvalho. This grant is for every two (2) years and it is ongoing. To go back to Councilmember Cowden's question, our main focus is to take out drug trafficking organizations, not really focusing on a particular type of drug, but the organization itself.

Councilmember Kualii: You just used the word "grant" now; are we applying for a grant? The language says, "accept and expend," or is it something they collect and they send us a portion every two (2) years? Is this a grant that you are actually applying for?

Mr. Ponce: Yes, we were actually awarded the grant.

Councilmember Kualii: Oh, you were already awarded already?

Mr. Ponce: Yes.

Councilmember Kualii: So this is just to accept and expend. Okay.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Is this a recurring grant?

Mr. Ponce: It is.

Councilmember Kagawa: Is the amount staying the same, going up, or going down?

Mr. Carvalho: It just depends on what Hawai'i HIDTA receives.

Councilmember Kagawa: Oh, it depends how much they get will depend how much...

Mr. Carvalho: Exactly. We have to go and present in front of the HIDTA board each year our budget; what we have accomplished, our budget, and what we foresee upcoming, and then they break it down by county.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: How has your trend line been going on this? How long have you been receiving this grant and then what is your success rate as a result of it?

Mr. Ponce: We have been receiving this grant a long time, ever since I have been in, we have been receiving this grant. The Vice Unit has been unbelievable in the pursuit of dismantling drug trafficking organizations (DTOs). I think this past year, they did fourteen (14) DTOs.

Councilmember Cowden: Very good.

Mr. Ponce: And you are talking some heavy weight coming through our island that the Unit has been able to snip up front before it got distributed to the lowest level user.

Councilmember Cowden: I wanted to just say that I appreciate it and I think as you say, you have to go for the jugular and not the capillary, so I appreciate that the focus is at the source of the challenge. Those drugs are a big problem in our community, so I appreciate your success and I support this.

Mr. Ponce: Just to add a little bit with meth, I believe last year alone, we seized about twenty-five (25) pounds of meth coming to Kaua'i.

Councilmember Cowden: What is the typical dose of meth? There is a lot in a pound, right? I have no idea. That is a lot of usage, twenty-five (25) pounds is a lot.

Mr. Ponce: That is a lot for our population size.

Councilmember Cowden: Yes. Okay.

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

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

The motion to approve C 2019-87 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-88 Communication (04/08/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Service Bureau, requesting Council approval to accept and expend Department of Justice (DOJ), Drug Enforcement Administration (DEA) funding in the amount of \$50,000.00, to support State-wide mutual and joint efforts in Marijuana Enforcement: Councilmember Kualii moved to approve C 2019-88, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

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

Mr. Hart: For the record Bruce Hart. I had an opportunity during the caption break to speak to Assistant Chief Ponce and I was very pleased with what he told me. It is an extensive agreement that KPD has to enter in to with the drug enforcement agency. There are a lot of rules and regulations they have to meet and they have to keep track of everything they are doing. Assistant

Chief Ponce assured me that it is a very efficient process on the part of KPD because I was concerned that we were eating up the grant from overtime or the work of the officers. He told me that we get the bigger chunk of it. I just wanted to mention that and I also would like to say how much I appreciate KPD, in general, and also the Investigative Services Bureau (ISB). Those folks really work hard and they want to get the bad folks. I hope they get them. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Seeing none. Are there any questions? Councilmember Evslin.

Councilmember Evslin: I actually have a question for Prosecuting Attorney Justin Kollar.

Mr. Kollar: Justin Kollar, Prosecuting Attorney.

Councilmember Evslin: I want to start off by saying that I am deeply appreciative of the work that KPD has been doing and it seems like there are accelerated efforts in going after drug trafficking organizations, "heavy hitters," and meth is such a terrible scourge on our island. When we are talking about marijuana, I want to clarify my question a little bit by saying that I am deeply concerned about the impacts of marijuana use on teenage brains and long-term, permanent damage that it can cause. There is evidence that it causes psychosis, so I do not want to try and normalize marijuana use here, but I am interested in how we are prosecuting marijuana possession. The question comes from a place of ignorance. I know on the mainland, prosecuting for marijuana possession disproportionately has been targeted towards minorities or low-income people simply for marijuana use. I am just wondering how often we are prosecuting just for marijuana use or if this is often just part of trying to get other heavier drugs. Can you walk me through this a little bit?

Mr. Kollar: I can tell you from our perspective that we see very few cases that are just strictly marijuana possession cases. The ones we do see tend to be juveniles. Those are the ones we focus on, which is when kids are getting into it. As far as the adults, when we see marijuana, we most often see it associated with other drugs as well; therefore, there will be meth, opioids, and other things on board as well. It is very rare for us to see cases that are just marijuana only and I am not saying that everyone who smokes marijuana also does heroin or meth, but they tend not to get involved with the law as much as folks who are into meth, heroin, and other things like that. That is just my perspective. I cannot speak for what the police experiences are.

Councilmember Evslin: What happens with youth possession? When a youth is arrested for marijuana possession, where does it go from there?

Mr. Kollar: It depends on what is in the best interest of a child. If it is a child that has other issues going on, there might be certain services that they are routed towards. It really depends on what is going on in the child's life beyond what the...there is no "cookie cutter" approach in juvenile cases. We are always looking at what is going on with this kid, what is going on with his family, what is going on with his community, and how do we get them the services they need

to not get in trouble again. That is the focus with the juveniles. We will try to get them in to counseling. If they have a more serious issue, we have a juvenile drug court program and we can put them in to. If it is a one-time thing and it is a good kid who does not really get into trouble, it might be something that is handled via an informal adjustment with the court or maybe not go to court at all. But if it is something where it is a kid who really has a lot of other problems as well, then we will go to Family Court and try to book end the kid in services, basically.

Councilmember Evslin: Could you talk through when you are doing an investigation, when you are finding marijuana, how that possibly leads you finding other drugs? Is it easier to find marijuana with drug-sniffing dogs or whatever it is to lead you that can bigger drugs?

Mr. Carvalho: For the record, Kenneth Carvalho. It just depends. One plant may lead us to a search warrant for a residence, which now we have twenty-five (25) pounds of marijuana. It just depends on the case, what we are working on, where the source is coming from, did we intercept this marijuana coming in through the mail, and are we doing a parcel delivery; it just depends.

Councilmember Evslin: Is there any idea of what percentage of those are related to meth or other heavier drugs when you do find marijuana in the house?

Mr. Carvalho: We do not have a statistic just particularly for that question.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you for putting a lot of this information in here and somehow I was reading as this is partly funding that helicopter, is that correction?

Mr. Carvalho: Yes it does.

Councilmember Cowden: I feel a little differently about this one than the last one. With the helicopters, I see the general trend is that we are at least on a pathway towards decriminalizing marijuana. I do not particularly want to see it legalized, but I know that we had this in the late 1980s they did "green harvest" and they were pretty effective at rounding out our alternative agriculture program that we had on this island. I think that was transformational in the most horrible of ways. I had sports, surf and skate shops, and so a lot of my clientele were part of that impact and what I saw was so heartbreaking because we went from having a community that was...first of all, I do not support kids doing this and I think it is really not good for anyone, but we went from having a "laid back" community that had abundance and what we ended up with was heroin, meth, and crack. I saw a change from maybe people needing to go get pizzas or something like that, people do not beat their wives, they do not rob their neighbors, they do not hurt each other on this particular drug, and they are less troublesome than alcoholics. What we got in the wake of that big

action was just the most devastated things with needles in the bathrooms, having to lock the bathrooms, having to lock from shoplifting, I mean, it changed in the whole emotional temperament of our community, which was profound by the helicopter actions of taking this out. When we see in communities that have legalized marijuana, there is a lot less opioid use. I think if you do not work so hard on this, you are going to have a lot easier time on having less nasty drugs. What do you think?

Mr. Ponce: Let me just say that I respect what concept you brought up, but that is a total fallacy. Marijuana is still very, very dangerous. We have a lot of suicides linked to marijuana because of the THC (Tetrahydrocannabinol) levels in different forms. We got juveniles acting crazy because of the amount of marijuana that they are smoking that is totally affecting their behavior. Kind of what Councilmember Evslin brought up, that is something we are seeing and growing. The reason we do our Green Harvest missions is that we are not seeing as much marijuana in the open space and public areas, but we are seeing a lot of legal growth in people's backyards; forty (40) to fifty (50) plants in a residential backyard that is eight thousand (8,000) square feet with kids running around each side. That is illegal. That is not what it was meant to be. This was supposed to have been medicinal, but some people are abusing it and making a profit off it. I just want to put it out there that we are still seeing dangers from the effect of the level of THC in marijuana that are affecting people more particularly in what we have been seeing in an increase in suicide. We had thirty (30) suicides in 2017 and a lot of it within the toxicology there were strong levels of dosages of THC. Seventeen (17) we have seen a considerable number, so marijuana is still an illicit drug on the on the federal-level, on the state-level, it is only for medicinal purposes, and we see a lot of abuse.

Councilmember Cowden: I appreciate that input. I am curious when we have those suicides, is there alcohol commonly in them as well?

Mr. Ponce: There are a few, but the majority we see is marijuana and high levels of THC.

Councilmember Cowden: How about heroin and meth, is that in there, too, or not so much?

Mr. Ponce: We have some with meth.

Councilmember Cowden: Because the suicide issue is a very important issue for me, I pay a lot of attention to it, a lot of people would be very clear with me when they are using meth and heroin, and I know a lot of those people are suicidal because they cannot get out of it. When I am asking these questions and why it is important to me is that I just really hope that there is some redirection. I do not do any of it, so I am naive to drugs; I just have to really own that. I know my yard is one that always catches that helicopter because they grow all types of food in my yard, so they probably spend a good fifteen (15) to twenty (20) minutes above my house, so I am well aware of the helicopters. I appreciate that you are saying that there is a abuse of people putting forty (40) plants in their yards or where that is. Are you seeing

much up in the mountains? When I would see the helicopters pulling it out, they are pulling it out up on the mountains and not in the yards.

Mr. Carvalho: We are finding it everywhere and we do the checks up in the mountains as well as just fly over people's backyards and, no, we do not fly over someone's house for twenty (20) minutes.

Councilmember Cowden: Well, you did with mine. I go out and smile. It is a yellow helicopter, right?

Mr. Carvalho: But we are not over someone's house for twenty (20) minutes. The reason we do private as well as public lands is the fact that they also have booby traps that a regular person might walk into that if we do not get that before they do, someone might get hurt.

Councilmember Cowden: Booby traps that would hurt someone that would injure the person coming in, is that correct?

Mr. Carvalho: Yes. We found bear traps, claws, punji sticks around the plants, and fish hooks on the trail, right about eye-level. So it is just not looking at the marijuana itself, but everything around it. The safety factor that goes with it, that is why we are doing what we are doing.

Councilmember Cowden: I have a question about THC. I am told that the THC has gone up in the last twenty (20) years, is that correct? Are people growing more concentrated, is that correct?

Mr. Carvalho: Yes.

Councilmember Cowden: ...for what we can grow just in the plant or is that what is managing to be in the gummy bears and things like that.

Mr. Carvalho: It just depends on how you process it. The gummy bears is just how you process it.

Councilmember Cowden: On how they grow the plant, okay. Thank you.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: I think you hit it right on the head, because everyone thinks that marijuana is good and that it is better to do marijuana than everything else. Marijuana is still a gateway drug according to everyone else. For me, we are asking these men all these questions on-air and at any time, you can go to the police station and get any information you want. I think the less said here as far as our Vice Unit or whatever is better to be left off the record and talk to behind the scenes. I am kind of uncomfortable with all the...we are trying to catch bad people and here we are trying to give whatever information we can on-air is just...I would rather keep certain questions to just about the funding and that is it. Let us keep it

at that and keep all the intelligence things behind the scenes. Being a former drug dealer and a drug user, I know how the system works and the more information you get out, the better it is for the drug dealers. So, we keep those sort of questions under wraps and talk to these people at the station, which you frequent how much times, so you can get all the answers you want there that is just my opinion on that. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you for sharing your expertise with me because, as I have owned, I am naive, but why I ask these questions is because not only was I asked about it on the radio and was pounded about it all week long and people are giving me a hard time because I am too clean, there is a very strong sentiment out there. I am asking questions that people are asking me, so I am not trying to create any kind of trouble for you. I just learned something I did not know. I had no idea about the bear traps, the booby traps, or the kind of dangerous behavior. I know you ask my kids, their friends, or even any of my students, I am so straight I do not want them doing any of it. I am on that page, but I did not know about what you just told me.

Mr. Ponce: You know that we have an open door and you can ask us any question. With marijuana alone, we have had robberies, we have had assaults, and a couple of years ago, we had an attempted murder down at Salt Pond just strictly dealing with the drug marijuana. So there are a lot of associated crimes related to it. Some of the dealers are territorial, some are willing to take each other out, and we have to stay on top of it because we do not want Kaua'i being like Puna and what Hawai'i Island is dealing with. We want to keep it where we can live, play, and work in a safe place.

Councilmember Cowden: Thank you for that. I really did not know any of that and I think many of the people who have been asking me that question do not know that. I would say that many of the people who have a lot of resistance to this are very light weight users who have back pain and use it to go to bed. They really are not very closely involved with any of it.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I am sorry you might have said it, but I just want to hear it; I missed it if you did with all this other discussion. Is the fifty thousand dollars (\$50,000) a part of something for this year and how often are we eligible for these funds? It is also a grant that we already was awarded, right?

Mr. Carvalho: Yes, and it is yearly.

Councilmember Kualii: Is it that similar amount and have we been getting it for a while?

Mr. Carvalho: We have been getting it, but the amount that we have been receiving has been decreasing.

Councilmember Kualii: Decreasing.

Councilmember Evslin: I have a follow-up to that.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Why is it decreasing?

Mr. Carvalho: It just depends on the amount that the federal government has as a whole and how they are going to disperse it for each county.

Council Chair Kaneshiro: Are there any further questions? If not, thank you. Is there any final discussion from the members?

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

The motion to approve C 2019-88 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-89 Communication (04/10/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$49,298.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and to indemnify the State of Hawai'i, Department of the Attorney General: Councilmember Kualii moved to approve C 2019-89, seconded by Councilmember Chock.

(Councilmember Kagawa was noted as not present.)

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

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

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

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

The motion to approve C 2019-89 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-90 Communication (04/12/2018) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Fire Fighters

Association (HFFA) Bargaining Unit 11 for the period July 1, 2019 through June 30, 2021 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 Kaua'i County Charter Section 19.13B: Councilmember Kuali'i moved to receive C 2019-90 for the record, seconded by Councilmember Brun.

(Councilmember Kagawa was noted as present.)

Council Chair Kaneshiro: Are there any questions? Again, this is just the Communication, the Bill will come up for first reading later in the day. Is there anyone in the audience wishing to testify?

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

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

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

The motion to receive C 2019-90 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

LEGAL DOCUMENT:

C 2019-91 Communication (04/12/2019) from the Deputy County Engineer, recommending Council approval of conveyance by the Department of Land and Natural Resources (DLNR) to the County of Kaua'i for a perpetual non-exclusive easement (Easement A-1) for bike/pedestrian purposes, Tax Map Key (TMK) (4) 4-6-014: portion of 030, Kapa'a, Kawaihau, Kaua'i.

- Grant of Non-Exclusive Easement

Councilmember Kuali'i moved to approve C 2019-91, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this? Bruce.

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

Mr. Hart: For the record, Bruce Hart. I took a look at this. The purpose of this easement is to improve an existing pedestrian easement to provide an Americans with Disabilities Act (ADA) compliant shared-use path connecting from Kūhiō Highway to Gore Park as part of the Lydgate Park to Kapa'a Bike/Pedestrian Path. This is something that regardless of how all of us feel about the bikepath, I guess it is the new (inaudible)—it is what it is and the bikepath exists. I would like to see this finished. Now as I said before, on occasion I ride bike and I do not think it is going to solve our traffic problems that I ride bike, but I ride bike and I would like to be able to

ride this section. I do not want to have to go out on the road, so I would really like to see this get finished. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Seeing none, are there any questions from the members on this?

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

Council Chair Kaneshiro: Is there any final discussion? Councilmember Kagawa.

Councilmember Kagawa: I am going to support it. I am surprised because I golf a lot, as you all know, and I witnessed the Lydgate bikepath area and I see a lot of traffic. A lot of local people and visitors are using it for exercise, so I will support this, connecting the rest so there is more area to use. Like I said, I really do not mind us doing it when it is going to be used and enjoyed by a lot of people, but what I do not want is us to spend a lot of money on those that we are not sure if they are going to be used. For instance, when I look at this Transportation Investment Generating Economic Recovery (TIGER) grant going behind the dip next to Elsie H. Wilcox Elementary School; I am not so confident that I can say a lot of people will be using it. Like I said, if it makes sense, I will support it, but when it does not make sense, of course, I will say something about it. That is just my two cents. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am definitely going to be supporting it. I appreciate when we have more of these and that there is more room for it to happen. We have just been talking to the Police Department and something that I am aware of is that the bikepaths often times create a little bit of problematic areas at night for the police to be trafficking. I think we probably need a bike department on the police department, not that we are usually finding people to fill that. I will definitely support this and I think it is important. As soon as this opens up, I am going to be using it.

Councilmember Kagawa: One person.

Councilmember Cowden: One person. I will be using it because I like to walk when I am in Līhu'e.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I have a question.

Council Chair Kaneshiro: We can have them come up.

Councilmember Evslin: Is this the raised path that has already been built?

There being no objections, the rules were suspended.

DOUGLAS HAIGH, Chief of the Building Division: Good afternoon. Doug Haigh, Department of Public Works, Building Division. Yes. This add came to Council many years ago, but the way these easements work with the Department of Land and Natural Resources (DLNR) is they give use the right-of-entry to build the improvements, but they do not give us the easement until they are done because they want to make sure that the easement is what we built. Sometimes when you build things, things do not work out exactly as we have planned. Yes, it is the Kawaihau Elevated Boardwalk section of the path that has been completed and this is the final document to formulize our easement.

Councilmember Evslin: Just one comment while you are up here. I think this path is great. I have used it many times and I see a lot of high school kids using it as a connection to Kapa'a Town. Kapa'a High School and upper Kawaihau Road is disconnected from Kapa'a Town and there is just no good way to get down there and now there is this great path. It has been full of people when I have gone on there, so good job.

Mr. Haigh: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Since you are here, I just want to say thank you and I know that the Army Corp of Engineers helped with that or the people who came over with the tropical...

Mr. Haigh: Yes, it was actually the Department of Defense, National Guard, and it was the Air Force...we actually had Air Force National Guard, Marines, and we had Sailors.

Councilmember Cowden: Well, they came over with the medical people, right?

Mr. Haigh: Well, this group came over special just for the path. We actually did part of it. The medical group came over as civil workers to support the medical setting up camps and they needed work to do while they are waiting while the medical work was being done, and so they actually built a portion of the path in 2016. Then we had the full support in 2017. We had over fifty (50) soldiers onsite at a time during construction.

Councilmember Cowden: Well that was truly a blessing. I like to walk that part of the path because it is just simply beautiful, it is great for watching the sunrise, and it is great in the evening and any time. Thank you.

Mr. Haigh: You are welcome.

Council Chair Kaneshiro: Councilmember Brun.

Councilmember Brun: Which path is this?

Mr. Haigh: This is the Kawaihau Elevated Boardwalk. It goes from Gore Park down to Kūhiō Highway. It starts right at the intersection of

Kawaihau and Kūhiō Highway. Part of the improvements of this path, well...it starts down there, but we actually hit the DLNR land right where that path goes inward from Kawaihau. There used to be a singular path, very steep and unimproved, and that is why it helped us get this easement because we now provide an ADA compliant path, safe path for the connection.

Councilmember Brun: Is it the one coming down from Mahelona?

Mr. Haigh: Yes.

Councilmember Brun: Is it wooden?

Mr. Haigh: It is actually fiberglass reinforced plastic polymer.

Councilmember Brun: Okay, are we going to start taking care of that? That is the one I was talking about with full of vines and everything.

Mr. Haigh: The Department of Parks & Recreation has been taking care of it for at least two (2) years now. We built it in 2017.

Councilmember Brun: We have been taking care of it?

Mr. Haigh: Correct.

Councilmember Brun: Okay. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I have one other question and maybe this is more appropriately addressed to the State, but I have heard concerns of the crossing. The path goes on to a sidewalk, the sidewalk then crosses the highway, and there has been concerns from people that crossing is unsafe. I believe there are flashers there.

Mr. Haigh: We provide rectangular rapid flashing beacons there. Actually, when we first put them in we just had lights around the signs and we did not feel that they were effective enough, so we did an upgrade and put the rectangular rapid flashing beacons there to enhance safety.

Councilmember Evslin: The concern I heard was that, I think there is a telephone pole there and so when people push the button there on the flashers and when you are coming from the North Shore side, it can be hard to see the person standing there waiting to cross.

Mr. Haigh: Yes, that pole is also problematic just for regular traffic safety, because even people making a left turn on the highway, that pole is in the way. It was a big issue for us when we were designing that crosswalk because we really wanted relocate that pole and Hawai'i Department of Transportation (HDOT) has wanted to relocate that pole, but it is kind of a unique situation where it would be extremely difficult to relocate that pole. It is something we had to live with, but we do

have the rapid flashing beacons and those clearly can be seen with the pole there. The pole is a challenge.

Councilmember Evslin: Yes. Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I apologize. I missed the mark; I thought this was Lydgate for some reason. I have been at Kapa'a High School for sixteen (16) years, so I know that you risk your life when you walk or ride bike up Kawaihau before we had that path, so definitely this was a much easier way to try and do shoulders on a road that the speed limit is low, but people fly it up and down because of the lack of housing abutting the road. This is definitely a great safety measure that we did, and we cannot go wrong supporting this path.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: Just based on all the different discussion, are there any plans to improve that entire intersection? There is talk about a roundabout near the bridge, right?

Mr. Haigh: Yes.

Councilmember Kualii'i: Mailihuna, I guess.

Mr. Haigh: The Hawai'i Department of Transportation does have plans. Larry Dill, the Kaua'i District Engineer has done presentations out in the community talking about the different traffic improvements for the Kapa'a corridor. There are a lot of traffic improvements that are needed along the Kapa'a corridor and that intersection is one of them. It is not the first priority. I am not exactly sure where it is on the schedule.

Councilmember Kualii'i: Do their plans address that pole issue?

Mr. Haigh: I am sure when they get to that intersection they will be dealing with that.

Councilmember Kualii'i: Will they involve us somehow?

Mr. Haigh: Typically, they involve the community. Since it is our road, Kawaihau, we would be involved in the discussions, our transportation engineers.

Councilmember Kualii'i: Do you know right around the corner where you go onto the bypass, is the bypass our road?

Mr. Haigh: No, the bypass is the Hawai'i Department of Transportation.

Councilmember Kualii'i: Is it a state road?

Mr. Haigh: Yes.

Councilmember Kualii: So right now, the fact that there is some room on the side of that road and some people park there, if people have an issue with that, they need to go to the State?

Mr. Haigh: That is correct.

Councilmember Kualii: Thank you.

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

Councilmember Evslin: As we are talking about poles, there is another pole right on our multi-use path, which I like that path a lot. I have been using it a bunch, but there is a telephone pole in the middle of it. What is the barrier to moving poles? Why is it so hard? Is it the Kaua'i Island Utility Cooperative (KIUC) decision?

Mr. Haigh: Are you referring to the one on the way to the Kaua'i War Memorial Convention Hall?

Councilmember Evslin: Yes, or wherever it is.

Mr. Haigh: Dealing with the utility companies is a challenge. We looked at those poles and looked at the effort...poles have a specific alignment with the wires and the poles; there is an orientation there. That intersection, at that point, there are different wires coming in from different directions and if you started the change in geometry, it became very hard. Early on, we went out there and met with KIUC, Hawaiian Telcom, and the cable folks; we all met and walked and looked at it. We asked what can we do here and there were real challenges with the geometry, so we felt it was easier to leave it where it is, yes, we have this pole here, it is not the best situation, but we have plenty of width so it is really not unsafe. It is unique.

Council Chair Kaneshiro: Are there any further questions? If not, thank you.

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?

The motion to approve C 2019-91 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

CLAIMS:

C 2019-92 Communication (04/05/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ramona M. Hanley, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2019-93 Communication (04/08/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sherrie Orr, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2019-92 and C 2019-93 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Claims?

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

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

Council Chair Kaneshiro: Seeing none, are there any questions or discussion from the members?

The motion to refer C 2019-92 and C 2019-93 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

RESOLUTION:

Resolution No. 2019-32 – RESOLUTION ESTABLISHING NO-PARKING AND TOW AWAY ZONES ALONG A PORTION OF HEHI ROAD AND AT THE ENTRANCE TO HANAMA'ULU BEACH PARK, LIHU'E DISTRICT, COUNTY OF KAUA'I: Councilmember Kualii moved for adoption of Resolution No. 2019-32, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this? Bruce.

(Councilmember Brun was noted as not present.)

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

Mr. Hart: For the record, Bruce Hart. The question I have that I think others may have is that I supposed we are going to an overview. I drove down to Hanamā'ulu Beach Park on Easter Sunday in order to try and get a perspective of where this "No-Parking Zone" is going to be. Going down, there is a whole lot of shoulder and it is adequate shoulder for cars to get completely off the pavement. On the other side, there is not; coming out. I am wondering why we need this. In the memorandum that the Acting Chief of Police Michael Contrades made a request for the "No-Parking" restriction to help his patrol officers better manage the park's closure at night. I definitely want to hear what the problem is and why we need to go to the expense of putting up a No-Parking zone. I also would like to

understand that some time back this Council may remember, although, Councilmember Cowden should remember she testified, and I do not think Councilmember Evslin was here, but there was an amendment to the Traffic Code 16-10.58, the lane of travel. I would like to know is this amended version of that parking code being applied in this situation. It is not directly related, but I believe it will be applied at the Hā'ena Beach Park whenever it opens up. That was the reason the amendment was made. These are the issues that I would like to understand. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Seeing none. We have some questions. Councilmember Cowden.

Councilmember Cowden: I went down there again today, I have gone down there a couple time since this has been on. I have to say that this is a really beautiful area underneath the bridge that is there. This morning I was talking story with the people who were parked there as they were setting little crab nets in the stream. I asked them what they thought about it. It seems like there is plenty of room to park there, are we closing it off because there is a houseless challenge that goes in there once we close the gate? Why are making "No-Parking"?

LYLE TABATA, Deputy County Engineer: Lyle Tabata, Deputy County Engineer. First, I would like to put a picture up on where we are asking for this action in our Resolution. Officers from the KPD can expound on the rationale of their request to the Department of Public Works. The extent is within the yellow shadow. "No-Parking and Tow Away" zone is what was requested. We understand the situation. During the park closures at night, there is a lot of activity that I believe our Police Captain can explain.

Councilmember Cowden: They are answering my question.

Council Chair Kaneshiro: Did that answer your question?

Councilmember Cowden: They are about to.

PAUL N. APPLGATE, Captain, Administrative & Technical Bureau: I can expound on that. Paul Applegate, Kaua'i Police. Mr. Tabata is right. One of the reasons is with the gate closure, the people that want to go into the park at night and do a lot of activities and we have a hard time in catching them at night in there, is that they park along the side of the road and just walk over the fence. By doing so, they block the main road also. The Parks people have complained about them being there in the morning when they get there. We do not have the resources to be patrolling a closed area during the night, so if we can push back their accessibility in parking further up the road, it makes it a lot harder for them to park and go into the beach park at night when it is closed.

(Councilmember Brun was noted as present.)

Councilmember Cowden: When they are in there at night, is it that they are sleeping or is it that they are dealing drugs?

Mr. Applegate: There is a lot of criminal activity that occurs in the park and when the gate is closed, the police will have to park outside and walk in, and they have ample time to hide and run. That is one of the main reasons we think they go into that gated area; is because we have to park outside and then walk in.

Councilmember Cowden: I am just genuinely asking; how much is the parking that is out there? Is it just that people do not have anywhere to go and they are sleeping in the back of their vans; is it much of that or is it mostly trouble?

Mr. Applegate: It is mostly that they park there and walk in.

Councilmember Cowden: But are they sleeping? Is it to go in to do bad things or is it because they have no place to go? Are they mostly parking and they are not sleeping in the car overnight?

Mr. Applegate: Most of them do not park their car outside and sleep in there—that we find.

Councilmember Cowden: Okay.

Mr. Applegate: The ones that we find in the park are usually doing criminal activities.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: The whole yellow mark goes down to Hanamā'ulu Beach Park and it goes up *mauka* of Kapule Highway, is that correct?

Councilmember Cowden: It is not very far.

Mr. Tabata: No. Kapule is the bridge.

Councilmember Kagawa: Oh, that is the bridge.

Mr. Tabata: Yes, it is under the bridge. It is still on the lower section.

Councilmember Kagawa: I am confused.

Councilmember Cowden: How long is that? Is that a couple few hundred yards, maybe one-tenth (1/10) of a mile, quarter (1/4) of a mile? It is not a long ways.

Mr. Tabata: Two thousand three hundred seventy-five (2,375) feet.

Councilmember Kagawa: Are the residents *mauka* of the "No-Parking" okay with the change?

- Mr. Tabata: In general, we have had numerous complaints regarding the activity.
- Councilmember Kagawa: From the residents?
- Mr. Tabata: Yes. KPD has asked for this.
- Councilmember Kagawa: And you are trying to help fix the problem.
- Mr. Tabata: We are trying to help pull back some of the action going down there.
- Councilmember Kagawa: So this could be temporary to see how it works and maybe we will have a better solution if it does not work.
- Mr. Applegate: Anything that helps, we appreciate.
- Councilmember Kagawa: Yes.
- Mr. Tabata: I am not speaking for the department, but primarily I believe this would be for the evening, nighttime hours.
- Councilmember Kagawa: That is when the problems are.
- Mr. Tabata: If people have parties and so forth, even though it is signed, I think, better discretion can be used when we have overflow and not enough parking down there.
- Councilmember Kagawa: Thank you. It sounds good to me.
- Council Chair Kaneshiro: Councilmember Kualii.
- Councilmember Kualii: With the map and the yellow area, at the bottom where the yellow ends on the road, is that where the gate is now?
- Mr. Tabata: The gate is at the entrance to the park.
- Councilmember Kualii: Before the parking lot and everything right there. Is the parking lot where the "H" is on Hanamā'ulu? Why is it so wide over there? Is it going into someone's yard over there?
- Mr. Tabata: There is a "Y" and there is a section that goes to the right side pavilion and the left goes to the road, it goes around.
- Councilmember Kualii: Do you see how the shaded area gets really wide at the bottom? That is where the Ki'ilau's house used to be, right? Is that private property and are there people living there still?
- Mr. Tabata: It is more closely depicted in the Resolution that was sent to you.

Councilmember Cowden: The house is beyond the road.

Mr. Tabata: I just had the Engineering shade the location.

Councilmember Kualii: Are we just talking about shoulders of the road?

Mr. Tabata: It is just the shoulder of the County's right-of-way.

Councilmember Kualii: Is it then for just the same hours of the park closure hours? The park closes at night, right? The gate closes and it is locked down and then Park workers go in and open it up in the morning, so is this "No-Parking" also during that same time? It does not state that in this Resolution.

Mr. Tabata: No, it does not.

Councilmember Kualii: The intent is twenty-four seven (24/7).

Mr. Applegate: Yes.

Councilmember Kualii: If you do this twenty-four seven (24/7), would you have any kind of mechanism where say the people who wanted to go fishing or crabbing alongside the river, where they can come and get a special pass of some sort so they would not be ticketed for doing that? It would be perfectly normal, good, and accepted activity and that people...

Mr. Tabata: We do not have provisions for handing out passes.

Councilmember Kualii: Maybe what you should do, then, if it is about the bad activity at night and the fact that closing the park is not working because they are all just parking at the entrance and then going in and making trouble any way, to close that whole parking area at the same time you close the park. That way someone who is fishing in the middle of the day, crabbing or whatever along the river, they would not be affected.

Mr. Tabata: We would have to look at that.

Mr. Applegate: We would have to look at that.

Councilmember Kualii: Would that be a consideration?

Mr. Applegate: I never thought about that.

Councilmember Kualii: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: The crabbers today, look like good, wholesome people setting net, grown up in the area, and setting their traps before going to work.

I am sure it was not problematic behavior right there.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: The question has been asked, which is about litigating access and to what degree. I totally understand the concern, the issue that we are dealing with. I am a little bit concern in terms of how much we should be taking away as it relates to others who are law abiding and need and want the access. If there is any consideration, if it is a nighttime thing, I would rather address it as a nighttime closure. My only request is that you might consider that because sometimes there are unintended consequences and it might not show up now, but I am sure it will come back to us in the future when people start to grumble and ask why they cannot park here when they are not doing anything wrong and want to just fish. That is my only concern. I understand the issues that surround that area though.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Do you know if they are Samoan crabs?

Councilmember Cowden: Little traps, not big ones.

Councilmember Kagawa: I do not really know where the crab...I know there is that little river, but it is not like a big river, like Hanapēpē River. I grew up right next to Hanapēpē River and that crabs used to be the best because you could see the diapers and whatnot inside the water, but the crabs used to be *ono*. I do not know whether we have that in Hanamā'ulu.

Councilmember Cowden: I was standing out there on the tree with them as he is dropping the things in. They are not big...I know you are half joking, but they really was doing it.

Councilmember Kagawa: I know, I saw the diapers like that.

Council Chair Kaneshiro: Maybe it was prawn traps. Councilmember Chock.

Councilmember Chock: Let me give you an example, there are a lot of community groups now days that are interested in taking care and stewarding areas. For instance, that area that we are talking about used to be fished heavily years and years ago, and it has been overgrown. Like other places, they are looking for access and that is part of what they are doing; they go and clean them up and they want to have access. I am just trying to be a little bit cautious in that light without sacrificing what the immediate problem is.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Is that the invasive lilies that you are talking about?

Councilmember Chock: Yes, completely.

Councilmember Kagawa: That is why I was saying, I do not know if you can really crab because the invasive lilies are just covering the entire river. It is weird. Maybe they are crabbing more by the ocean.

Councilmember Cowden: We were the tree. We were on a tree over the river and we were dropping them in, but close it at night and let them fish in the day.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Aside from the technical aspects of crabbing, which are important, I think, but is there opposition or a barrier or reason to not to just do "No-Parking" at night? If it was a no-parking sign that said "No-Parking 8:00 a.m. to 8:00 p.m." or whenever the park is closed?

Mr. Applegate: No. It was not the intent of this Resolution for it to be closed twenty-four seven (24/7). It was supposed to be during the evening hours.

Councilmember Evslin: But the signage envision would be just a "No-Parking" sign? Would there be hours on the sign?

Mr. Applegate: It should have hours on it.

Councilmember Evslin: Okay. I fully support the intent of it. Thank you for being proactive. If I was an officer, I would not want to walk through that park at night either.

Mr. Tabata: Can an amendment be made on the floor to restrict hours?

Councilmember Cowden: I move to amend that we add an hour restriction or closure hours.

Council Chair Kaneshiro: I am going to take a quick recess.

There being no objections, the meeting recessed at 12:18 p.m.

The meeting was called back to order at 12:19 p.m. and proceeded as follows:

(Councilmember Brun was noted as not present.)

Council Chair Kaneshiro: If we are looking to amend the Resolution with the time, then I am going to ask that we move on to the next item and we will come back to this, maybe after lunch, so that we can have something written. Are you okay with that? Okay, before we move on to the next item, are there any final questions? Okay, next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2746) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2746) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 29, 2019, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this bill?

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

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

Council Chair Kaneshiro: Seeing none. Do we have any questions? Is there any discussion from the members? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2746) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 29, 2019, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kagawa, Kualii, Kaneshiro	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

Council Chair Kaneshiro: Next item, please.

Proposed Draft Bill (No. 2747) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2747) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 29, 2019, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this bill?

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

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

Council Chair Kaneshiro: Seeing none. Do we have any questions? Is there any discussion from the members? Councilmember Chock.

Councilmember Chock: In the last few days there was a little bit of a communication back and forth between the Public Access, Open Space and Natural Resources Preservation Fund Commission (Open Space Commission) as it relates to this. I believe there may be a necessary amendment forthcoming and we do not have to bring it up here today, but my request would be that perhaps as it moves to Committee that we invite the representative from the Open Space Commission, because it was their amendment that was put in. It seems like there are some conflicting statements in it or a need for clarity as it is being presented. Jodi, since you are here, and I know you are aware of what has been going back and forth, if you have any initial statements about it, and then we can introduce the amendment.

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Director of Planning: Jodi Higuchi Sayegusa, Deputy Planning Director. We have been in contact and actually been working with your Council staff, Jenelle, on possible amendments to clarify the intent of the Open Space Commission. Just stepping back, it was really an effort to implement the Charter Amendment, which was approved at the last election because as it stands now, the ordinance is sort of not in conformance with the Charter Amendment, which only allows for the use of the fund for acquisition of property entitlements. Now, of course, it has brought in to include the use of the fund to include improvements. The Charter Amendment was pretty not "wordy" and so it was an attempt to implement that and also to color some intent by the Commission to introduce some clarification and what "improvements" may be. They included the use of the fund for existing coastal accesses versus all coastal accesses and also the intent was to limit it for accesses that the county has either an easement or property right by full ownership or an easement, a lessor property right. They did want to introduce limitations on the types of improvement, so it is fencing, signage, demarcation, and parking. That is the intent and the will of the Open Space Commission. We, as the department, acknowledges any use of the fund for be acquisition or improvements will eventually have to come before you folks to approve and so whether or not you folks are wanting to limit it at the ordinance-level or take it proposal by proposal and approve it, and approve whatever the proposed improvement may be. That is what we wanted to bring to your attention. We are not opposed one way or the other to that.

Councilmember Chock: I just want to mention that this body oversees ultimately the fund and the recommendations that come from the Open Space Commission, but we know that over time we try to power them and give them as much leeway as possible to make decisions. I think the only thing here is whether or not the intention here, which is to limit this amendment, is actually going to exclude us from future acquisitions. That is the concern that is on the table. Again, if we can

continue to have the dialogue and come to some agreement is what I would like to see as it moves on.

Ms. Higuchi Sayegusa: I forgot to mention there will be a representative from the Open Space Commission at the Committee Meeting. They do plan to be there for that meeting.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Is there also a consideration to require that the fund only be used if they approve it for signage? The common problem has been the Council sort of raiding their fund against their wishes and not listening to them, so can we add in something where they have to approve it?

Ms. Higuchi Sayegusa: I think the advice or we have always cautioned or briefed the Commission that ultimately, the fund approval and expenditures is really the Council's approval to do, but then again the Commission was created for a reason to be able to vet certain proposals. Whether you amend the ordinance to make that a mandatory prior to an expenditure, we will leave it up to you folks, but we ultimately always do clarify that ultimately any funding decisions does rest with the Council.

Councilmember Evslin: Yes, I think that the Commission, as a former member of it, they do so much work and I think there is a feeling that they do not get listened to, which causes burnout, "What is the point of doing any of this if no one cares," and anything we can do to empower them over control of that fund is important. I think control of the funds for signage would be one good way.

Ms. Higuchi Sayegusa: Definitely and there are experts around the island that really do have strong opinions about certain acquisitions around the island, so we do appreciate their input.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: The language as we already have pretty much includes the amendment that you talked about, "the moneys in this fund may also be used to improve public pedestrian access to coastal areas. Improvements to existing public pedestrian coastal accesses shall be limited to fencing, signage, demarcation, and parking." I thought I read, too, in the minutes from the Commission that they were going back and forth like, "Should we define improvements further," but that is there, right. This "fencing, signage, demarcation, and parking."

Ms. Higuchi Sayegusa: Right.

Councilmember Kualii: And the first part of it is more broad saying, "All access to coastal areas," but you are saying they may want to limit that?

Ms. Higuchi Sayegusa: Right.

Councilmember Kualii: In just the first part of that language they would send a recommendation to change. It would be ideal if they said that ahead, just like how we were considering this ahead.

Ms. Higuchi Sayegusa: I think we acknowledged that it probably could be further clarified. The first part of "Section C" is straight from the Charter Amendment, but it acknowledges that if at acquisition we are inquiring a new acquisition, the funds used for improvements would not be limited to just fencing, signage, demarcation, and parking. But if there is already property entitlements that exist on paper only and there is no clear path, then the fund would only be used to fencing, signage, demarcation, and parking. It was an attempt to create a distinction of new acquisitions versus ones existing and then limiting the use of the fund for existing acquisitions to just those four (4) things.

Councilmember Kualii: If we are doing that now after the voters have already voted on the Charter Amendment, are we honoring what they voted on? Because you are saying that this language is exactly what is in the Charter, but they want to amend that to clarify it. They should have done that before the voters voted.

Ms. Higuchi Sayegusa: The Charter provision was pretty broad. It just opened the door for the use of the fund for improvements. It is also an acknowledgement that the fund is finite and grows every year, but yet it ebbs and wanes whenever there is an acquisition that takes away a lot of the fund. In the same way they do not want to use up the fund unlimitedly for improvements; it is a balance of how much funds are there and what gets prioritized. It was to try to limit improvements in some way to allow for other acquisitions or other priorities to be had addressed.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Are there any other questions? If not, thank you. Any discussion from the members? Councilmember Chock.

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

Councilmember Chock: Just real quick in regards to the particular section. I think where the lack of clarity may sit is in how we define existing, meaning does that mean it has to be a County or State property and to see to what extent we should be allowing that type of activity. Again, staff has begun working on an amendment, so I expect that we would have more clarification and discussion with the Open Space Commission as it moves forward.

Council Chair Kaneshiro: Is there any further discussion? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2747) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 29, 2019, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kagawa, Kuali'i, Kaneshiro	TOTAL – 7*,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

Council Chair Kaneshiro: With that, we are at 12:35 p.m., we will take a lunch break and come back. We still have one more Bill for First Reading, we will come back to the Resolution, and then we have an Executive Session. One-hour break for lunch.

There being no objections, the Council recessed at 12:32 p.m.

The meeting was called back to order a 1:36 p.m., and proceeded as follows:

(Councilmember Kuali'i was noted as excused.)

Council Chair Kaneshiro: Welcome back. Can we take Resolution No. 2019-32? The motion on the floor is to approve and I know there was discussion about amending it.

Councilmember Kagawa moved to amend Resolution No. 2019-32, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Chock.

Council Chair Kaneshiro: We will take public testimony on the amendment. The amendment adds in a time. All it says is, "tow away zones where parking is prohibited shall coincide with the closure of Hanama'ulu Beach Park." Therefore, the same time they close the gate is the same time the parking along the road will be enforced.

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

Mr. Hart: For the record, Bruce Hart. I understand the issue, I think we all do, the park is closed to everyone. I just want KPD to have all the tools that they need in order to be able to take care of the situation. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify?

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

Council Chair Kaneshiro: Are there any questions from the members?
Can I get a roll call vote on the amendment?

The motion to amend Resolution No. 2019-23, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by the following vote:

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

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Can I get a roll call vote on Resolution No. 2019-23, as amended.

The motion for adoption of Resolution No. 2019-23, as amended to Resolution No. 2019-23, Draft 1 was then put, and carried by the following vote:

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

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Motion passes as amended. Next item, please.

(Councilmember Brun was noted as present.)

Proposed Draft Bill (No. 2748) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Cowden moved for passage of Proposed Draft Bill (No. 2748) on first reading, that it be ordered to print,

that a public hearing thereon be scheduled for May 29, 2019, and referred to the Committee of the Whole, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Are there any questions from the members? Let me take public testimony first. Is there anyone in the audience wishing to testify on the Fire Collective Bargaining?

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

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

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a very simple question. When we have this with the Committee of the Whole, are we going to have the opportunity to speak to the members of the Fire Department and the union? Will we be able to have a robust conversation on it?

There being no objections, the rules were suspended.

JANINE M.Z. RAPOZO, Acting Director of Human Resources: Janine Rapozo, Acting Director of Human Resources. I am not sure if they are going to be here to answer any of your questions. I suppose you can ask them to be here.

Councilmember Cowden: Because there is a lot in there.

Council Chair Kaneshiro: The contract is a contract. We are not going to be able to negotiate the contract here. Our decision is to whether to accept, approve, or not approve it.

Councilmember Cowden: Do we even have an opportunity to discuss it?

Council Chair Kaneshiro: We can discuss the terms of the contract with Janine and we can do it in the Committee, if there are any questions on the terms.

Councilmember Cowden: Okay. I guess when I watch how robustly...I know that we cannot negotiate those other things, but when we are asking for something less here with the Administration, we just need a "thumbs up" or "thumbs down" on all these other raises?

Council Chair Kaneshiro: For Collective Bargaining for the Fire Department, yes, it is "thumbs up" or "thumbs down." There is no taking out sections or anything like that. Councilmember Kagawa and then Councilmember Chock.

Councilmember Kagawa: Definitely a "thumbs down" for me. Janine, can you explain the bonuses? It is between one thousand eight hundred dollars (\$1,800) and two thousand dollars (\$2,000) per year, per employee.

Ms. Rapozo: Correct.

Councilmember Kagawa: Will they get that at the end of the year like a Christmas bonus or would it be spread out over twelve (12) months?

Ms. Rapozo: No. It is effective July 1st. They would either get one thousand eight hundred dollars (\$1,800) or up to two thousand dollars (\$2,000) depending on long they have been in service.

Councilmember Kagawa: Were you sitting on the negotiation team?

Ms. Rapozo: I was not on the panel for the actual arbitration.

Councilmember Kagawa: What is the rationale for that? Are firemen leaving their job because they do not have bonuses? What is the reason of giving a bonus? Have they been diving into more fires? What is the reason why the State feels that they need a one thousand eight hundred dollar (\$1,800) to two thousand dollar (\$2,000) bonus when we have no trouble filling fire vacancies at all? I want to know why. We have big teacher vacancies, huge, over two thousand five hundred (2,500) vacancies. We have substitutes teaching math, science, and English and they are not even certified in those subjects. Why do they need those bonuses?

Ms. Rapozo: Basically, it is an arbitrated decision. The arbitrator in his decision that was attached to the bill, there were two (2) things he said, that it was public safety position, as well as...

Councilmember Kagawa: They already have the rank-for-rank.

Ms. Rapozo: They do. He believed there was an ability for the employer group to pay for this.

Councilmember Kagawa: Oh, he feels that the budgets of the City and County of Honolulu and the State have enough to pay bonuses.

Ms. Rapozo: That is what I read in the decision.

Councilmember Kagawa: Thank you. Yes, I disagree with the judge or whatever that is.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: You were not present, but we had a representative from our County on the deliberation?

Ms. Rapozo: The County of Hawai'i Human Resources (HR) Director sat on the panel, so there is a neutral arbitrator and the union has one representative, and the employer group picks one representative for the panel that hears the case.

- Councilmember Chock: Do we get our own for our County?
- Ms. Rapozo: The employer group selects one.
- Councilmember Chock: Only one (1) out of all the Counties?
- Ms. Rapozo: Yes, for the panel.
- Councilmember Chock: Yes.
- Ms. Rapozo: And the employer group as a whole votes on certain things, but when it gets to arbitration, then there is a panel that would make the decision.
- Councilmember Chock: Prior to this panel, that is when everyone else was included. I am trying to get a sense of the process.
- Ms. Rapozo: Yes, you start with negotiations and both sides put their things in front of you on the table to see what types of issues they want to discuss, cost or none cost. If we cannot agree on certain issues, then it goes to arbitration.
- Councilmember Chock: And that is why we got to these points where, like for instance what I hear is, "rank-for-rank recall," is one of the points of discussion that was initiated, but never decided upon at the panel-level, is that correct?
- Ms. Rapozo: He did decide. He basically said that he rejected the employer's stance of eliminating rank-for-rank and he felt we had the ability to pay for that and these are public safety positions.
- Councilmember Chock: I am trying to get a better sense because we are not there and we are not allowed to be...but how are we being represented? Because this is where the decision gets made and the arbitrator actually comes down, but if we had one County represented in this discussion, that can be conflicting. Do they essentially stay neutral on this? How do they make a decision based on what every County's interests are?
- Ms. Rapozo: Let me clarify. He is our representative, so anything that is discussed at the panel-level that a decision needs to be made, he needs to come back to the employer group for whether or not we concur or whether or not we decent. Just as a reminder, the State has four (4) votes and each County has one (1) vote, so even if we were not in favor of this, it may not be reflected of that because the employer group as a whole could have possibly voted for it.
- Councilmember Chock: In a nutshell, could you tell us what it is we are voting on? I hear bonuses, I know there is a two percent (2%) increase, but what else are we saying "okay" to?

Ms. Rapozo: It is a two-year contract, so it is two percent (2%) each year, on July 1st, it would be two percent (2%) across the board for the current salary schedule, and that was attached as far as what it would be. Each July 1st, there would be a bonus for all of the firefighters, except for recruits. It would be from the Firefighter I up to the Assistant Chiefs—they would get up to one thousand eight hundred dollars (\$1,800) and two thousand dollars (\$2,000) in twenty-five dollar (\$25) increments, depending on how many years of service they are with the department.

Councilmember Chock: Are those the two (2) conditions that we are voting on.

Ms. Rapozo: Across the board and the bonus.

Council Chair Kaneshiro: There is also “step movements,” right?

Ms. Rapozo: Yes, excuse me. The salary scale does have step movement, but not everyone will get it. I believe it is an every three (3) year step movement, but if you look at it year-per-year, it is about a one point two percent (1.2%) increase that would be in addition to the cost of this particular contract.

Councilmember Chock: What is the scope of the bonus that we are talking about?

Ms. Rapozo: As far as the scope...

Councilmember Chock: How much are we talking about in terms of...by position, I am sure is different, but...

Ms. Rapozo: It would be for each person between one thousand eight hundred dollars (\$1,800) each year and two thousand dollars (\$2,000). The most would be two thousand dollars (\$2,000) and the least would be one thousand eight hundred dollars (\$1,800).

Councilmember Chock: Thank you.

Council Chair Kaneshiro: In the report, it says we had one hundred forty-six (146) employees, so at the lower one thousand eight hundred dollars (\$1,800), it is about two hundred sixty-two thousand dollars (\$262,000) per year. That is at the lowest. Are there any other questions from the members?
Councilmember Evslin.

Councilmember Evslin: It might be a question for Ken, but in the summary of his testimony during arbitration, it mentions and I will just read the entire thing, “based on the unions proposals as well as the scheduled increase in Employees’ Retirement System (ERS) contributions, the County projects year over year expenditure increases in the following percentages.” It is five percent (5%) in 2019, eight point seven percent (8.7%) in 2020, twelve percent (12%) in 2021, and

basically eleven percent (11%) or twelve percent (12%) over the next two (2) years after that. That is based on the union's initial ask for four (4) years. They wanted two percent (2%), two percent (2%), three percent (3%), and three percent (3%), right? The ultimate arbitration was just two (2) years instead—two percent (2%), two percent (2%), right?

Ms. Rapozo: Yes, the employer group asked for two (2) years, so in that respect for the duration, the arbitrator sided with the employer for a two-year contract.

Councilmember Evslin: Were these projections based on the union's proposals on four (4) years, right?

Ms. Rapozo: I believe so. What page are you on?

Councilmember Evslin: I am at the top of page 12. The only reason that stood out to me was that it seemed like a staggering increase—2020, 2021, 2022, 2023, so my real question just along those lines would be, how much difference does three percent (3%) make compared to two percent (2%) if we are looking potentially at a two percent (2%) all the way for four (4) years? Was that twelve percent (12%) increase mainly because of the three percent (3%) firemen proposed raises?

Ms. Rapozo: Just reading the arbitrator's decision, he felt that the employer group did not have a strong case to say that we did not have the ability to pay. He crafted it in "across the board" increases, as well as the lump-sum payments. Just bear in mind that the lump-sum payments is actually helpful in a way in that it will not increase the base going forward. The two percent (2%) increase will increase the base as we go forward, so if he went three percent (3%) instead of a bonus, it would actually worse going forward. The lump-sum actually helps us in a way. It does not help us, I know, in spiking and all of that, but it still does not increase the base as the two percent (2%) would.

Councilmember Evslin: As I am trying to frame the question in my head, it would be good to may be when we get to Committee or later on, to get from Ken, how those projected budget expenditures have changed with this now. Are we still in the twelve percent (12%) range at 2020, 2021, 2022 or not? Can we have some explanation from Ken on why we increase so much in those later years?

Ms. Rapozo: Okay.

Councilmember Evslin: I know that is sort of tangential to this actual discussion.

Ms. Rapozo: Yes.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Ken Shimonishi sat on the...

Ms. Rapozo: He testified at the hearing for the employer group.

Councilmember Kagawa: What did he testify on?

Ms. Rapozo: He presented our financials.

Councilmember Kagawa: He was not successful then? It was not successful in preventing this generous contract from being awarded.

Council Chair Kaneshiro: It is a tricky question because if you read the arbitration, it is like, the better you do at saving and being fiscally responsible, the worse it ends up on the contract side, because they will say, "Yes, you have a reserve, you are doing good, and you can pay."

Ms. Rapozo: Yes.

Council Chair Kaneshiro: The way I read it is like we have to be completely broke and misappropriate all of our funds and pretty much "bomb" the budget in order for the arbitrators to say, "Oh, maybe they do not have the ability to pay." But it always looks like they use that word "ability to pay," and when you use the word like that, we can raise taxes, we can take money from other projects, other departments—it is very hard to defend, "ability to pay."

Councilmember Kagawa: "Ability to pay" does not mean "I can spike if I want," and that is what the Fire Department portrays, looking at the numbers from ERS. They need to learn what "ability to pay" means, because apparently they do not know what that means.

Council Chair Kaneshiro: Are there any further questions? I may have a legal question. It may be unprecedented, but what happens if we vote down the contract, which I cannot remember it ever happening yet.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. Under Hawai'i Revised Statutes (HRS) Chapter 89-10, all the cost items are subject to the legislative body's approval, so all the Counties have to approve them. If one of the legislative body's votes it down, it is returned back to farther bargaining and that is also under HRS Chapter 89-10. "Unprecedented"—I actually looked into it to actually see it had not occurred and all I only been able to find one (1) occurrence of it, which was in 1979; the State actually voted down the Hawai'i Fire Fighter Association (HFFA) arbitrated award, such as the one that I am aware of.

Council Chair Kaneshiro: Do you know what happened after that? Did they renegotiate at a different rate or did they just come back two (2) years later and say, "This is what it is supposed to be," and just...

Mr. Bracken: I do not know the result. I talked with Ms. Rapozo about it and she reached out to the other HR Managers. That institutional knowledge that exists in 1979 that could have told us what happened no long exists.

Council Chair Kaneshiro: We do not have information from 1979? I was not born yet. Councilmember Chock.

Councilmember Chock: If they cannot come up with a decision, ultimately do they have to go to court?

Mr. Bracken: The way it works is this is being presented to all of the legislative bodies. If any of the legislative bodies vote it down, then we go back to arbitration and we are back in front of the arbitrator.

Councilmember Chock: What if they cannot decide on the second round?

Mr. Bracken: They would have to, right. The arbitrator would have to make a decision again and then we would be back here again. It goes back to arbitration. The arbitration is supposed to be binding, subject to your approval, so it would just go back there and potentially back here again.

Councilmember Chock: We could essentially keep going around, around, and around, right? Is there another resolution to it other than the arbitration? Is that what you are saying?

Mr. Bracken: Yes. That is how it is designed. It is designed to go through the arbitration process. In 1979 when it was voted down, the union filed a Prohibited Practice Complaint, which went to Hawai'i Public Relations Board (HPRB), which is now the Hawai'i Labor Relations Board (HLRB). There is a potential for a Prohibited Practice Complaint that would go in front of that board and then could end up in court, because that can be appealed to court, but the actual negotiation of raises and that sort of thing should stay at the arbitration-level.

Council Chair Kaneshiro: Are there further questions for the County Attorney? Councilmember Evslin.

Councilmember Evslin: In the packet, it mentioned that the estimated average annual wage increase in Hawai'i was three percent (3%) last year and that for unionized employees, it was two percent (2%) across the State. Do we have similar information for the rest of the County what the average annual wage increase was last year or what it will be this year?

Ms. Rapozo: Are you asking for the current year?

Councilmember Evslin: Either one or both.

Ms. Rapozo: Firefighters, last contract was a two-year contract, so it was...

Councilmember Evslin: I am sorry. Everyone except for firefighters.

Ms. Rapozo: Okay. Just to let you know it was two percent (2%) and two point two five percent (2.25%) each year. Similarly, it was the same for the Hawai'i Government Employees Association (HGEA) Bargaining Units 2, 3, 4, 13, and 14. Some of them had bonuses. I think Unit 14 had a five hundred dollar (\$500) bonus. I think Unit 3 and 4 had a one hundred fifty dollar (\$150) bonus. The make up of the award is sometimes differently. Some people take it in bonuses. United Public Workers (UPW) actually delayed their "across the board" increase, so that they could get a bigger bonus, because basically they are delaying it, meaning it would cost less. The across the board would come later. UPW has a four-year contract. They do not have step movements, so because of that they had a two percent (2%) as well as a one point two percent (1.2%), at some point. Right now, we are also negotiating with them for their next two (2) years in their UPW, even if it is a four-year agreement, they had a reopener to look at what would be the value of a step movement because they do not have one, so that would be an increase in raises. I believe they are going to ratification votes this week to see whether or not the membership would approve what the employer group came up with the negotiating committee. State of Hawai'i Organizations of Police Officers (SHOPO) already has a four-year contract, so the first two (2) years of their contract was two percent (2%) and two point two five percent (2.25%), and their third and fourth year, was two percent (2%) and two percent (2%), so similar to what Fire is presenting right now with pretty much the same bonuses that are on this contract.

Councilmember Evslin: Okay. During the conversation of the Salary Resolution, somewhere in there was mentioned that two point five percent (2.5%) was the consumer price index (CPI) that they used to sort of show why we need these step increases. Is two point five percent (2.5%) the CPI...is an increase in two percent (2%) just sort of staying steady with the cost of living increases with inflation?

Ms. Rapozo: I do not have that information, but I believe at the last round, that was about where it was hovering at that two percent (2%) for cost of living.

Councilmember Evslin: Okay. Thank you.

Council Chair Kaneshiro: Can you explain the step movements to me? How does it work? I think they basically just updated the step movements with the two percent (2%) increases or did the step movements have any other changes? They may have added one more movement to it, but...

Ms. Rapozo: All the step movements are basically just two percent (2%) on the first year and then two percent (2%) on the second year. There is one more salary scale that is dated June 30, 2021 at 11:59 p.m., which is basically putting it into the next contract year. We are adding in an L-6 step and that would be for firefighters with twenty-eight (28) years or more service. That was similarly done with SHOPO. Part of the reason was that firefighters and police officers now have to work thirty (30) years in order to retire and so they would have been stuck in that last step, so we added that step in.

Council Chair Kaneshiro: Okay. Are there any further questions? If not, thank you. Is there any discussion from the members? Councilmember Kagawa.

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

Councilmember Kagawa: I am going to take an unusual stance and actually vote this down on first reading. Can staff put the information on the overhead? This is from ERS. Fire is the first one coming up for a pay raise and this is an excess pension amount, dated June 30, 2018, relating to the Fire Department. If you look, they are by far the most abusers of pension spiking. It is a very embarrassing category to lead the nation in, but they do. Yes, they protect public safety, but if you look at the details provided by ERS, to me it amounts to fraud. It is taking care of the "haves" and shafting the "have nots." This is with taxpayer money. If you are going to do that with your own money, go ahead. This is Chief Westerman's money, go for it. This is the County of Kaua'i taxpayers' money. Whoever approves the way we were approving overtime, I would have your antennas up because this is just the beginning. Can I get the next slide? This is the most "haves" and if you look at the excess amounts attributed, this is moneys that are unanticipated. This is a reverse Christmas present to the County of Kaua'i. This is a bill from ERS. If you look at some of these employees, three hundred thousand dollars (\$300,000), two hundred ninety-four thousand dollars (\$294,000), and again I went over in detail with Council Chair Kaneshiro that it shows how glaring bad it looks where these employees, prior to hitting their final three (3) years, they make twenty thousand dollars (\$20,000) in overtime, and then the last three (3) years, it just goes up to sixty-seven thousand dollars (\$67,000). It is just really bad. Like I said, it amounts almost to fraud. What were we doing? What were the prior Administration doing? What is the current Administration going to do to eliminate this problem? This is not your money as Administration of Fire to give bonuses to certain individuals prior to their retirement. This is not how it works. This is the County of Kaua'i's taxpayers' money. This is not your money as administrator of a department to take care of your buddies. This is not and is unacceptable. I cannot even fathom giving them a big bonus to start off the year in a form of this contract. The only way I would feel a little bit more comfortable is if the bonuses came out. The bonuses are totally unacceptable. We have no shortage of applicants for the Fire Department, not on Kaua'i. Maybe in Honolulu. I think we need to be separated from Honolulu. Honolulu deals with some big time things with the high-rises and what have you. Kaua'i is rural, mellow, and this is an easy place to be a firefighter, relatively, when you compare to big cities. We pay somewhere in the middle or to the higher upper middle in the State and in the United States of America, and we are a small, rural county. This is overly generous, especially for the Kaua'i firefighters. I appreciate the jobs they do, I do not appreciate prior managements handling of excess pension spiking and I will not back off until I see this problem eliminated. It is unacceptable, it is fraudulent, and when taxpayers learn of this, they are going to be outraged. Two million one hundred thousand dollars (\$2,100,000) can do a lot of good for our community and our children. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I want to thank Vice Chair Kagawa for his comments. I think when you look at those figures, they are very telling. It is definitely a management issues as it relates to overtime, from my perspective, and that is something we need to consider moving forward. I have the same questions about how we intend to curb that type of overtime, but at face-value it looks like gaming the system, absolutely. I am not sure if this particular bill and collective bargaining item is as related. I do believe in talking to fire officials that it is more of an overtime issue. I also think that what I have heard initially with this new Administration is a focus effort on rank-for-rank and managing rank-for-rank more equally distributed. I am looking forward to having more of the information. I would like to actually invite the Fire Department to come back to the table as this goes to the Committee of the Whole. The other piece as Janine talks about is, strategically, how do we approach even trying to make a difference here because it is almost impossible to get out of. As Vice President of Hawai'i State Association of Counties (HSAC), I think maybe something that can go back to HSAC in terms of asking, "Let us approach this from a collective standpoint and get our Counties together." If we come in together and say, "No, enough is enough and this is how we are going to approach this," then I bet you we would have at least an arbitrator's voice that would understand the complexity of that and be able to stand a little bit more firm on it. I feel a little bit differently about the bonuses as it relates to what Janine said because I almost feel like if we did not have the bonuses, where we would be? Would we be at three percent (3%) and then forever be affected by that in the long-run have to pay for that? While I do not agree that bonuses do not feel good to me as well, I am almost feeling like the lesser of two (2) evils in this particular case. Anyhow, I am looking forward to further discussion along with the Fire Department as we move forward. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When we spent three (3) different sessions talking about the Salary Commission and how we deal with the leaders, part of the problem is this inversion and here we are increasing the inversion again on the very same day that we are trying to bring forward the top management pay. It all feels pretty uncomfortable to me. I think these are pretty well-paid positions already. It is not an easy support for me.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I hear what Vice Chair Kagawa is saying and I think though it is important for us to keep the two (2) issues somewhat separate. I do not want to get into the habit here of sort of a "tit for tat." Spiking is clearly a major problem and I think the problem...it is a management issue. I think we heard Deputy Fire Chief Vaughan speak in depth on spiking during budget and we need to hold him accountable to reducing those spiking levels, but the very vast majority of firefighters are not spiking. They are not on that list of seven (17) or they are not retiring this year. I think yes, by all means, we need to do everything that we can to get a handle on that, but I think the conversation about the contract is and should be somewhat a separated.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kagawa.

Councilmember Kagawa: I would just like to close with requesting Janine...I feel like it is going to pass and the last time you provided that very helpful tool that I use all the time where you showed over the past...we had ten (10) years to fifteen (15) years, where you showed all the different unions and you will glaringly see how far ahead the Police and Fire are in comparison. Make sure we add in rank-for-rank. Let us add in everything that is attributed, if you can, if you cannot, that is okay. You will see that the Police and Fire goes up seventy percent (70%), Hawai'i State Teachers Association (HSTA), HGEA, and whatever stays at thirty-five percent (35%). I can see why the Police is doubled, because no one wants to be a cop, but everyone wants to be a firefighter. Why do they have the same as the police? At some point, are we going to do what is right or are we just going to give them, "Just because they are supposed to be seen as public safety." It should be like basically a business. For instance, what you can afford to pay, what is the going rate, that is what you pay.

Council Chair Kaneshiro: Councilmember Kagawa, I apologize, but your time is up.

Councilmember Kagawa: I am sorry. Did I run out of time?

Council Chair Kaneshiro: Yes, you had your entire presentation.

Councilmember Kagawa: I only used three (3) minutes...

Councilmember Brun: You can use mine.

Council Chair Kaneshiro: No. This is only first reading.

Councilmember Kagawa: But I wanted Janine to provide that because I think it is helpful to these folks; maybe they was not watching back then, but you will see what I am talking about. You can judge the contract in comparison to all the other members that endorse you as well.

Council Chair Kaneshiro: Are there any further comments? Again, this is to get this through first reading to go to public hearing. As far as I am concerned, yes, I am concerned with the collective bargaining agreement also. I do not understand the nexus for the bonuses. When you look at the county as a whole and where our resources are, Fire is doing good. If you look at Police, we cannot even fill a recruitment class on police and so you kind of question where should our resources be going, what needs help, and what does not help. Again, if you look at our overall cost of an employee, it is not just the salary, it is not just the bonuses, and it is not just the step movements. On our side we have ERS, which is constantly going up. It is going to end up at about forty-two percent (42%) of an employee's salary, we have health benefits, and then yes, when we get a bill like spiking, that affects everything. Luckily, Fire had enough money in their budget to pay for that, but if a day comes when Fire does not have that amount, where is that money going to come from? It is

going to come from the County somewhere. Maybe from other programs, maybe from the Reserve, from somewhere, but it has to get paid and to me that is a grave concern when you start looking at how much we are paying for one employee. It really needs to get reeled in. I think that is what makes something like this a little more difficult to swallow. I am willing to pass it on first reading, but we will see what happens when it goes into Committee and full Council. With that, can I get a roll call vote?

The motion for passage of Proposed Draft Bill (No. 2748) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 29, 2019, and referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Cowden, Evslin, Kaneshiro	TOTAL – 5,
AGAINST PASSAGE:	Kagawa	TOTAL – 1,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Kaneshiro: With that, our final item.

EXECUTIVE SESSION:

ES-991 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 a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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 Kagawa moved to convene in Executive Session for ES-991, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this?

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

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

Council Chair Kaneshiro: Seeing none, are there any questions or discussion?

The motion to convene in Executive Session for ES-991 was then put, and carried by the following vote:

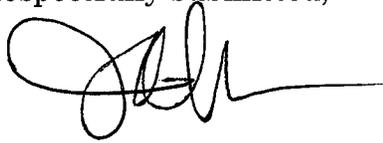
FOR EXECUTIVE SESSION:	Brun, Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: With that, we are done for today. Thank you.
We will be in Executive Session.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:12 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks

(April 24, 2019)

FLOOR AMENDMENT

Resolution No. 2019-32, Relating to No Parking and Tow Away Zones along a portion of Hehi Road

Introduced by: Councilmember Ross Kagawa (By Request)

Amend Resolution No. 2019-32 by amending SECTION 1 to read as follows:

“SECTION 1. No-parking and tow away zones where parking is prohibited [at all times and days] shall coincide with the closure of Hanamā‘ulu Beach Park and are hereby established along both sides of Hehi Road and at the entrance of Hanamā‘ulu Beach Park, from a point 1,600 feet east of the centerline of Hanamā‘ulu Road to a point 2,375 feet east of Hanamā‘ulu Road, as shown on Exhibit “A,” which is attached hereto and incorporated herein by reference.”

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

*Cm Kagawa moved to amend
Resolution No. 2019-32,
seconded by cm chock,
motion passes as amended.*