

## COUNCIL MEETING

MAY 8, 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, May 8, 2019 at 8:35 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present 9:29 a.m. to 12:04 p.m.*)  
Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin  
Honorable Ross Kagawa  
Honorable KipuKai Kuali'i  
Honorable Arryl Kaneshiro

### APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Kagawa.

Council Chair Kaneshiro:           Is there anyone in the audience 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, members, is there any discussion?

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

Council Chair Kaneshiro:           The motion is carried.

### MINUTES of the following meetings of the Council:

March 13, 2019 Council Meeting  
March 27, 2019 Council Meeting

Councilmember Kuali'i moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

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, carried by a vote of 6:0:1 (*Councilmember Brun was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

CONSENT CALENDAR:

C 2019-96 Communication (04/09/2019) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019.

C 2019-97 Communication (04/25/2019) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2019-2020 term, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc.

C 2019-98 Communication (05/01/2019) from the Acting Director of Human Resources, transmitting for Council information, the May 1, 2019 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2018-2019.

Councilmember Kualii moved to remove C 2019-96 and C 2019-98 from the Consent Calendar, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: 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: Councilmember Cowden, do you have a question on it?

Councilmember Cowden: I just wondered if we are going to be able to ask questions about this page.

Council Chair Kaneshiro: Moving C 2019-96 and C 2019-98 means it will come into Communications where we will talk more about it.

The motion to remove C 2019-96 and C 2019-98 from the Consent Calendar was then put, and carried by a vote of 6:0:1 (*Councilmember Brun was excused*).

Council Chair Kaneshiro: Motion carried. Can I have a motion for C 2019-97?

Councilmember Kualii moved to receive C 2019-97 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: 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 receive C 2019-97 for the record was then put, carried by a vote of 6:0:1 (*Councilmember Brun was excused*).

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair Kaneshiro, did you want to handle the Consent Calendar items?

Council Chair Kaneshiro: Yes, let us start with C 2019-96.

### COMMUNICATIONS:

C 2019-96 Communication (04/09/2019) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019: Councilmember Kagawa moved to receive C 2019-96 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: With that, I will suspend the rules. Councilmember Kualii, do you have questions?

There being no objections, the rules were suspended.

Councilmember Kualii: Hi, and thank you for being here. I appreciate this report especially now with budget decisions coming up. I know in the status column you have provided some good comments and descriptions on some of the items, but some of them are still blank. Will you be able to give some clarity or some information on that?

REIKO MATSUYAMA, Director of Finance: I have it.

Councilmember Kualii: On page 3, the item under Police Bomb Squad Unit Equipment and Training, three hundred eighty thousand dollars (\$380,000), what is "NTBP"?

Ms. Matsuyama: These status and comments come directly from the departments.

Councilmember Kualii: I am guessing it means, "Not To Be Purchased."

Ms. Matsuyama: It is possible. I will have to follow-up.

Councilmember Kualii: Okay, follow-up please, as soon as possible. There are a few items a little further down that have to do with leases. Right below Public Works-Highway, Crewcab Pickup Truck (LEASE), the budgeted amount is sixty-eight thousand dollars (\$68,000), the expenditure amount is fifty-five thousand dollars (\$55,000), and the comments say, "Lease five-year, total two hundred seventy-nine thousand eighty-two dollars (\$279,082) at thirty-five thousand dollars (\$35,000)." Then the next one, which is for the same description, 6-Man Crewcab has a different number and has a code, C9738, with nothing further. Now, the first one does say there is a quantity of seven (7), then the next one says, there is a quantity of one (1). I am comparing them trying to make some logic out of what this means. How much is being spent on each? Again, you are going to tell me it is coming from the department.

*(Councilmember Kagawa was noted as not present.)*

Ms. Matsuyama: Yes, for the lease financing one, the amounts that are in the budget are placeholders, because we are guessing at the interest rate and terms. The amounts could vary when we go to the bank to negotiate.

Councilmember Kualii: Do you see how the first item has seven (7) quantity and the next has one (1)?

Ms. Matsuyama: Yes.

Councilmember Kualii: It is not seven (7) times that amount.

Ms. Matsuyama: Yes, the second one could be—the purchase might be outright, as opposed to lease financing. I will have to double-check on that.

Councilmember Kualii: Okay, so another follow-up. Similar on the first page, it talks about leases, again. In essence, these moneys are available in the current year budget that has not been expended and are trying to get these leases in place?

Ms. Matsuyama: Well, I mean the lease process has begun for all of these things. We have until June 30<sup>th</sup> to encumber all of these funds.

*(Councilmember Kagawa was noted as present.)*

Councilmember Kualii: Right. Is it the same thing—where Economic Development, Battery Electric Vehicles (LEASE), sixty-nine thousand dollars (\$69,000), it says, “anticipated total three hundred twenty thousand dollars (\$320,000), currently out to bid.” Is the sixty-nine thousand dollars (\$69,000) the first year portion of that three hundred twenty thousand dollars (\$320,000)?

Ms. Matsuyama: Yes, the estimated first year portion.

Councilmember Kualii: That one is for ten (10) vehicles and the next one is for two (2) small pickup trucks, seventy-two thousand dollars (\$72,000). What are those numbers? Is it a procurement number?

Ms. Matsuyama: Yes, it is a tracking number.

Councilmember Kualii: On page 4, the first item at the top, ‘Ele‘ele RAS Pumps Check Valve. When the budget is thirty thousand dollars (\$30,000), then the amount spent is nine thousand dollars (\$9,000) there is an unspent balance of over twenty thousand dollars (\$20,000), then it just has a code again PO 209784—is that a purchase order that is expending the twenty thousand dollars (\$20,000) or encumbering it?

Ms. Matsuyama: I believe that purchase order references the nine thousand six hundred dollars (\$9,600).

Councilmember Kualii: For what was already done?

Ms. Matsuyama: Yes.

Councilmember Kualii: Basically, there is no status and comments about the remaining twenty thousand dollars (\$20,000)?

Ms. Matsuyama: Not within this cell.

Councilmember Kualii: Can you follow-up?

Ms. Matsuyama: Yes, I can follow-up.

Councilmember Kualii: Thank you. There is that “NTBP” again, so the Lihue Trickling Filtering Pump, fifty thousand dollars (\$50,000) budgeted and nothing spent. It says, “Looking to use different style of pump that is less maintenance intensive, working with vendor. Will not purchase this fiscal year.” NTBP probably means, “Not To Be Purchased.”

Ms. Matsuyama: You could be correct.

Councilmember Kualii: In an instance like that—where it is not being purchased that fiscal year, that money then becomes surplus?

Ms. Matsuyama: Yes, unless they can reprioritize it and spend it on something else.

Councilmember Kualii: They still have these two (2) remaining months to reprioritize. The next one is a little further down, the Lihue RAS Pump and VFD—they did not use the initials “NTBP” here, but I think it might be the similar thing. Is it because they are putting the expense into the Capital Improvement Projects (CIP) as opposed to expending it out of the General Fund?

Ms. Matsuyama: Correct.

Councilmember Kualii: Then it is also surplus. I think I am almost done, two (2) more. The 6” By Pass Pump with controls, seventy-three thousand dollars (\$73,000) budgeted, one hundred fourteen thousand six hundred eighteen dollars (\$114,618) expended—so they just put a code, C210175, obviously, it is overspent forty-one thousand dollars (\$41,000). Can there be any kind of explanation there?

Ms. Matsuyama: I will have to follow-up.

Councilmember Kualii: The last one is the same kind of thing, Transportation Agency, Vehicle Purchase, quantity six (6), six hundred fifty thousand dollars (\$650,000) budgeted, eight hundred ninety-one thousand dollars (\$891,000) expended, six (6) buses currently being procured, only have enough money to procure six (6) buses, C210504. It is an additional two hundred forty-one thousand dollars (\$241,000). What is the explanation, as far as, how are they able to spend money they do not have?

Ms. Matsuyama: I will follow-up. I know they are expecting their first four (4) vehicles to come in within the next two (2) weeks.

Councilmember Kualii: Do you see how it is well over budget?

Ms. Matsuyama: Got it.

Councilmember Kualii: Okay, thank you.

Ms. Matsuyama: "NTBP" does mean, "Not To Be Purchased."

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Any other questions on the Statement of Equipment Purchases? Councilmember Cowden.

Councilmember Cowden: My questions are very similar to his. I do want to ask—I do not like acronyms like "NTBP." If we can avoid doing things like that because it is really important and to have an unclear element is difficult. Just for my clarification, if we look on page 1, item G, Economic Development with these ten (10) Battery Electric Vehicles, it says, "Sixty-nine thousand dollars (\$69,000), almost seventy thousand dollars (\$70,000)." Is that the cumulative monthly payment that would be made?

Ms. Matsuyama: I think that is the annual.

Councilmember Cowden: The annual, but cumulative monthly payment, right? If I take that six thousand nine hundred dollars (\$6,900) per vehicle that would be...

Ms. Matsuyama: Oh, I see what you are saying.

Councilmember Cowden: Is that a lease payment per vehicle?

Ms. Matsuyama: Yes.

Councilmember Cowden: It is not a sixty-nine thousand dollar (\$69,000) vehicle—so this is really for the last...we are in May, so we have two (2) more months of this fiscal year. Therefore, there is not a possibility of spending that much money, correct?

Ms. Matsuyama: Let me follow-up on that.

Councilmember Cowden: When I am looking at it, we are almost into our next budget—I am just curious when you look at the computer pieces and these elements, are we spending money at the end of the quarter just to spend it when it is going to get reapplied to something else? Do we have to spend it? When we have such a huge budget and are trying to fix things, can we have a surplus if we are not ready to spend that or are they budgeted in the next year?

Ms. Matsuyama: Yes, that is a valid point. I think for the computers, I guess, it is purposely meant to be spent at the end of the fiscal year to get the latest and greatest technology. That has been done for years and years—to spend it towards the end of the fiscal year. But you do bring up a good point about making sure we do not buy it just because we have the money.

Councilmember Cowden: Yes, I think that is important and in our new budget, we have almost six million dollars (\$6,000,000) for computer equipment,

which I am behind because I see how much we do not have an integrated system. If we push it out to the very end of the year, are we considering this a crisis? If this is a crisis-level of what our computer systems are, then we push it out to the very last window, I start to get confused.

Ms. Matsuyama: Right, I think the equipment purchases are one thing, the six million dollars (\$6,000,000) is more studies, planning, and how to...

Councilmember Cowden: Software...there is actually a lot of things to be integrating, but I am feeling pretty dogged to be supporting that in the budget. If we can buy something at the very end of the year—it really depends on what we are going to buy, because what our argument is for next year is that we want to make sure we are buying all the right pieces so they move together correctly. Why are we buying things in the last month? I am just trying to be able to understand.

Ms. Matsuyama: Yes, I think you are comparing apples to oranges in terms of where the money is being put for the 2020 budget for Information Technology (IT), as opposed to just these equipment line items.

Councilmember Cowden: Little pieces of hardware.

Ms. Matsuyama: Yes, this is hardware.

Councilmember Cowden: Okay, next time it would be easier for me if there was more understanding. It seems like almost all the questions are being pushed out until someone can answer them.

Council Chair Kaneshiro: I would suggest, if we have questions on it, we E-mail the questions over. Usually, we get this every quarter, so if we have any questions, we can E-mail it over, and the Administration can appropriately answer. However, when we bring them up here and we move it today, they are not going to be able to have every single department here to answer the questions on the equipment. I would say, "If we have any questions on equipment purchases, we should E-mail it to them," then at least we will get the answer back from the appropriate department.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I just want to state for the record, for me, I think there is a time and place to use acronyms. I do not want this message to be that the Council says to the Administration, "Do not use acronyms from now," because I am not a micromanager. Sometimes to make it fit on a spreadsheet, you may want to use acronyms. It would be ridiculous to write four (4) big words out and try to fit it on one sheet when we are telling you folks to consolidate, and then we are saying do not use acronyms. At least for myself, I do not mind you using acronyms. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: NTBP is not that hard to say, "Not To Be Purchased." It is really not that hard and it would easily fit in that space. How to make it easy to understand—that is all I am asking.

Ms. Matsuyama: Yes, we will look at in terms of easily identifiable acronyms.

Council Chair Kaneshiro: I do not want to go back and forth on acronyms.

Councilmember Kagawa: All I am saying is we should not be micromanaging the Administration. They are professionals, they are grown-ups. If it bothers you, then it bothers you, but it does not reflect my conscience—I have the same vote that you do.

Council Chair Kaneshiro: Any further questions on the equipment list?  
Councilmember Kualii.

Councilmember Kualii: There was a last part to this—it actually starts at page 1 again, it says, "Statement of non-budgeted purchases via grants and others." On page 3, at the bottom there is a footnote that says, "Pursuant to Budget Ordinance, Section 17, only non-budgeted items in excess of twenty-five thousand dollars (\$25,000) require Council approval. This schedule will report only items costing one thousand five hundred dollars (\$1,500) or more." That last part means that is what is in this report, correct?

Ms. Matsuyama: Yes.

Councilmember Kualii: If I wanted a compilation of that first part that is in excess of twenty-five thousand dollars (\$25,000) that requires Council approval, can you provide that or do I have to ask Council staff to go back and look at all of our different votes and add it all up?

Ms. Matsuyama: So tell me again what you want, do you want the ones you folks have already approved?

Councilmember Kualii: Yes, for the fiscal year, items in excess of twenty-five thousand dollars (\$25,000).

Ms. Matsuyama: Okay, non-budgeted.

Councilmember Kualii: Non-budgeted items in excess of twenty-five thousand dollars (\$25,000). That is another picture of equipment purchases and it would be helpful if it was in one full report like this if that is something you can easily generate out of your system. I do not know.

*(Councilmember Kagawa was noted as not present.)*

Ms. Matsuyama: Okay. I will go and look.

Councilmember Kualii: Okay. Thank you.

Ms. Matsuyama: Okay, I will follow-up.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Any further questions on equipment? If not, motion on the floor is to receive. 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, is there any discussion from the members?

The motion to receive C 2019-96 for the record was then put, and carried by a vote of 6\*:0:1 (*\*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; Councilmember Brun was excused*).

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

C 2019-98 Communication (05/01/2019) from the Acting Director of Human Resources, transmitting for Council information, the May 1, 2019 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2018-2019: Councilmember Kualii moved to receive C 2019-98 for the record, seconded by Councilmember Chock.

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Hi Janine. I do appreciate this report and I see it has a little bit more detail than before, so I think it is getting better. I still have some questions primarily about the last column that says, "Recruitment Status." In a sense, I think it might be easier for me to get answers myself if more detail was provided. To start off, to figure out how these different descriptors that are used in the column recruitment status, how that lines up with the whole recruitment process and how we fill a vacancy, it would be helpful if we could just go through what that process is. As far as the recruitment process—initially, you find out there is a vacancy, when you know what that vacancy date is, what are the steps along the way? Obviously, one of the descriptors talks about posting, then ultimately at the end would be the "hired" or "filled" here in the explanation. When the position is listed as filled or hired, is that the same as the new person starting? If you listed a date and you said it was the hired date or the filled date, is that also the start date for the new person, or not necessarily?

JANINE M.Z. RAPOZO, Acting Director of Human Resources: Good morning, Janine Rapozo, Acting Director of Human Resources. If there is a date in “filled” that would be the start date. There is another status that I have used that says, “Offer made,” and that would be right before the actual hire date.

Councilmember Kualii: Yes, I saw that, too. You did say, “If there is a date.” In this column it says, “Recruitment Status” and it just says, “Filled,” did the effective date then change? Let me just throw the example out, at the top of page 1, the first filled says Council Services Record Management Analyst III, filled, with an effective date of December 31, 2017. Obviously, that is the vacancy date.

Ms. Rapozo: Correct.

Councilmember Kualii: So there is not a filled date?

Ms. Rapozo: That is correct.

Councilmember Kualii: Would it be okay to include that in the description, filled date? You are saying the recruitment status and then saying what it is. Can you describe it further by saying the date?

Ms. Rapozo: For the “filled date,” we can do that if that is the preference.

Councilmember Kualii: Okay, because you did that for the posting date.

Ms. Rapozo: Yes. In the past, if it was going to be filled in the future and the date of the report was May 1<sup>st</sup>, I would not include it. Just to give a little bit more information because this is a real fluid document, everyday things are changing, so we decided to go ahead and put a filled date even if it was May 16<sup>th</sup> or in the future. We can go ahead and add that in.

Councilmember Kualii: The date becomes more important. Does this report include the filled date? I like the way it shows filled and a line through the position, so technically it is no longer a vacant position. I think in the past, you have taken it off the report, but if you have it on the report, then I will have that information.

Ms. Rapozo: That is correct. It would normally not even be on the report. There is another report with the ones with the lined through that are not even there because that is the true vacancy report. This was really to help Council staff and yourself to show from the March 15<sup>th</sup> report what changed. We thought it was easier for you to see—rather than go through line-by-line.

Councilmember Kualii: What is the report called?

Ms. Rapozo: We had a March 15<sup>th</sup> report and wanted to show you what changed from the March 15<sup>th</sup> report versus you would have to go

line-by-line to see which ones are no longer there or which ones were added in, so we decided to leave that in for you.

Councilmember Kualii: Did the March report include all vacant positions from the beginning of the fiscal year and did it show vacant positions that were filled like this with the line through?

Ms. Rapozo: No, it was just vacant positions as of March 15<sup>th</sup>.

Councilmember Kualii: Moving forward, will you be doing it this way?

Ms. Rapozo: We can if that is the preference.

Councilmember Kualii: Yes, I would like that. Go back to the beginning, you were going to explain the process and you did have another step along the way—offer made.

Ms. Rapozo: We can go back from the very beginning when there is a vacancy. Basically, it is incumbent on the department on what they want to do with that position; whether they want to fill it or not. It hits our office if they decide to fill it and at that point, we put out a posting. Depending if it is a civil service position it can go out to posting, if it is an exempt position, the department has the authority to not post it and select from wherever they want to. The posting usually goes out for at least ten (10) days, after that, the staff in our recruitment division will review applications that come in and qualify and disqualify people depending on what the requirements of the position are. It may involve a written test or performance test. Once those are all completed, whoever makes it through will be on an eligible list that we establish of people who would be on that for six (6) months, depending on positions some may last longer. Once the department is ready to fill, they put out a requisition to us to say they want to fill it, and at that point, we have a referred list that goes to the department. That is where you see lists established or lists referred. For example, the labor list is good for six (6) months. There is always an eligible list for a laborer position, but we do not necessarily refer it to the department until they are ready to fill. After the list is referred, it is up to the department to schedule interviews or decide what they want to do with that referred list, whether they feel there is enough candidates or not for the position or whether they want to go back out. After the interviews, if there is a selection made—that is where they would send it to us, get the necessary approvals, and we would then make the offer to the successful applicant. Once we have a start date, then we would consider that as filled.

Councilmember Kualii: In this report under the column of recruitment status, I see several that say, “No activity.” When you made the comment that the department can hold it and not come to you and say they want to fill it.

*(Councilmember Kagawa was noted as present.)*

Ms. Rapozo: Correct, the department may be looking at their needs and resources and whether or not that position may need to be re-described for something more pressing at this point. In other positions, it is dollar-funded and they may not have the funds to fill it at that time. There is also exempt positions, where there may be activity within the department going on as far as them looking for candidates, but we are not involved at that point.

Councilmember Kualii: You are Human Resources (HR), so if there is a vacancy, your role is to fill that vacancy. Do you pay attention to that vacancy or do you not until the department says something to you? Could it go vacant and the department never contact you to fill it, so it would just sit vacant and the budget would be there for them to spend on other things?

Ms. Rapozo: We work with the department personnel staff within each department to look at the position and decide whether or not that department may be looking at re-describing or we may get that request in a different way, where our classification division will get something saying, "I want this changed from a Laborer to a Groundskeeper," or something to that effect. We have to go through a classification first, so we know there is activity toward recruitment, but at a different level.

Councilmember Kualii: That would not go to your part of the department that fills vacancies, but to the part that works on reclassifications?

Ms. Rapozo: Correct.

Councilmember Kualii: That is why in the past we had a report on reclassifications, but that went away.

Ms. Rapozo: That is correct.

Councilmember Kualii: Okay. Does the department notify you that they have this vacant position and they will not be filling it for this reason and for this amount of time even if they are not reclassifying?

Ms. Rapozo: They are not required to let us know. There is conversation back and forth between the department staff as well as our staff regarding when there is a vacancy and what the situation is. Under the Carvalho Administration and even now, there is no moneys to pay off someone when they leave for vacation, therefore departments were required to wait until that vacation money is paid out before they could fill because there would be no money to start a person concurrently as the person leaves. We always knew there could be a delay in having to fill someone because someone has the maximum number of vacation days, so they would not be able to fill it. There are other situations where if the department has money, they can fill ahead of time if it is a position they feel needs training time with the current incumbent. We do establish what we call Section 3 positions—that is also under the budget that allows us to bring someone in even before the current incumbent leaves so there is some overlap time.

- Councilmember Kualii: What did you call it? Section...
- Ms. Rapozo: Section 3 in the budget allows for departments to...
- Councilmember Kualii: Is that the 89-day hire?
- Ms. Rapozo: You can do an 89-day hire or you can do a regular hire and overlap with someone that is in the position. Once the person leaves, the new person will take over that position.
- Councilmember Kualii: Is the maximum vacation payout same for everyone?
- Ms. Rapozo: It depends how much vacation a person has in their bank.
- Councilmember Kualii: Yes, but what is the maximum? Are you saying there is a cap?
- Ms. Rapozo: Yes, the contract allows for ninety (90) days. It would be ninety (90) days, plus if you are in your current year, you could have earned up to twenty-one (21), so it could be up to one hundred and eleven (111).
- Councilmember Kualii: At a maximum, when a position is vacant—if they do not have the funding to hire right away—will they have to wait three (3) to four (4) months to post?
- Ms. Rapozo: Unless they have other vacancies or other funding elsewhere to help to payoff that vacancy. They can also use the benefits of that person's position to help payoff, so it does not necessarily equate to three (3) to four (4) months.
- Councilmember Kualii: Right. I will give other people a chance.
- Council Chair Kaneshiro: Any other questions on the Vacancy Report?  
If not, Councilmember Kualii.
- Councilmember Kualii: Here on the recruitment status it says, "Posted April 24<sup>th</sup>." Is the typical posting for ten (10) days?
- (Councilmember Evslin was noted as not present.)*
- Ms. Rapozo: Correct.
- Councilmember Kualii: When the posting closes, then you compile, check for qualifications, and give the list...
- Ms. Rapozo: The eligible list is established and...

Councilmember Kualii: Then you give it to the department and they do interviews and all of that?

Ms. Rapozo: Correct.

Councilmember Kualii: Ultimately, we can follow-up later and I do realize I should have tried to get some of this to you ahead of time, I just was not able to. It is here on the agenda now, but I understand you may not be able to get things back to me right away. Just give me the best you can. I am going to submit in writing because I am trying to understand is how long it takes for each step. I want to have a sense of—from the time a position goes vacant to the time it is filled, how long is it going to take?

*(Councilmember Evslin was noted as present.)*

Councilmember Kualii: I know there is a quick expedited hire, then there is the average time it takes, then maybe there is the slow, where they are delaying because of what we just talked about, then there is the really slow...where it is hard to fill and have this continuous recruitment listed. Who knows, sometimes it takes years. That is why sometimes you have the dollar-funding. It is probably a basic matrix—I think you have something because we have talked about this years ago. I will send it and maybe you can fill in the *puka* on that end. There is one example here, under status it says, “Commission.” When something is listed as Commission, does that mean no activity until the Commission does something?

Council Chair Kaneshiro: We are looking at the HR.

Councilmember Kualii: Page 1, Director of Human Resources.

Ms. Rapozo: It is under the authority of the Commission.

Councilmember Kualii: Do you do the recruitment for the Commission?

Ms. Rapozo: We do. If they request us to do it.

Councilmember Kualii: This recruitment status that list the word “Commission,” is that the same as, there is no activity on this recruitment because we have not heard from the Commission?

Ms. Rapozo: There is activity, I am not exactly sure what stage they are at.

Councilmember Kualii: That is the purpose of this column, right? To be helpful to have your best estimate of what stage the recruitment is at. A lot of these have the word “no activity,” does that mean it is not currently under recruitment because the department chose not to contact you, yet? The first two (2) examples, Council Services E-38 and E-76, Legal Analyst and Legislative Assistant,

vacant one thousand thirty-four (1,034) days, vacant one thousand four hundred (1,400) days, no activity, no activity—right at the top of the chart.

Ms. Rapozo: Correct. The different columns will make a difference into the “no activity.” Those two (2) positions are dollar-funded and are exempt, so we may or may not be involved with posting.

Councilmember Kualii: They are dollar-funded now for the Fiscal Year 2020, is that what you are saying?

Ms. Rapozo: This Vacancy Report is for the current fiscal year ending June 2019.

Councilmember Kualii: In the budgeted amount column, there are dollars there, right?

Ms. Rapozo: Correct, one dollar (\$1).

Councilmember Kualii: No, there is forty-six thousand five hundred thirty-one dollars (\$46,531).

Ms. Rapozo: Okay, sorry I thought you were looking at the Office of the County Auditor.

Councilmember Kualii: No, the Legal Analyst and Legislative Assistant.

Ms. Rapozo: Correct, it is currently funded. We have not received any request to post for that from Council Services.

Councilmember Kualii: “No activity” means it is not under recruitment?

Ms. Rapozo: Correct.

Councilmember Kualii: In that instance, but in all instances where it says, “No activity,” does it mean not under recruitment?

Ms. Rapozo: Let me clarify, for Council Services, they are exempt positions, so there may be activity internally within the department.

Councilmember Kualii: In the case of a new vacancy, the next is Position No. 2902, Deputy County Attorney, it says, “New vacancy with the effective date May 1, 2019.” That was a couple days ago. Have you heard from the department that they want to fill it or are you posting? How is that going to be filled?

Ms. Rapozo: Yes, the reason we put new vacancy was to help you know which ones were added to the report. We did hear from the department. Again, that is an exempt position, there is another Deputy County

Attorney that they have been recruiting for. They have been in contact with us and a requisition has come through to fill.

Councilmember Kualii: Okay, I have a bunch but I am going to pick a few of them. Further down there is one called, Position No. 9567, Senior Account Clerk, in Housing, that one is dollar-funded in the current year and says, "No activity." If this position was going to be filled for the new fiscal year starting July 1<sup>st</sup>, would the department be contacting you to fill that vacancy now?

Ms. Rapozo: They could, it all depends on how the department would like to fill it.

Councilmember Kualii: In reality, what is the quickest you could fill that position in order for it to start on July 1<sup>st</sup>? It is now May 8<sup>th</sup>.

Ms. Rapozo: Although, Housing does not say, "Exempt," they are contracts, so they could be filled quickly—they are not civil service. We would have to at least post for civil service positions for ten (10) days. Depending how quickly the department can get an interview panel together, make the offer, and how quickly the applicant can accept; they may sometimes have issues where they cannot start for months or weeks. Those are all considerations that would be part of filling the vacancy.

Councilmember Kualii: At the bottom of the page, there are two (2) different statuses. One is re-recruit, so it may have been no activity for a while and then the department comes back to you and says, "We want to try again because maybe it was a hard to fill position." What does re-recruit mean?

Ms. Rapozo: Re-recruit means we are going out again for a posting. We already went out for a posting and we are going out again.

Councilmember Kualii: So you went through the cycle—it took four (4) weeks, six (6) weeks...

Ms. Rapozo: It depends on the situation.

Councilmember Kualii: You mentioned something about list referred, but the last two (2) on the bottom of page 1, are only specific positions such as laborer positions, where you are giving the list to the department and they will pick people off the list.

Ms. Rapozo: The laborer list are always established. It is good for six (6) months.

Councilmember Kualii: Once you give them the list, they can hire quickly?

Ms. Rapozo: Correct.

Councilmember Kualii: How long does it take? A couple weeks?

Ms. Rapozo: They can hire pretty quickly.

Councilmember Kualii: Does it take a couple of weeks?

Ms. Rapozo: It all depends on how many candidates they are going to interview off the laborer list. They can select someone off the laborer list and can be very quick.

Councilmember Kualii: On page 2, here you have the word "continuous." I think there might have been some discussion of this during the budget, but in the instance of Position No. 1541, Parks & Recreation, Electrician/Electronic Equipment Repairer, vacant one thousand two hundred seventy-six (1,276) days, word under recruitment status is "continuous." What does "continuous" mean in this case?

Ms. Rapozo: It is a hard to fill and continuous means it is still posted as we speak. There is no 10-day and it closes. It is out there continuous until we can find a candidate that we would be able to hire.

Councilmember Kualii: Then no one is applying because how many candidates have to apply before you move pass posting and interviews?

Ms. Rapozo: If there is an actual deadline such as ten (10) days, we will close it even if there is one candidate or no candidates. We have to tell the department, "This is what we have," and the department can decide whether they want to re-recruit or consider the one (1), two (2), or three (3) candidates. When it is continuous, we can say, "We have an applicant who now qualifies, do you want to interview this one or do you want to get more?" Normally, when these have been continuous for that long, they will try to interview that applicant to see if they are appropriate to hire for the department.

Councilmember Kualii: On the bottom of the page there is a couple of positions with Police; one (1) is Detective, two (2) are Police Sergeant, and three (3) are Police Lieutenant. In the case of all of them it says, "May testing." What does that mean as far as when those positions might be filled? Is it different for each of those groupings? Is it probably a different test? I do not know.

Ms. Rapozo: There is a different test for the Sergeant and Lieutenant. The Detective would be the same classification as the Sergeant. All of them are testing tomorrow for those positions—they are promotional—only within the Department. I am not sure how many applicants they have. The Police Department has added in a physical readiness standards test to their qualifications and I believe that is going to happen a little later, so the filling of these promotions will not be until maybe July 1<sup>st</sup>.

Councilmember Kualii: Is it sort of an internal promotion?

Ms. Rapozo: Yes.

Councilmember Kualii: When this happens, then it creates vacancies behind it?

Ms. Rapozo: Yes.

Councilmember Kualii: Then those will come new to the vacancy. On the very bottom, Information Technology Project Coordinator, Position No. 309, I guess it is still within Police. It says vacant for one thousand one hundred thirty-eight (1,138) days and that is another continuous. That means it is still posted, no one is applying, and so...

Ms. Rapozo: Correct.

Councilmember Kualii: ...you are not hiring.

Council Chair Kaneshiro: Any questions from other Councilmembers?

Councilmember Kualii: In this one, the County Engineer, it is an exempt position in the status. Would you not be doing any type of recruitment for that?

*(Councilmember Kagawa was noted as not present.)*

Ms. Rapozo: That is appointed by the Mayor. If the Office of the Mayor decides they want to put out a recruitment, we would help them with that.

Councilmember Kualii: If they decide not to put out a recruitment, they do not necessarily tell you?

Ms. Rapozo: Correct.

Councilmember Kualii: The word "exempt" described in the recruitment status is the best that you can do. You could not say the Mayor is leaving acting indefinitely so we are not recruiting?

Ms. Rapozo: HR is definitely not recruiting, but I do not believe the Office of the Mayor is not recruiting, I think they are actively trying to find a County Engineer.

Councilmember Kualii: The one that says, "Request to post, Construction Inspector III, Position No. 1432" the department is now telling you, yes, they want to fill this position. How long is it from the request to post to post?

Ms. Rapozo: I think we just posted it yesterday.

Councilmember Kualii: It was posted?

Ms. Rapozo: Yes.

Councilmember Kualii: It is the same thing—where you said the cutoff is May 1<sup>st</sup>, so it happened a few days after.

Ms. Rapozo: In fact, I think we gave this report to you folks on April 30<sup>th</sup>, so anything from April 30<sup>th</sup> until today would not be reflected in this report.

Councilmember Kualii: Right. The last page, I know it is all Department of Water positions—the funding source is the Water Fund, but do you do all the recruitment for the Department of Water?

Ms. Rapozo: Correct.

Councilmember Kualii: There is a whole bunch, but I will pick three (3) because I think they are similar. One is Position No. 2350, Civil Engineer VII, vacant for six thousand two hundred fifty (6,250) days and says continuous. Is this basically the hardest to fill position in the County?

Ms. Rapozo: The engineer positions are very difficult to fill.

Councilmember Kualii: But this one is the longest.

Ms. Rapozo: The Department of Water has looked at how they can reorganize or re-describe that particular position, so I think that is part of it. As you see, the Department of Water has a bunch of engineer positions that are open.

Councilmember Kualii: If they are going to reorganize or re-describe, they come to you, and you help them with that?

Ms. Rapozo: Correct.

Councilmember Kualii: But that has not started yet because you would put that in the status if it was?

Ms. Rapozo: That would not be considered recruitment unless you want us to include the classifications.

Councilmember Kualii: We used to have a whole separate report. We could just have the status, describe it, and you would not need a whole separate report. It still gives you a sense of where things are at.

Ms. Rapozo: Okay, I would agree with that.

Councilmember Kualii: Let us end in agreement. Thank you.

Council Chair Kaneshiro: That is a good way to end. Any further questions from the Members? Anyone in the audience wishing to testify on this?

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

The motion to receive C 2019-98 for the record was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(6) 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; Councilmember Brun was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-65 Communication (03/11/2019) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's 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 Chock moved to receive C 2019-65 for the record, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Again, let me just say this. The Salary Commission Resolution came in, we have sixty (60) days to take action on it, the sixty (60) days has elapsed, we have had numerous meetings on it, and we were not able to get a vote to reject in any way, so this Salary Commission Resolution has passed. Basically, we have to get this off of our agenda. Councilmember Kualii, do you have a question?

Councilmember Kualii: I think your statements now just clarified it because I was wondering why the only attached documents was the backup and supporting documents and was not the actual Resolution. You are saying it is because we are no longer voting on the Resolution because we cannot.

*(Councilmember Kagawa was noted as present.)*

Council Chair Kaneshiro: Correct.

Councilmember Kualii: It has passed. In a sense, it is our final vote on this Salary Resolution and we were unable to reject with the five (5) votes required. The last vote was a deferral and now today is to receive.

Council Chair Kaneshiro: The sixty (60) days has elapsed, the Salary Commission Resolution passed in whole, because we were not able to get anything that would pass and that is the way it is. Basically, the times lapsed, the resolution is going to be in place, and we need to get it off of our agenda.

Councilmember Kualif'i: Procedurally, I voted against the deferral and procedurally, I can also vote against this receipt, but the Council has to receive it.

Council Chair Kaneshiro: If we vote against the receipt, it does not do anything. The receipt is to get it off of our agenda, out of our records—not voting to receive it does not mean it will change the outcome of the Salary Resolution. The Salary Resolution is done already. It is sixty (60) days lapsed so there is no changing what the Salary Resolution is for. All we are basically doing is trying to get it off of our agenda.

Councilmember Kualif'i: Okay.

Council Chair Kaneshiro: Any questions from the Members? Anyone in the audience wishing to testify on the Salary Commission Resolution?

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 from the Members? Councilmember Kagawa.

Councilmember Kagawa: *The Garden Island* newspaper, had it wrong. One of the things they did not clarify is that the Council did not increase the salary. The Salary Commission did not propose to increase the salary for the current Council. What happened was the Salary Resolution increased the raise for the County Council for the next incoming Council in December of 2020.

*(Councilmember Brun was noted as present.)*

Councilmember Kagawa: It does not affect this elected body, it will affect the next elected body. That is to be clear and well written because it would be a conflict of interest for the Council to vote on its current salary. I do not mind the salary, I know some members here say the salary increase for the next County Council is not necessary. You are free to donate your money if you do not need it, but there are many people like me who struggle raising our kids—I need it personally. I think a lot of the next people who run for Council may need it as well, like anything what the job pays does matter. If you can afford to volunteer, then give back your money. I want to make it clear to *The Garden Island* that I did make a motion to reject in full. I had four (4) votes—I thank Councilmembers Brun, Kualif'i, and Council Chair Kaneshiro for supporting my motion to reject in full. It did not pass because we needed five (5) votes to kill the Salary Resolution. There were other attempts to take out certain parts, which I did not agree on. I did not agree that we chop up what the Salary Commission does. It is not that I believe these department

heads do not deserve to get paid similarly to Maui and the Hawai'i Island. I just did not agree that this County has the current ability to pay for the increases without affecting other things that are, in my opinion, more important, such as our infrastructure and other needs that we have. We have a lot of question marks regarding our future union settlements, which are coming through as we speak. That is the reason why I voted against it. It is the uncertainty of our financial future. I felt like ninety-nine percent (99%) of our Administrative team was in place at the salary that was currently there, so why would we need to increase the salaries of these department heads when they are already on-board? It would make more sense for me if the Salary Resolution affected the next incoming Mayor, it may be Mayor Kawakami again in three and a half (3 ½) years, but that would have made more sense—not to give raises to people that are already in place at the salaries in play when our financial future is very uncertain. That is why I voted against it and I want to make that record clear so hopefully *The Garden Island* will get that one correct. Thank you, Chair.

Council Chair Kaneshiro: Does anyone else have discussion? Again, for me, I think the time to reject the salaries was when we had it up and needed five (5) votes, which we could not get. Unfortunately, the way the Salary Commission's request is written up, it takes five (5) votes to reject the salaries. If Council cannot come up with five (5) votes, then there is no motion to make on it, and it will pass. There is a timeline on it. I think the reason for that was to take away some of the power from the Council and give a little more power to the Salary Commission and probably politicize it less, but I think when you are talking salaries, it is always politicized. For the record, I did not agree with salary increases at this time. My vote was for no salary increases at all and unfortunately, we did not have the votes for it. Councilmember Kagawa.

Councilmember Kagawa: Also, I want to clarify for *The Garden Island* and the public that in a year and a half (1 ½), I will term out. I cannot run again and will not benefit from the salary increases that I did not vote on anyway. Just to say for the record, I will not be affected unless I determine that my life is so boring that I need to run in three and a half (3 ½) years. Thank you, Chair.

Council Chair Kaneshiro: Is there any further discussion? If not, the motion on the floor is to receive.

The motion to receive C 2019-65 for the record was the put, and unanimously carried.

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

C 2019-99 Communication (04/11/2019) from Michael M. Contrades, then Acting Chief of Police, requesting Council approval to accept and utilize a vehicle forfeited through the Asset Forfeiture Program, which will replace a vehicle (2002 Toyota Corolla, Vehicle Identification Number (VIN) #1NXBR12E62Z648558) that was assigned to the Vice Section: Councilmember Kualii moved to approve C 2019-99, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any questions from the members on this? 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: Are there any questions from the members?

There being no objections, the rules were suspended.

Councilmember Kagawa: Thank you for being here, gentlemen. Are we buying a new vehicle?

BRYSON M. PONCE, Assistant Chief of Police, Investigative Services Bureau: Bryson Ponce, Assistant Chief, Kaua'i Police Department, Investigative Services Bureau. Kenneth Carvalho, Police Sergeant can explain that.

KENNETH J. CARVALHO, Asset Forfeiture Sergeant: To answer that question, no we are not buying that vehicle. It was awarded through the Asset Forfeiture Program.

Councilmember Kagawa: This 2002 Toyota?

Mr. Carvalho: No, that is the one we are taking out of service.

Councilmember Kagawa: We are taking out of service.

Mr. Carvalho: Yes.

Councilmember Kagawa: Are we replacing it?

Mr. Carvalho: Yes, with the vehicle that we want to bring in and need to get accepted.

Mr. Ponce: The vehicle that we ceased—we ran it through the Asset Forfeiture Program, we got awarded it through the Attorney General's (AG) Office, and we want to put it through our fleet. In doing so, we want to take out one of the older cars, one-for-one.

Councilmember Kagawa: Do we know what kind of car it is?

Mr. Ponce: Yes.

Councilmember Kagawa: What kind of car is it?

Council Chair Kaneshiro: They do not want to disclose what type of car they are getting.

Councilmember Kagawa: Oh, you do not want to disclose what type of car you are getting?

Mr. Ponce: Yes.

Councilmember Kagawa: Alright. I was wondering because a 2002 Toyota can run for twenty (20) to thirty (30) years. I have a 2002 Toyota. Is the 2002 Toyota in bad shape?

Mr. Ponce: Yes.

Councilmember Kagawa: Are we going to auction it?

Mr. Ponce: Yes.

Councilmember Kagawa: Okay. Thank you.

Council Chair Kaneshiro: Any other questions for Police? If not, thank you. Any final discussion from the members?

The motion to approve C 2019-99 was then put, and unanimously carried.

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

C 2019-100 Communication (04/16/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Residential Development Standards: Councilmember Chock moved to receive C 2019-100 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: 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: Any questions from the members? I think we will hold it off until we get to the draft bill.

The motion to receive C 2019-100 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-101 Communication (04/17/2019) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$74,434.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim Witness Assistance Program 20-VW-03 for the period of July 1, 2019 through June 30, 2021: Councilmember Brun moved to approve C 2019-101, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Councilmember Kualii, do you have a question?

Councilmember Kualii: Maybe.

Council Chair Kaneshiro: Let us go to the next item. Are there any further questions?

The motion to approve C 2019-101 was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-102 Communication (04/23/2019) from Councilmember Cowden, requesting Council approval to accept a donation from the Russian Center New York for travel-related expenses (estimated value of between \$2,000.00-\$3,000.00) to participate in a peace conference as part of a delegation from the United States of America to Vologda, Russia, with a mission to foster a constructive atmosphere that encourages conversation and collaboration on a multitude of issues between the United States of America and Russia with particular interest in Russian Fort Elizabeth/Pa'ula'ula on the west side of Kaua'i.

*(Councilmember Cowden was noted as recused.)*

Council Chair Kaneshiro: Councilmember Cowden is recusing herself and I got word that we should be receiving this. We are not going to approve it.

Councilmember Kagawa moved to receive C 2019-102 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: Are there any questions from the members?

The motion to receive C 2019-102 for the record was then put, and carried by a vote of 6:0:0:1 (*Councilmember Cowden was recused*).

C 2019-103 Communication (04/26/2019) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Section 5A-5.1, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax Liens And Foreclosures, to collect fees associated with the release of a lien: Councilmember Kagawa moved to receive C 2019-103 for the record, seconded by Councilmember Kualii.

*(Councilmember Cowden was noted as present.)*

Council Chair Kaneshiro:            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 receive C 2019-103 for the record was then put, and unanimously carried.

Council Chair Kaneshiro:            Motion carried. Next item.

C 2019-104 Communication (04/26/2019) from the Executive on Aging, requesting Council approval to receive and expend Federal Funds in the amount of \$586,436.00 from the State Executive Office on Aging, which will be used for the provision of Title III services of the Older Americans Act, for the 2019 Federal fiscal year that began October 1, 2018 through September 30, 2019. Indemnification of the State Executive Office on Aging is also requested: Councilmember Kagawa moved to approve C 2019-104, seconded by Councilmember Brun.

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

There being no objections, the rules were suspended.

Councilmember Kagawa:            Thank you, Chair. First of all, Kealoha, I want to thank you for all you do. The event last week for the honored seniors was tremendous to know that our senior population is doing so much in the community and being more active. We really appreciate the volunteerism that they have done and thank you for your leadership. My question, is this for Meals on Wheels?

LUDVINA K. TAKAHASHI, Executive on Aging:            A portion. If you look at Title III, the description of the services, Title III C1 is for congregate meals and Title III C2 is for home delivered meals.

Councilmember Kagawa: Based on this funding we are getting—because I saw on KHON2 News—they were talking about how they were getting less than what they had the previous year and it was a sad story. I think the seniors count on it. I think it is also being able to interact with the people who deliver it. It is not only the food itself, but the visitations that come with it. Does this keep us in line with what we had prior?

Ms. Takahashi: Yes. It is the same amount.

Councilmember Kagawa: Are we not getting cut in any way?

Ms. Takahashi: No, these are Federal grants. We also receive State grants as well.

Councilmember Kagawa: As a whole, will our forecast for this year be in line with what we had in the past?

Ms. Takahashi: Yes.

Councilmember Kagawa: So we should not get any complaints, hopefully. That is when people complain—when what they had is taken away. Thank you.

Council Chair Kaneshiro: Are there any questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item?

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

The motion to approve C 2019-104 was then put, and unanimously carried.

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

C 2019-105 Communication (04/30/2019) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation and the Deputy County Engineer, to provide a briefing on the work being performed at Black Pot Beach Park: Councilmember Kualii moved to receive C 2019-105 for the record, seconded by Councilmember Brun.

There being no objections, the rules were suspend.

Council Chair Kaneshiro: Are you going to just provide us with an update on some of the questions we had?

LYLE TABATA, Deputy County Engineer: Good morning, Chair, Vice Chair, and members of the Council. Lyle Tabata, Deputy County Engineer. I will start. We were asked to present a summary of the presentation that was performed at a public meeting for the Black Pot Beach Park on April 25, 2019. The

primary function for this community meeting was originally scheduled to update the public of the comfort station's design and location. The design changed from the original meeting we held with the public on August of 2018, the previous year. We intended to inform the public that we had come to a...at the good work of Douglas Haigh our Building Division Manager...

*(Councilmember Brun was noted as not present.)*

Mr. Tabata: ...working with our Flood Plain Manager, we came up with a solution that would not have this comfort station as it was originally presented eight (8) feet in the air. We had to work with Federal Emergency Management Agency (FEMA) multiple months to come to an agreement of an acceptable plan that they would allow us to build the comfort station at grade. I believe we all understand the needs by seeing what is built at Hanapēpē, next to the stadium. The ramp and height would have caused the ramp much longer than what you already see at Hanapēpē. After much work, we came up with a plan, and that was presented to the community. In addition to the meeting that was planned to discuss the comfort station, due to the many community requests of the Office of the Mayor, we also included the design work for Weke Road and discussion by Parks Administration on the Black Pot Beach Park parcel alone. Because of these requests, the Administration met together with our departments and decided to do an open house format meeting where we had three (3) stations. First, we had the discussion and description of the comfort station in the beginning of the meeting, then we allowed the community to break out. One station was for the comfort station—so people who came specifically to talk about the comfort station could come and talk with us—one with respect to Weke Road improvements and one with respect to the general park. I do not want to use the word plan, in essence, it was just discussion of what is happening at the park, in general. This allowed the community members to directly ask questions to the specific County personnel, so they could get discussions with them individually versus in the bigger meeting. If people had specific areas of concern—not have to have the larger group sit through those discussions. We had a lot of positive feedback saying they really liked that format. We estimated the number of attendees between forty-five (45) and fifty (50) of which, we received twenty-four (24) comments and questions on note cards that we had pre-prepared for people to identify themselves, put out their contact information, and write down what they asked of us to get back to them on. Our consultant is working with us to respond to all of these questions and comments. I will turn it over to Parks to answer the next question.

*(Councilmember Kagawa was noted as not present.)*

PATRICK T. PORTER, Director of Parks & Recreation: Pat Porter, Director of Parks & Recreation. I guess, the question was the removal of the stone or concrete pilings debris and trees. We had the equipment operators go in and remove the cement pilings that were along the beach, as well as the boulders that were scattered throughout the beach. The reason for that is because we had some inquiries about it. The State Department of Land and Natural Resources (DLNR) and the Office of Conservation and Coastal Lands (OCCL) Administrator requested we remove them. Also, our in-house coastal land use agent concurred with that and

requested that we remove them. So, we hired Sea Engineering Inc. to come down and do an assessment of the beach. We asked them to particularly look at what the effects of removal of these foreign objects would be on the beach. This gentleman, Chris Connor, came down and he did an assessment, wrote up a report, and what he found was there would be no negative impacts of the removal of those cement pilings and the boulders in the area. I can start with the cement pilings up against the park. I guess, there is an idea out there that those cement pilings were keeping the beach park in place, but what he found was that is actually a misconception. It is actually not doing anything. It is just taking up space in the area. We decided to remove those and grade it down to the beach instead of having a drop down, it will be a nice smooth transition. He concurred with that and said, "It is not actually the cement pilings that was keeping the beach park perimeter, it was actually the vegetation line—that was the important factor and maintaining that vegetation line is what is going to keep the beach park in place." Without those cement pilings, it will restore the natural beach process back to its original process, which actually prevents additional erosion in that area. Also, it was suggested that the boulders that were scattered throughout the beach were taken out because what they actually do is when they become exposed and have wave action, it causes a lot of turbulence around those boulders. That additional turbulence with the wave action causes eddies and promotes excavation around those objects, which increases the erosion. He took a look at it and said, "It looks great." From doing what we did, it is going to bring the natural beach process back to what it is supposed to be.

We had our in-house arborist do an assessment of the trees in the park. He marked all the ones he felt were hazards—so we are taking those down. Most of them are ironwoods. I can put my forester hat on and talk about them. The ironwoods are a tropical hardwood tree and have a general life-span of over fifty (50) years in good conditions. These can live long, they are a hardy tree, salt tolerant, and are popular around beach areas. It was explained to me that they are a lot like a professional athlete. You have your athlete climbing, getting better and better, but they peak-out at a certain point and they start to decline, so trees are the same way. These trees are about forty-five (45) to fifty (50) years old, so they are on their decline already. They are getting a little more hazardous and have also been through two (2) hurricanes. Tropical hardwood trees will rot from their crotches or from damage and will come down the tree that way. When they go through these kinds of stresses, hurricanes, and storms, it promotes rot. That is what we are seeing now with these ironwoods that were planted along the coastlines. Black Pot is no different. We are addressing those hazards right now by taking them down. There are a few trees that we are putting on a fence line to delineate the parking stalls, so we had to take out a few trees because they were along that fence corridor. The erosion estuary analysis, I was not sure what the question was. Did you want to expand on what that question was?

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: Sure, you were speaking to some of that already. After the last hurricane, some of those stones were put to sort of pin the river mouth narrower—those came out. When those pieces of concrete were put there—if I remember correctly—a big part of the thought was that it would keep the

beach in place, the trees were planted right next to it. They felt that the trees would not stay without the concrete. It is hard to know what happens and what will not happen. I do not know where Chris Connor is from. Do you know where he is from?

*(Councilmember Chock was noted as not present.)*

Mr. Porter: He works out of O‘ahu.

Councilmember Cowden: Do you know if he is from O‘ahu? I am just curious because sometimes having knowledge of an area is good.

Mr. Porter: He is a coastal geologist.

Councilmember Cowden: A coastal geologist. I am wanting to be careful that as we move things around—there is a lot of mindset that it is important for allowing for the natural flow and taking out those pieces allows for the natural flow. We have spent a lot of money on the park. My expectation, not being a coastal geologist, with the heavy rains we have a more hardened surface in there to probably blow out the river mouth more, which is going to flood less into the community, so that can be good.

*(Councilmembers Kagawa and Chock were noted as present.)*

Councilmember Cowden: I am wondering if it going to eat up the park, right? When we look at old pictures of the river mouth, sometimes it is well beyond the park. That river mouth would be moving back and forth. I am just asking if we are actually looking at it, I am not telling you what to do. When I go down there and see that the trees, rocks, and concrete have been moved, my expectation is the perimeter of the park is likely to move with the natural ebb and flow of the rain—the heavy rainfall and the storm rains. I am curious if it is being looked at. You said that he said it will not make a difference. That is hard for me to imagine that is the case, but I am not saying it is a good or bad difference. I just want to know are we expecting that corner of the park to move away. It is very likely that it can and erosion can come up.

Mr. Porter: Are you talking about the river mouth side?

Councilmember Cowden: I am talking about the river mouth side.

Mr. Porter: Yes, from what he explained, the river mouth is the most dynamic piece in that whole process. As you get farther into the bay, you have less and less changes. There is definitely going to be a pattern of receding and building back-up of the sand out there and that actually is a good thing. Sometimes it will be wide and sometimes non-existent. As far as the park, with the general rolling slope down to the beach, the vegetation line will grow and recede. It is in a cyclical pattern and will act that way, which should be a better situation for the park and beach.

Councilmember Cowden: I think the key word there is “dynamic”—the big surf, the big swell—over the years, that whole area changes quite a bit. From some of the letters and messages I received from people who are part of the decision to put the concrete there have a lot of concern on how that might change things. Are you going to show a PowerPoint that you did or do you have a picture of this bathroom design because I am curious as to what that is?

Mr. Tabata: No, I do not have that with me.

Councilmember Cowden: These are essentially, portable comfort stations.

Mr. Tabata: The design included a covered area where we would install the comfort stations—men’s and women’s bathrooms in a trailer to meet the needs of FEMA requirements. During a next possible storm, we would pull these trailers out and take them to higher ground.

Councilmember Cowden: Does it go into a septic system?

Mr. Tabata: Yes, it is a septic system that is a multiple stage septic system.

Councilmember Cowden: So when people go into this bathroom, it is not going to smell like they are in a porta-potty. Is it going to have a clean odor because it is a water flush process?

Mr. Tabata: Yes.

Councilmember Cowden: So it will feel like a regular toilet. If a big storm is coming, you can drive it away?

Mr. Tabata: Yes.

Councilmember Cowden: If it blows away, can we stick another one in if we do not catch it in time?

Mr. Tabata: Yes.

Councilmember Cowden: As we are looking to change the park—I somehow did not get notice on that meeting. I thought it was originally scheduled for a Tuesday or was that my mistake? Had it been shifted?

Mr. Tabata: I do not believe so.

Councilmember Cowden: Okay, I might be remembering wrong. I noticed the contractor, Shioi Construction Inc., who is putting that bathroom in did not make it because he received his notice so late. He and I were at the same event.

Mr. Tabata: They were there.

Councilmember Cowden: Okay, Conrad was not and he had not known. When we are looking at some of the future work on this park—so many changes came out of the master plan—at least according to the meetings I had been in at the last Administration—people were really uncomfortable with it. I do not know if we have anyone here from Kaua'i Ocean Recreational Experience (KORE). Do you folks know that nonprofit?

Mr. Porter: I think I just got an E-mail from them.

Councilmember Cowden: KORE is an amazing nonprofit where they take people with disabilities and the whole community gets down there to help them surf, swim, or ride in a kayak—a lot of these people are disabled veterans. A number of different profound disabilities. It is a wonderful event and they are there about once a month. When I look at the new park design, it is hard to see how that would work. There are a lot of ways that the park design has impact. I am wondering where we are going to be looking at future work...there is a citizen committee that is coming up. Is that correct?

Mr. Porter: Yes, there is one in place from the last go around.

Councilmember Cowden: Citizen Advisory Committee.

Mr. Porter: Yes, and we will be re-opening the master plan process under the new Administration as soon as we secure the contract with the consultants—that is coming up soon.

Councilmember Cowden: Is it the same consultant?

Mr. Porter: Yes, it is the same consultant.

Councilmember Cowden: Okay, I want to make sure that I am specifically invited to those meetings. I am looking forward to what the change might be and I want to have it for the record in that last plan they had a campground in a place that floods three (3) to four (4) feet. That is why I ask about local knowledge because that was definitely resisted. Then, the night after the meetings, people were very upset about it...we had a huge rain, it was almost on command. We were able to see how very inappropriate that plan had been made. We have invested a lot of money in this park and there is a lot of vulnerability with how the water moves through there. It is not typical of Līhu'e or many other areas, so sometimes I think the rain flow is underestimated. I just want us to be very careful that we have not spent all this money and make something that is inappropriate. Scott, I have that Real Property Tax image, can you show it for a moment? The Real Property Tax group was kind enough to color-code our tax map keys by the type of ownership, whether it is nonresident investor or homeowner. The one big purple on the left...I actually think that should not be nonresident investor, but as we see more purpling of the community...and blue is vacation rental, yellow is owner-occupant—the person actually lives in that area. The reason why this is significant to me, is not that long

ago, twenty (20) to thirty (30) years ago, Hanalei was a town of residence. We have shifted to vacation rentals and now are shifting to nonresident owners, but there is a cultural connection with living in Hanalei and in the North Shore. We have generational usage or have had prior to the flood, of the park both the Sheehan property that was recently purchased, and the acquired piece...those have been big anchors in our community.

Council Chair Kaneshiro: Councilmember Cowden, can we get back to Parks?

Councilmember Cowden: This is about the park. Thank you. It is a question. Thank you.

Council Chair Kaneshiro: I have been really lenient. You have been talking, but now is the time for questions. If you can try to reel it in.

Councilmember Cowden: I have this up and I am going to bring it in. What concerns me is the park is almost the last vestige of community activity. When I see what has been put on the plan from the consultant from O'ahu it will service the visitors. It is almost removing the ability to use it by the residents because of the sheer volume. I have another video that I can show. I do not need to show it, but it is the drive down the road there...how crowded it is, how overwhelmed it is. In the new park plan, we have taken one hundred and fifty (150) parking spaces away. We have made really profound changes. I just want to make sure that we are not removing a very last vestige of where the community that identifies with Hanalei or that whole area has a place to be. I was hoping with the park design we would have seen—when I had asked for the presentation of what it might look like—that would have been able to answer my questions a little bit. I am just wondering, how are we going to make sure we are keeping Black Pot Beach Park still available for the residents?

Mr. Porter: Yes, understood.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I have a question, but were you done with your presentation?

Mr. Porter: Yes, I think so.

Councilmember Evslin: When is the expected opening for Weke Road?

Mr. Tabata: We were expecting it to be sometime in early May. However, with the speed cushion/table/hump in question—once we get the decision today on what to do—we will move forward, the contractor is on hold, right now.

Councilmember Evslin: At the last meeting we were informed if we deferred a week, it would not hold it up.

Mr. Tabata: June 4<sup>th</sup>.

Councilmember Evslin: Assuming that gets resolved today, then you are saying, "June 4<sup>th</sup>." How long is the master plan going to take?

Mr. Porter: No, we do not have a timeline for that.

Councilmember Evslin: How long did the last one take?

Mr. Porter: I was not a part of it, but I think it was over two (2) years.

Councilmember Evslin: Are you starting fresh or with the work that was done already?

Mr. Porter: We will work from the master plan that is in place already. There are also some new things that were not addressed in the old master plan that need to get addressed now because new things have come up since then and will be added too.

Councilmember Evslin: During a flood event, who is going to move out the bathroom? Where is it going to go?

Mr. Porter: During an emergency situation those could be used as restrooms for other...maybe if there is a flood in North Shore again and emergency response needs to set-up a command post somewhere, they could move those trailer bathrooms to the command post and can use those. That will probably be Public Works and Parks staff working together to get those things moved.

Councilmember Evslin: Can they tie into any septic system?

Mr. Porter: Yes, any temporary septic system or existing system.

Mr. Tabata: Or existing wastewater collection system. So say, we want to set-up a command center in Princeville, we will work out an agreement with Princeville utilities to get to a manhole and drop the waste in there.

Mr. Porter: That was the idea.

Councilmember Evslin: Yes, I applaud you folks for the creativity and coming up with that system; it seems like an interesting solution. On the average flood event, where is it going to go if you are not setting up a new command station? Is it going to go up Weke Road somewhere?

Mr. Porter: It will go to high ground or wherever is pre-determined. They will probably have pre-determined sites that will come out of the emergency management office...that will be part of the decision making.

Councilmember Evslin: Is that a big expense to haul around or is it a trailer you drive away?

Mr. Porter: Yes, you hook it up to a trailer.

Councilmember Evslin: From my understanding right now, one of the canoe clubs does not have any water—I do not know if there is a plan to get them water, do you know what the status is?

Mr. Porter: Yes, I have been talking with them, Namolokama O’Hanalei Canoe Club. I received a call yesterday and will follow-up on the timeline when the water will be supplied to the park.

Councilmember Evslin: Therefore, it is whenever water gets established at the park, they will be tied into that?

Mr. Porter: Yes, I will need to look at the details because that is the Public Works side. We will get together with them to figure out if we can charge a couple of lines here and there.

Councilmember Evslin: Did the existing line to the club get destroyed?

Mr. Porter: I am not sure.

Councilmember Evslin: My last question is my understanding is that it is possible, in theory, to drive to the beach via the boat ramp from the river side.

Mr. Porter: Yes, it is more than possible right now.

Councilmember Evslin: Is there a plan to either dredge that sand out or mitigate traffic through that area?

Mr. Porter: There are a lot of ideas being floated around, I do not know how feasible they are as far as permitting, Army Corps of Engineers permitting and all of that, but we are still trying to wrap our heads around what we are going to do for that.

Councilmember Evslin: It could come quick, June 4<sup>th</sup>.

Mr. Porter: Yes, as far as if any dredging goes on, it will not be done in any soon timeline.

Councilmember Evslin: Final question, the expectation is to have water in the park by the time it opens—showers and whatnot, right?

Mr. Tabata: I believe some of the existing infrastructure is still there for the restrooms. Until the restrooms are completed later in the year, the Department of Parks & Recreation will be bringing porta-potties in.

DOUGLAS HAIGH, Chief of Building Division: It is part of the Weke Road Reconstruction Project. Doug Haigh, Department of Public Works Building Division. As part of the Weke Road Reconstruction Project, it included restoration of the water system and we have meters serving the park. There is going to be an acceptance process that goes through with the Department of Water. We are not sure how long that will take, sometimes longer than others. However, we have made provisions to connect the previous meter, which is the new meter, to the water line that serviced the shower, drinking fountain, and other water sources on the park. Also, we will be reconnecting the water lines that feed the Counties *mauka* water properties, which would also have been feeding the canoe club property.

Councilmember Evslin: But there is no clear timeline?

Mr. Haigh: We do not have a set time, it is a process we go through with the Department of Water to get final installation of meters. This is a unique situation because it is not new, it is reconstruction. We do not have experience to tell us what is going to happen, but we are getting there.

Councilmember Evslin: Even you folks get you permits held up with the Department of Water.

Mr. Haigh: I will not comment.

Councilmember Evslin: I have a question, so the State canoe races will be in Hanalei in three (3) months with two thousand (2,000) paddlers and their families all in the area. The races bring a lot of people out at Black Pot Beach and everywhere. Are there any anticipated issues with water or bathrooms come the first week of August?

Mr. Porter: Yes, we have already had our initial meeting with the stakeholders of that group. We are going to have a follow-up meeting, but in the meeting we had the canoe association, Peter, and all of the County agencies that would...Kaua'i Police Department, Parks, Public Works, and a few people who were representing canoe clubs were in that meeting. We had our initial talk-story session. We then had some action items that people needed to do such as permits and whatnot and we will have a follow-up meeting. We have already started that conversation so I think so far, so good.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: That septic connection sounds too easy, for me. It sounds like we are just screwing on a water hose to a pipe. How difficult is that process? It is not that easy, right?

Mr. Haigh: It is a standard trailer connection process. Just like if you are taking a trailer to a trailer park, you pull in and connect your sewer and it is kind of that easy.

Councilmember Kagawa: You do not need heavy equipment to dig up...

Mr. Haigh: No, that is part of the construction and design. We do not have the final details yet, but it is a standard way of connecting a trailer to an existing septic tank, water system, and electrical. All of the three (3) utilities will easily connect and disconnect.

Councilmember Kagawa: I heard that if we have an emergency, we are going to take that, and use it somewhere else, but if the infrastructure is not ready at the other place, it is not that simple, right?

Mr. Haigh: That is correct. If you are taking it somewhere else and want to use it, you are going to have to have electric, water, and sewer services to connect to.

Councilmember Kagawa: That is ready and in place.

Mr. Haigh: Or that we are creative in getting it connected. In emergencies we can get creative.

Councilmember Kagawa: Okay. What is the plan for the parking on the beach? When were we opening the park again?

Mr. Porter: Right now, it is June 4<sup>th</sup>.

Councilmember Kagawa: June 4<sup>th</sup>. Initially, will parking be allowed on the beach?

Mr. Porter: The current Administration is siding with the recommendation from the original master plan process, which was to prohibit parking on the beach.

Councilmember Kagawa: Will we need to put up a barrier of some sort?

Mr. Porter: Just because of how the situation is now with the sand by Weke Road—the sand stretches about one hundred and twenty (120) feet into the river right now. There is really no physical way we could prohibit any kind of vehicle access.

Councilmember Kagawa: We would do it via our rangers or signage.

Mr. Porter: It would just be enforcement.

Councilmember Kagawa: Enforcement and try to see how that works but the policy would try to start the process of not allowing vehicles on the beach.

Mr. Porter: Post signs and enforce.

Councilmember Kagawa: Is there an additional parking facility that we are trying to get done quickly?

Mr. Porter: Yes, the original footprint of the parking on the *makai* side of Weke Road will still be available.

Councilmember Kagawa: That is the small one.

Mr. Porter: Then, *mauka* of Weke Road will be an additional parking on that end. I think we were estimating—when we fence it all off and get the temporary parking set, it is going to be close to one hundred (100), it will be ninety-something stalls in the park.

Council Chair Kaneshiro: Any follow-up questions? Councilmember Cowden.

Councilmember Cowden: That is the question I was trying to ask before. I have counted the cars on the beach regularly during the other process. One hundred and fifty (150) is a typical day, it could be up to two hundred (200) there. That is where the community parks. It is clear there is not an intention to the way the grass has been placed so that was why I was bringing up KORE. When I asked if you have a plan, you said, “Yes,” I am wondering, what the plan is because that one hundred (100) spaces will be filled with visitors in a heartbeat. What is the purpose of that concrete turn around?

Mr. Porter: It is a drop-off.

Councilmember Cowden: As a drop-off. If we have one hundred fifty (150) people come with a drop-off for their body boards, pop-up tents, cook stoves, big ice chests, and whole family camp out at that drop out—I am trying to visualize how one hundred fifty (150) people show-up within an hour or two (2) of each other and pull that off and where they park. I am just wondering where we will have that multi-generational area. That was my question. When we were told last time—it did not use to be there is because people use to live in town and they could walk. Where are we planning to allow for that?

Mr. Porter: For which part, the KORE?

Councilmember Cowden: Not just KORE, everyone who uses the beach, the one hundred fifty (150) residents that are on the beach there. Where do they get to park?

Mr. Porter: Yes, so we have the...

Councilmember Cowden: I am asking where?

Mr. Porter: We have what is set now with the temporary parking. Once we can open up the Sheehan boat ramp side—that is another three (3) acres of land, therefore, we can extend parking all the way back that way, too.

Council Chair Kaneshiro: I have another follow-up question on the same issue. Councilmember Chock.

Councilmember Chock: Thank you, Council Chair. What I am hearing is get everyone off the beach and have this parking lot. Pat, I guess the question is, are we planning to...like the master plan, there are specific spots for locals to park. Is that part of where we are headed with Black Pot Beach Park in trying to limit visitors down to the area by vehicle and perhaps use the shuttle? I am trying to get a sense of how...the fear we are hearing is, not enough parking. People will park down the road along residence easements. Then, you will push out the opportunities for locals to get to the beach. I want to get the long-term vision for where the department is headed with this.

Mr. Porter: So far, we have not dove into that long-term vision yet, but there have been a lot of ideas flying around. Controlling the traffic and visitors is definitely on the forefront of our minds. Any suggestions in that realm is welcomed. I think going through with this process is definitely going to be a part of this master plan process.

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

Councilmember Chock: Different question on Weke Road. New question, we have talked about the restoration of Weke Road and of course the hardening of that one area that breached. I think, still to today, we had questions on a weekly basis about the viability of that because we understand it is now fortified. Some of the questions coming up are; why do we not have at least one or some outlet for water to go through? We know the response has been, if you let the water through, what will happen is it will undermine the houses along the shoreline. Also, the concern is what happens to the houses behind Weke Road on the *mauka* side and what it does to the town if water is backing-up into the next town during the next flood? I want to know if we have looked in ways to let the water move in the directions we want it to.

Mr. Tabata: To answer the second part of the question on erosion and the estuary, as I had mentioned sometime last year at another meeting—after the April storms...our Engineering Division Flood Plain Manager requested FEMA initiate a new analysis and modeling for the watersheds for Wainiha, Hanalei, and Waikomo. They have recently informed us that they are able to fund the study under what they call “discovery” under the Risk Map Program. That has been programmed to fund and start around 2022. These things to get federal funding take congressional action and so they take a little while to happen. People need to step back and understand that this was a hundred year storm—it is a one percent (1%) storm—is what we had been informed. I understand that we had another storm and things started to flood again, but it is not a normal occurrence. As the homes get restored *mauka* of the road—as you had asked, where does the water go? The water will flow the natural path. Now, when you step back, the entire valley of Hanalei—spreading to Waioli, it was flooded, backed-up, and the water is going to find the easiest way out—or the lowest level to get out. It just so happen, at this location

where the road was damaged, which was the lowest point. Basically, in front of the properties are dunes and as the dunes rise, erode away, and accrete back, the phenomenon of building exit areas along the beach higher than what we did see happens. So the water is supposed to go out through the river. We believe the study will show us more of what activity can happen, but our present charge was to restore back to what was existing before the storm, which is what FEMA funded. As far as mitigation, we discussed early with FEMA and the mitigation we proposed was to harden the road because it was built on sand. We have parameters we need to live within and that is what resulted.

Councilmember Chock: Just for clarification, other than the river mouth, the lowest points on Weke Road is where this breach occurred, is that correct?

MICHAEL MOULE, Chief of Engineering Division: Good morning, Council. Michael Moule, Chief of Engineering, for the record. As Lyle explained, the entire basin was filled with water. Water spilled out over the rim of the bathtub in a lot of different places. As the water recedes, it concentrates itself on the lowest points—really at the beach—at the edge of the bathtub, so to speak. The lowest points that had water behind them, so to speak, were the ones that were the most eroded based on my assessment of how that erosion occurred. One of those points as at the pier and that is the biggest opening, which eroded back towards Weke Road. The elevation mattered most at the beach, not on the road itself. With this latest design, the road is flat all the way through, but as we rebuilt the road—we kept the elevations close to what they use to be, but from where the road reconstruction started to the widened concrete area that Councilmember Cowden asked about a moment ago, we brought the grade down a consistent grade making the low point at the widened concrete area. Then, it goes up from there a bit because it was higher at the park area and then back down to the old boat ramp. That was intentional, in part, so the lowest area between there, the road, and beach area would be where there is the most concrete, which would be the strongest. That is the other purpose to answer Councilmember Cowden's earlier question of the large concrete area. It is to strengthen the road at what we have designed into be the lowest point. Before, it was sort of nebulous as to what was lower because it was kind of up and down but very flat as the lowest point itself.

Council Chair Kaneshiro: Okay, and with that we do have to take a ten (10) minute caption break and we will be back.

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

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

*(Councilmembers Brun and Kagawa were noted as not present.)*

Council Chair Kaneshiro: Welcome back from our caption break. We do have the Mayor here and he just wanted to make a quick statement. He has been watching the meeting and wanted to give us an overview of Black Pot Beach Park.

DEREK S.K. KAWAKAMI, Mayor: Thank you, Council Chair Kaneshiro, Vice Chair Kagawa, and members of the Council. Thank you for this opportunity to speak on Black Pot. From time to time, if I am available and can break away, if there seems to be some need for direction, directly from the top, I am going to try my best to accommodate this Council when possible. As always, our door is open for meetings.

*(Councilmember Brun was noted as present.)*

Mayor Kawakami: We are always looking forward to meeting with you one-on-one, two-on-one, or whatever it is. Our doors are open. I just wanted to clarify so you folks are clear where we are on Black Pot. Previously, you may recall that the community had come together with the prior Administration.

*(Councilmember Kagawa was noted as present.)*

Mayor Kawakami: They came up with a Draft Master Plan for the area, so there was a tremendous amount of time and community input put into that process. We have taken the position to respect that process. We are not in the business to go and rewind all of the hard work that was done previously. That being said, for the large part, we are taking the recommendations from the prior Master Plan, out of respect to the community and the process that occurred during that time. That being said, since then, a large majority of this Council, myself included, acquired an additional parcel that is going to add to that tremendous asset on the north shore. Because we are adding to Black Pot, our intent is to go back to the community and try to master plan the additional area. Some of the key points that have come up so far since we have gotten sworn-in is one, there is an existing *hale* where there are a number of community organizations that want to preserve some sort of facility that could house perhaps a canoe club. There are various organizations that are looking for areas where they can congregate and have celebrations, so we are taking that into account as well. We want to make sure that this new park is a great facility that is accommodating to the uses out there. We do acknowledge that canoe paddling is a Hawaiian sport and it has a special place at Black Pot in Hanalei. We want to make sure we do what we can. We cannot overpromise and under-deliver, but to do what we can to be as accommodating as possible. Whether or not it is going to look like it currently looks like right now, it remains to be seen because remember, we are going to go back to the community to hear what it is that they would like to see. As far as parking on the beach, which is another contentious issue, it is a divided issue. Myself, personally, when we go to Black Pot, which is quite frequently in the summer, we do park on the beach. If we do not allow parking, it will be an inconvenience for myself and my family. That being said, since the flood, I think a lot of people are aware that the access that people used to drive on to get to the beach was washed out. Right now, there is a grassy open space. The previous master plan had recommended that they do not allow driving and parking on the beach, and so we are paying respect to that. Is everything set in stone? It never is, because we are always taking into account input. Community input will come in at different stages of this planning process, and you folks are part of that planning process, too. If you wish to continue to have driving and parking on the beaches, then let it be known and we will take that into account as well as everyone's input as to the development of this plan.

The one thing I want to address though, is the issue as far as parking, if we are trying to solve capacity issues with parking stalls and the amount of parking stalls that we have, we are always going to lose the battle. It is hard to manage parking in that aspect and that is why the previous Administration and this Administration has appropriated a lot of resources to initiate a north shore shuttle. Now, people are starting to forget that the shuttle is not just for the Hā'ena State Park, that shuttle is a solution for the circulation of people in Hanalei and beyond. This Administration feels that for the long-term vision of being able to accommodate and strike the right balance of how much people can fit in an area, that is going to be the long-term solution. Short-term solutions are to build parking lots and pave more areas for cars. Anywhere else in the world is showing that is not a good management process to manage capacity and we are dealing with a capacity issue. Let us remember that. We are trying to strike the balance of how to co-exist with our visitor industry and local people that want to be there as well. We are doing the very best job that we can. This is a work in progress, so we wanted to assure people that nothing is set in stone, we remain open-minded, but our position as of today is that we are not going to be allowing parking on that beach for the time being because one, it is in respect to what was done before, and just the infrastructure and how it exists today, does not look like how it looked like previous to April. That being said, Council Chair Kaneshiro, if there are any questions, I will try to answer as much as I can now before I have to run, but if you have any further questions, as always, my door is always open and you can just send over a communication or however it is most convenient for you. Thank you, Council Chair Kaneshiro.

Council Chair Kaneshiro: Thank you, Mayor, for the overview. Do we have any questions? Councilmember Cowden, I think you were next in line.

Councilmember Cowden: Well...

Council Chair Kaneshiro: Actually, do we have any questions for the Mayor before he has to go? I know he did mention that he has a meeting.

Councilmember Cowden: I was just going to say, thank you for coming over and sharing that. You addressed, the really key issues. As I was saying, the (inaudible), Aunty Annie gave me her dress to wear to be professional today. They are all watching. It is very important to be able to have that sense of community, so how that means of being able to be sure there is still canoe energy, fishing energy in that area, and then for many people, more people that I know than not, being able to get on to the beach is where the visitors are. Thank you for addressing that. I understand it is not set in stone, but that is up for discussion. I appreciate that.

Mayor Kawakami: Thank you.

Council Chair Kaneshiro: Councilmember Kualifi.

Councilmember Kualifi: Thank you for being here, Mayor. Just a quick question. Being that you are a former Legislator as well, there is a State law that prohibits driving on the beach. Would parking not kind of be covered with

driving on the beach? Where does the State law end and the County come in? I want to look into it more because I have looked into it years back, but not recently.

Mayor Kawakami: Councilmember Kualii, that is an excellent question. It ends at Black Pot, because for some reason of all the beaches on Kauai, Black Pot is the only County beach. It is the one beach that we actually have within our wheelhouse, the ability to manage and perhaps show what it looks like with best management practices. I believe the County is the one to do that, because we have the leadership presence on-island, we have the local boots on the ground, and the knowledge. That is what our job is, to be close to home and represent Kauai. This is the one beach that we are excited about as far as best management practices.

Councilmember Kualii: Thank you. *Mahalo*.

Council Chair Kaneshiro: Are there any further questions for the Mayor? Councilmember Kagawa.

Councilmember Kagawa: Mayor, I think the thing that I have heard the most was that if there was some way, even with Ha'ena as well, to allow local people to have the privilege of parking on the beach for now and block tourist cars from having that ability. Have we looked at any ways that it has been done? It seems like it is some kind of discrimination type of problem that they come in, but that sounds like what I am hearing from the community that is saying, "Hey, why do you not block the tourist cars and at least preserve the stalls or the privilege of parking on the beach there?" Have we found any solutions to that? That has been brought up as an obvious solution that they would like to see, but if it is not doable, then I guess we have to look for another solution.

Mayor Kawakami: As far as that, that might be tricky because as a former Legislator, in crafting policy and law, we try to think what are the unintended consequences are. I actually thought about that proposal, but what we were fearful of is creating a contentious community where we did not have the resources to enforce, and because we did not have the resources to enforce, what it would do is it would put local people in this position where they have to now enforce on their own versus tourists and the potential conflict that could exist if we created that type of atmosphere because that is what it required. It required the manpower, someone physically there to be able to differentiate between a resident and a visitor driving on that beach. Legally, I am not sure if you could do it either. What I could tell you that I am a bigger fan of is, and I am not sure how feasible it would be, but I would like to start the conversation, if we could actually start designating more stalls for local people. That is one (1) way. Sometimes you have to...I do not want to say force the behavior, but force the behavior. If we want to push people on the shuttle, we have to make things inconvenient for them to park. It is what it is folks. That is why when you talk about disincentivizing driving and promoting public transportation, when they have to start paying for parking, they are going to jump on public transportation. If we have a limited supply and an increased demand, the law of supply and demand, if we have a limited supply of parking areas and real estate, how do we disincentivize people from eating up all of that real estate? If it is visitors, we try to get them on a shuttle. We are trying to brainstorm every single

nook and cranny of this evolving business plan of a shuttle system and take into account what we could feasibly implement short-term and long-term. Thank you.

Councilmember Kagawa: Thank you. I just say that because I recently went by Shipwrecks and every stall, including the whole road leading up to Shipwrecks, were all tourist cars.

Mayor Kawakami: Yes.

Councilmember Kagawa: I am thinking to myself, we have no ability to prevent this. When can the locals enjoy that surf spot? It is pretty sad that it is discriminatory, yet, we have that kind of situation. I do not know. It is just frustrating. It is frustrating because we know we want to do the right thing for the people that live here all of their life and whatnot, and we cannot. It is pretty tough. Hopefully, we can find other solutions.

Mayor Kawakami: We are banking on this north shore shuttle system as far as being a pilot, being successful. There is a lot of weight on the shoulders of the folks running that shuttle system to make sure that works, because we have plans of rolling that model out eventually to South Kaua'i where you have capacity issue as well. If you are there in the summertime and you are a local family who wants to enjoy Po'ipū Beach Park, good luck finding a parking stall. Then, it pushes everyone to park on the shoulders of that road, which is illegal, and then we have our Kaua'i Police Department (KPD) officers unfortunately stinging people. I think in the long-term, it is going to take some behavioral changes, which is always tough. People always love new things and hate change, but once they start implementing that change and getting used to it, I think visitors will get acclimated just as we do when we go to their neck of the woods.

Councilmember Kagawa: Thank you, Mayor, for coming up and speaking to us on this important issue.

Mayor Kawakami: Absolutely. Thank you.

Council Chair Kaneshiro: Are there any further questions for the Mayor? If not, thank you, Mayor. Thank you for your time.

Mayor Kawakami: Thank you, Council Chair Kaneshiro. Just to clarify before people get the misperception that we are being disrespectful to that area, we come with the intent of being very respectful. That is why we plan to go back to the community and had to make some very tough decisions about that area. We reached back as to the work that was done and we realized that a lot of the work came from community out there when they did the Master Plan, so we are not inventing anything new. We are just trying to implement what was agreed upon because I will tell you, that is where mistrust comes when government goes back on their deal and make changes. The whole parking on the beach thing was a tough issue. Me, personally, I love parking on the beach because it is easy. Is it best thing for the area or the best thing for the beach? I am not sure it is. Is it an inconvenience? Absolutely. But just looking at the past work that was done, we just wanted to be

very respectful and that is why we just said, "For now, we are going to follow suit as to what was already agreed upon." Thank you, Council Chair Kaneshiro. Thank you, Council.

Council Chair Kaneshiro: Thank you. Are there any further questions for the Administration from the members? If not, thank you. We will take public testimony. Does we have anyone signed up? Is there anyone in the audience wishing to testify on the work being performed at Black Pot Beach? If you come up, you can state your name, ask your questions as part of your testimony, and then if any of the Councilmembers feel they want to ask it back to the Administration, then we can suspend the rules and bring the Administration back up. But you are not going to ask questions and we are going to be answering it here.

HOBBIE BECK: Hobbie Beck. Okay, north shore of Kaua'i.

Council Chair Kaneshiro: You have three (3) minutes; the light will turn green when you start, it will turn yellow when you have thirty (30) seconds, and will turn red when the three (3) minutes are up.

Mr. Beck: Thank you. I want to thank Patrick and the Mayor for coming and straightening some things out.

Council Chair Kaneshiro: State your name for the record please.

Mr. Beck: I will say it again. Hobbie Beck. I am a north shore resident. Thank you, Department of Parks & Recreation. I think they are doing a great job out there. The park looks great. I think we are going to end up with a better product than when he started with in the long-run. A lot of my questions were answered today that basically confirm that they are going back to the community before any major changes are done to the park. I appreciate that. One clarifying question, you folks were talking about removing rocks and boulders on the park. It was alluded that they were removed from the river mouth. I just want to clarify, I do not think any rocks have been removed from the river mouth allowing greater access for the river to flow out. They have been moved on the beachfront, which I think does help with accretion, better sand flow, and whatnot. So, nothing has happened as far as I am aware with the river mouth; it has on the beach. I just wanted to make that clear so everyone knows that. Also, there is another area up the river right upstream of the Namolokama O'Hanalei Canoe Club where Weke Road meets the river. There were rocks placed there about ten (10) years ago and it has caused a lot of accretion and sand in that area. I am just wondering if there is plan to remove those rocks as well or if those stay there, the artificial rocks that were placed there. We have talked about removing trees in the park. Are there plans to replace those trees, hopefully? It is a question or comment for later, I guess.

Regarding the bathroom, it is a real concern to me. We all saw what happened with the last bathroom in the last flood. It might have been a 100-year flood, but our canoe club gets flooded three (3) or four (4) times a year. We have residents that live on Weke Road and we cannot get there in time to secure our canoes. We have lost them and tied them up. Actually, the last wind storm, Hawaiian Dredging had

three (3) porta-potties. I have pictures of them flipped over in Waikoko Stream. Our weather is getting worse. Is there any way that...I have a really hard time seeing someone driving down in a flashflood disconnecting a sewer, hooking it, putting it on a trailer, and getting it to higher ground when everyone is mass exodus out of the north shore. Is there any plan to secure that so that if someone cannot get down there, it does not end up in the river and on the reef?

Then, my last comment is about thirty (30) years ago, the Hodge's lot and the four (4) lots adjacent to that on the beachfront were made the most beautiful park in the world. At that time, there was opportunity to purchase that and be part of Black Pot Beach Park. It is a beach park. We are acquiring property up the river to help with parking and, to me, it is kind of missing the boat. It is a beach park. People are going there to the beach. I ran out of time.

Council Chair Kaneshiro: That is your time. If you need, you can come back for another three (3) minutes.

Mr. Beck: Okay.

Council Chair Kaneshiro: We are going to take everyone's first three (3) minutes first.

Councilmember Chock: I have a clarifying question.

Council Chair Kaneshiro: One moment, Hobbie. Councilmember Chock has a clarifying question.

Councilmember Chock: Just to clarify, when you are talking about replanting trees, are you talking about ironwoods?

Mr. Beck: Hopefully, not ironwoods, no. I agree those should be taken out. All of the trees down there are either being removed or are dying because they are old. I was just wondering if there was any landscape plan to replace them.

Council Chair Kaneshiro: Thank you. Is there anyone wishing to testify?

DUSTIN BARCA: *Aloha*, Dustin Barca. I just want to thank the Mayor and everyone for keeping an open mind about Black Pot and the parking on the beach. I think some of us do not agree on all these issues, but a lot of us agree that putting local people and the lifestyle first is a major thing nowadays on this island, because especially in Hanalei, we have a large overflow of people moving in there and kind of taking over our community and trying to mold into more like where they come from to comfort their lifestyles, instead of putting our lifestyles first and converting to our lifestyles. One of the major issues with Black Pot is the fishing. Hanalei is a fishing community. One thing these people do not realize and the County does not really put into perspective is how the river mouth closes a large portion of the summer, and so everyone has to launch off the beach right next to the pier. The beach access is really important to the fishing community because a lot of time, you

have to launch your boat next to the pier. It is the only deep enough place. 'Anini has become a real scene; there has been fights down there between fishermen and there is a lot of things going on. It is overcrowded. We need that beach access, especially for the fishing community, and that is a major hunting/gathering rights issue for local people and just fishermen in general. That is the major issue, I think, and the most important one that everyone can kind of relate to. Other than that, Black Pot has been a major part of our lifestyle in our community. It is a gathering place for the entire north shore of Kaua'i and throughout the island; everyone comes down there on the weekends, camps, brings their family parties there, and have been doing it for generations. I just do not see it working not having that access because those families also bring their boats to fish and they do a lot of things that has to do with having access to the beach. It is a really good idea to create more parking in the back. I have heard a lot of people bring up ideas. One of the ideas that I thought was good is how local people pay maybe one hundred dollars (\$100) or fifty dollars (\$50) a year for a sticker, they have local parking there on the beach, and the tourists all get guided to the back parking lot. It might be a discrimination thing, but I see it happen all over America where people who live there pay money to park and other people have to find another place to park. I will wait. If Hobbie is going to speak again, I will speak a little bit more.

Council Chair Kaneshiro: Yes, you can have another three (3) minutes once everyone has spoken. Let me see if anyone else want to speck speak. Does anyone else want to speak for the first time on this issue? No? Hobbie.

Mr. Beck: Where I was going with the lots next to the pier and the plan, which should have been done maybe thirty (30) years ago and with my question about the trees is basically, the best time to plant a tree is twenty (20) years ago, and the next best time is today. If we do not have a plan moving forward, what are we going to do in the next twenty (20) years? As we saw Councilmember Cowden's map, there may be two (2) residents living on the bay in Hanalei; two (2) left of local people that actually live there now. They have all been chased out. I am one of them that is being taxed out. If we do not plan for that now for public resources, keeping people on the beach, and access to all of that, Weke Road turns into a one-lane road; there is no parking and all of the beaches are crowded. Waioli Beach Park at Pine Trees, the huge section if you are familiar with the big field there, Mahamoku (Mabel I. Wilcox Hanalei Beach House), the house that was there originally, was beachfront. The one hundred (100) yards of in front of it is all accretion; that is all built-up land that was not there before. Waioli Corporation did not want to pay the taxes, so it became community property, it became a park. Everything from there to the pavilion as it accreted, became private property and those people are getting larger and larger lots. The question for me is, why did that become private property and generate more tax flow? But, the community loses out. If we could do something with that, it would make a lot of friends with the residents down there, but there is some kind of plan that has to work with that. I would just urge us all to take that into consideration as we move forward, plan for next twenty (20) years, not just for next summer or July when the road finally re-opens. There are bigger issues, so if we can look forward to that. We did not thirty (30) years ago and I am sorry we did not, because now there are houses and no one lives in those houses next to the pier.

There are four (4) or five (5) houses that are absentee-owners that all taxed and affect us negatively. Anyway, those are my comments. I appreciate it.

Council Chair Kaneshiro: Thank you. I was going to say that if you have questions unanswered, you can always go and talk to them outside after the meeting, also.

Mr. Beck: Yes, I will. The community meeting in Hanalei, I had to leave early because the meeting started at 6:00 p.m., the bridge closed at 7:00 p.m. with the convoy, and we all had to be there. I apologize. They probably answered it at the meeting. Thank you.

Council Chair Kaneshiro: Thank you. Dustin.

Mr. Barca: Do I have to say my name again?

Council Chair Kaneshiro: No, you do not need to.

Mr. Barca: I second that what Hobbie is saying about acquiring that land over there instead of rebuilding those houses. When we were little kids, that was the park, and so that would be really smart for the County to try and acquire those properties and create more of a park area or more parking over there. The major issue that I am here for is the beach access and just presenting that, the importance of keeping it open for the fishermen. I am a surfer, too, and I appreciate being able to park there and surf because it is a major surfing community. That is kind of what the community is based around; fishing, surfing, and canoe paddling. The importance of that beach being opened is major to our lifestyle and our community. Thank you, Councilmembers. I have to get back and try to make some money. I appreciate you, Councilmembers. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to speak for the last time? Okay. I will call this meeting back to order.

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

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

Councilmember Evslin: I just want to thank Parks, Public Works, and the Mayor for coming today. You folks helped answer a lot of the questions that I had. It seems like some of the community's questions were answered as well. I really appreciate the Mayor's comments regarding the Master Plan and respecting the work that has been done, but moving forward because there are changes, but I think it is really important to respect two (2) years of community input that already has been given on that existing plan. Regarding parking, I have a lot of thoughts on parking, and I think, ultimately, the decisions have to be made through the community process, but the County does have the authority granted by the State, to charge for

parking based on residency. Hanauma Bay does it. The State is going to be doing it in Kōke'e pretty soon at some of the lookouts there. You can charge where Hawai'i residents are free and visitors have to pay a fee. We have been looking a little bit on our side on ways to do that possibly at other beach parks, but I do think it is important as part of parking management. If we create three hundred (300) parking stalls there to make sure that we have enough parking for local residents, all we are going to do is make the beach overcrowded. I do not think the answer is to increase the overall supply of parking to make sure that we have parking for local people, it is to do what every other popular beach in the Country has done, which is have resident parking whether it is a physical spaces or charging for tourists, and also integrating the shuttle into that.

Just to sort of focus my questions regarding water to the canoe clubs, or to Namolokama O'Hanalei Canoe Club specifically, is so important. From a health and safety perspective, they are paddling in canoes that cannot be cleaned out. If you paddle in a canoe long enough that cannot be cleaned out, there is Methicillin-resistant Staphylococcus aureus (MRSA) and *Staph infection* (staphylococcus aureus) growing in the bottom of that canoe. People can get badly injured from that, so the ability to pressure wash a canoe is vital. I hope that can be fast-tracked in some fashion to get those people water, along with obviously showering off after you paddle.

To clarify the questions regarding driving on the river, again, it is the worst of all possible options to get to the beach. I am going to refrain from weighing-in on whether parking on the beach is a good idea, but driving on the river is the worst way to get there, because the river can be soft or can rise unexpectedly. I have seen cars having to get towed out of there; and creating a little highway in the section would be bad.

Lastly, I went out to Black Pot the day after the flood, and my mind was blown. I did not recognize anything that I was looking at. I thought the County could never repair this, so I want to say, "Great job." I know it has taken a long time and people are frustrated, but that was a monumental task; the ground was gone. I thought they were going to have to make a bridge to get to the park. I want to say, "Good job," but I also want to say that seeing it built back to where it was, and I know that there were Federal requirements to do such, but I think looking at this as one percent (1%) storm, might have been true looking backwards. As Chip Fletcher, a Coastal Geologist in Hawai'i, says, "We have infrastructures built for a climate that no longer exists." So when we are rebuilding to the same standards from before, it is not going to protect us going forward because all of the evidence is showing increasing storm events and of course, rising sea-levels in that area. I do hope that going forward, we can do a good job in mitigating storm events and sea-level rise in that area and all areas on Kaua'i. Thank you for coming and I appreciate the presentation.

Council Chair Kaneshiro:            Anyone else? Councilmember Kagawa.

Councilmember Kagawa:            I just wanted to clarify that the Sheehan property was purchased because we needed to settle a lawsuit with the Sheehans that we did not have a good chance of winning. That is why the Council took the offer. It

above market value, but the chances of losing a lawsuit at higher value was great in my estimation, so that is why I voted for it. The other properties, it is a no-brainer that we should try to acquire it. This is a perfect time to try to acquire it in the condition that it is in—well, actually, last year was the perfect time to try and start the negotiations, but we still have time. I think it will definitely not be cheap, but it would make a lot of sense to acquire those properties and expand the park. I vote to look into that matter and hopefully, we can at least see the price we are dealing with. I think if it is doable, then we should do it. Thank you.

Council Chair Kaneshiro: Councilmember Kualii and then Councilmember Cowden.

Councilmember Kualii: Just to add one thing quickly, I would ditto Councilmember Evslyn's remarks and then, I would just highlight that I, too, am really concerned about the idea of driving along the river. I hope we will do everything that we can to prevent that from happening. You did not actually tell us what options you are looking at, but I hope that it will not be the options that you are removing now, such as you are removing the boulders and concrete, and that you will use as natural as possible option perhaps with vegetation that normally grows along the riverbank anyway, just to prevent vehicles from getting on that area. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also want to thank the Administration for their flexibility and for coming. I am first going to speak to the fishing at the ocean there coming down next to the pier, that has been something that is a really important part of the whole summer program. It is a part of catching food and part of with what I have been talking about with this beach parking. As people come, they bring their boat down and it is more than a convenience where they park their car. The thing that is important is that there is the entire family, generations show up. Some people are fishing, some people are surfing, and it is like a campsite right there at the beach; very much frail-aged grandparents, great-grandparents, and babies are there. Just the practicality of having to park a long way down Weke Road or very far back is really difficult, so it is more than a convenience, it is a whole part of our community culture. I think those two (2) are very important. I am open to considering these stickers. Talking about the trees, trees in place really matter. The area of the Hodges' property that ripped open, there might have been a number of reasons, but it coincided with the removal of false *kamani* trees that were there. As they got pulled out, the next big storm about a year later, ripped all of that out, and it got covered. It was later sold to the park, but that seems to be the problematic area. We see that in a lot of places that when you take the trees out, it is going to have even more flexibility for how the sand and everything can move. If that is what we want, we want to make sure that we want it open. People in here heard that I thought do make a little bridge and then, we have that easement. Councilmember Evslyn mentioned staph infections. When I had Hanalei Surf Company and was a paddler, heavy staph infections were problematic out in the area, so being able to rinse off/wash off is really critical having functioning bathrooms. It is really critical. Then, Councilmember Kagawa mentioned perhaps expanding. I believe there are two (2) houses right there between the existing park and the one where the James'

property is has cleared out two (2) houses, so it is no longer a contiguous piece, so it is perhaps not as easy as that might sound. That is basically it. I am pleased to hear that we still have some opportunities to both embrace what came before with the planning and then look at what we want moving forward.

Council Chair Kaneshiro: Thank you. Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. Pat, thank you so much for the update. I know there is a lot more decision-making to be had, but I appreciate the openness, as well, from the Mayor to have this discussion. Parking is and always will be somewhat of an issue. I am actually looking forward to the possibility of limiting traffic to the area as much as possible, particularly for visitors. As we look at the north shore shuttle, the opportunity to be able to provide more access for local traffic, parking stalls specific to our locals, I think is really important. Councilmember Evslin had talked about, and we are working on potentially being able to look at how it is we create fees specific for visitors so that we can actually incentivize the options and choices to move people towards the shuttle that are visiting the island. I wanted to put this picture up. This picture came in this morning to me via text message from a prominent resident on the north shore. I think this is what the Council had looked at some time back when the Master Plan was being considered. I think when you look at it, some of the things that were said this morning in terms of how we preserve the lifestyle and culture that we are all looking for, but also understanding that this might be an issue and that we have to change to some degree. Where is that balance that we are trying to seek is the question and how does that look, I think, moving forward, because I think there are a lot of people in the community that have said, "Well, I think we have to change." There are safety considerations, but certainly, access for fishermen is something of a need. Then, inevitability what we need to do is be able to provide those kinds of ways for our community to get to the beach. I look forward to that discussion moving forward, and actually look forward to Black Pot coming back online. Thank you.

Council Chair Kaneshiro: Is there any further discussion from the members? If not, the motion on the floor is to receive.

The motion to receive C 2019-105 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, Councilmembers Brun and Kagawa were noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Kaneshiro: Motion carried. Next item.

C 2019-106 Communication (05/01/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill relating to the Real Property Tax-Affidavit Requirement for Long-Term Affordable Rentals.

(*Councilmember Kagawa was noted as present.*)

Councilmember Kualii moved to receive C 2019-106 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Again, this is just the Communication. If we are going to have discussion, I would say we do it on the actual Bill. 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 from the members?

The motion to receive C 2019-106 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 Kauai, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

C 2019-107 Communication (05/02/2019) from Adam P. Roversi, Deputy County Attorney, requesting Council approval of the indemnification provision contained in the Lot 155 Exclusive Right-of-Entry Agreement between the County of Kauai and Patricia Wilcox Sheehan, for the purpose of expanding Black Pot Beach Park for public park purposes following final Land Court approval of a proposed subdivision affecting Tax Map Key Nos. (4) 5-5-01:002, 033, 034, and 049: Councilmember Kualii moved to approve C 2019-107, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Do we have any questions from members? Do it now, or forever hold your peace.

Councilmember Cowden: Are we not going to talk about it later?

Council Chair Kaneshiro: Not this one. This is for a Right-of-Entry Agreement.

Councilmember Kagawa: It is the one that I was just talking about earlier.

Councilmember Cowden: I was having a hard time looking at it and visualizing where it is because we do not have a map.

Council Chair Kaneshiro: We can suspend the rules. Adam, if you want to come up and try and explain where it is exactly, or Pat, either one of you.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Deputy County Attorney: *Aloha* Council Chair Kaneshiro and Councilmembers. Deputy County Attorney Adam Roversi. My Office filed this on behalf of Parks. If you are standing on Weke Road facing Weke ramp, the three (3) small lots surrounding the Namolokama O'Hanalei Canoe Club site and then further upstream as Councilmember Kagawa was discussing earlier, there is this additional three-acre parcel, which was the most recent acquisition by the County. This request for a Right-of-Entry Agreement is with regard to that three-acre parcel, which people refer to as "The Old Boatyard." We have a map actually, that we can show. As Councilmember Kagawa mentioned, the previous Council entered into an agreement to purchase this property, we cannot actually take title to it, however, until the Land Court process is completed, so the purpose of this Right-of-Entry Agreement is to allow the County to legally treat this parcel as if it were County property to improve it and to use it as a County park with the idea that in the future, once the Land Court process is completed, the title will actually transfer to the County and then this Right-of-Entry Agreement will dissolve and no longer be necessary because it will be County property.

Council Chair Kaneshiro: We will bring the map up.

Mr. Roversi: The parcel in question is the one outlined in yellow on the right-hand side of the screen. It has kind of a little hook shape, large rectangle with a hook on the left.

Councilmember Cowden: Does the Right-of-Entry Agreement just mean we have a legal right to be there before all the title things are done and it is not about an easement on to the property?

Mr. Roversi: It gives the Department of Parks & Recreation the exclusive right to utilize that property to improve it for park purposes, to manage it for park purposes, and to exclude other people from using it, so in effect, it is treated as if it were a part of Black Pot Beach Park under this exclusive Right-of-Entry Agreement despite the fact that we do not yet actually have title to the property.

Councilmember Cowden: Thank you.

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

Mr. Roversi: Pardon me. Later in the meetings, is the Council is actually going to vote on the approval of indemnification? That was the purpose of bringing this to Council. I do not have the agenda in front of me.

Councilmember Kagawa: That is now.

Council Chair Kaneshiro: This is it.

Mr. Roversi: Okay. We are asking for Council approval of the indemnification provision imbedded in this Right-of-Entry Agreement.

Council Chair Kaneshiro: This this is the approval right here. Are there any further questions from the members? Thank you. Is there anyone in the audience wishing to testify on this?

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 final discussion from the members?

The motion to approve C 2019-107 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 Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Kaneshiro: Motion carried. Next item.

#### LEGAL DOCUMENT:

C 2019-108 Communication (05/02/2019) from the Deputy County Engineer, recommending Council approval of the following Right-of-Entry Agreements to authorize County entry onto private property for purposes of repaving and reconstruction work on Maluhia Road and Kōloa Road:

- Right-of-Entry Agreement by and between the County of Kaua'i and McBryde Sugar Company, LLC, Series T and Floyd Libre, Tax Map Key (TMK) Nos. (4) 2-7-003:013 and (4) 2-7-003:015;
- Right-of-Entry Agreement by and between the County of Kaua'i and DWI Properties Family, LP, TMK No. (4) 2-8-005:002;
- Right-of-Entry Agreement by and between the County of Kaua'i and Grove Farm Company, Inc., TMK No. (4) 2-8-005:006;
- Right-of-Entry Agreement by and between the County of Kaua'i and Eric A. Knudsen Trust, TMK No. (4) 2-8-001:005; and
- Right-of-Entry Agreement by and between the County of Kaua'i and Po'ipū Ranch, LLC, TMK No. (4) 2-8-001:002

Council Chair Kaneshiro: Can I get a motion?

Councilmember Kualii moved to approve C 2019-108, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: I am going to be recusing myself. Usually, I would sit in and maybe try and just pull the Grove Farm Company section out, but I do not think we are going to have much problems. I think if I did that, we would take a lot longer than what would needs to be, so I am just going to recuse myself from this entire item and Councilmember Kagawa will run the meeting for now.

Council Chair Kaneshiro, the presiding officer, relinquished Chairmanship to Council Vice Chair Kagawa.

*(Council Chair Kaneshiro was noted as recused.)*

Councilmember Kagawa: Are there any questions? Go ahead.

Councilmember Cowden: When I look through this, it almost looks like just a...I do not want to call it a "gift," but an act of generosity to help this area. Is that correct? Is there any real "ask" from us?

Councilmember Kagawa: You can ask the Administration. I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Moule: Good morning, again, Council Vice Chair Kagawa and members of Council. Michael Moule, for the record, Chief of Engineering Division. I could go into more detail if you need, but briefly, this is for Maluhia Road and Kōloa Road improvement projects. We are resurfacing and doing safety improvements at the intersection and roundabout at Kōloa Road and Ala Kalanikaumaka. These are Rights-of-Entries, kind of like the last Right-of-Entry Agreement that are preliminary steps towards actually acquiring the property. Most of them are actually situations where the existing road is already on private property.

Councilmember Cowden: Okay.

Mr. Moule: Two (2) of those were inherited from the State from Maluhia Road fifty (50) years ago and was never addressed. We are using Federal funds here, so we have to make sure all of our ducks are in a row from a right-of-way point of view, and so we have to make sure that we have all of the land. We can get Rights-of-Entries in order to get to construction and then we will be working to acquire the parcels after that. We would have been acquiring them before construction, but it takes longer, so this is the way to do this expediently so we can move forward.

Councilmember Cowden: Basically, it is what we already have and then the existing landowners have already helped us with it, and so it is just like the last one?

Mr. Moule: Essentially, yes. In most cases, they did not even know they still owned the property. The road is on it and they thought it was County property. There is one (1) example, the McBryde example, at the intersection of Kōloa Road and Ala Kalanikaumaka for the roundabout. We have the land necessary the roundabout itself, that was already given over to the County for the eventual northern leg of Ala Kalanikaumaka to connect over to Maluhia Road, but because there is a ditch there with a pipe underneath the roundabout, and the head walls, in order for it not to require more expensive and significant retaining walls, we need a little bit of property for the head walls for that ditch and a little more property from what they have already have given over to the county.

Councilmember Cowden: Okay, so then it just basically indemnifies them and protects them?

Mr. Moule: Exactly, which once we obtain the property, of course, it is the same thing effectively. We would own it and then they would have no responsibility.

Councilmember Cowden: Okay. Thank you.

Councilmember Kagawa: Thank you. Are there any more questions? Seeing none, thank you, gentlemen. Anyone from the public wishing to speak on this?

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

Councilmember Kagawa: Seeing none, is there further discussion?

Councilmember Cowden: Just gratitude that we have landowners that work with us and are not giving us any kind of difficulty or asking for compensation after-the-fact, so I just wanted to say thank you.

Councilmember Kagawa: Thank you. Is there any further discussion?

The motion to approve C 2019-108 was then put, and carried by a vote of 6\*:0:0:1 (*\*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; Council Chair Kaneshiro was recused*).

Councilmember Kagawa: Motion carried. Next item, please. We can call Council Chair Kaneshiro back in.

*(Council Chair Kaneshiro was noted as present.)*

Council Vice Chair Kagawa returned Chairmanship duties to Council Chair Kaneshiro.

CLAIM:

C 2019-109 Communication (04/23/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Leslie M. Hashimoto, for loss of his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kualii moved to refer C 2019-109 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?

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?  
Councilmember Kagawa.

Councilmember Kagawa: I just want to say that this is a friend of mine that I golf with. It just shows you the nature of local people. He did not even tell me that he had this. He is letting the process take care of it instead of saying, "Hey, can you help me on this?" Anyway, I just wanted to praise this gentleman. Thank you.

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

The motion to refer C 2019-109 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Kaneshiro: Motion carried. Next item.

COMMITTEE REPORT:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2019-03) submitted by the Public Works & Veterans Services Committee, recommending that the following be Received for the Record:

"PWVS 2019-02 – Communication (04/25/2019) from Committee Chair Kagawa, requesting the presence of the Deputy County Engineer, to provide a briefing on the Federal Emergency Management Agency's (FEMA) 2017 Kaua'i County Flood Study and Mapping Plan as it relates to the Waimea and Hanapēpē riverbanks, and the statements contained in the April 24, 2019 *Garden Island* newspaper article, "Flood insurance needs arises,"

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

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

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 final discussion from the members?

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

Council Chair Kaneshiro: Motion carried. Next item.

### RESOLUTIONS:

Resolution No. 2019-33 – RESOLUTION AUTHORIZING SPEED CUSHIONS ON A PORTION OF WEKE ROAD AND AMENDING SECTION 4 OF RESOLUTION NO. 2008-21, HANAIEI DISTRICT, COUNTY OF KAUA'I: Councilmember Chock moved to receive Resolution No. 2019-33 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: We did get information from the Administration that they just wanted to receive this Resolution, which means that they will not be putting in speed cushions and they will be putting in a speed table, which is what the community wants. Do we have any questions for the Administration on this? Is there any public testimony? Sir, you have three (3) minutes.

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

RICHARD PARKS: Thank you. Richard Parks.

Council Chair Kaneshiro: Richard, you have three (3) minutes.

Mr. Parks: Richard Parks, testimony for Weke Road speed tables. I already know which way you are headed, pretty much. I will save you some time. A couple of things, with my six (6) minutes last time, I did not get a chance to show support for the residents that live there. I have this right here. It was a survey that was handed out almost two (2) years after the original pilot program started, and that was the crosswalk speed table combination at the pavilion and the residential area right behind it for them to cross on. That was the trial time. Almost a year later, we got to put in the other four (4) tables, and here are the results about two (2) years afterwards. Twenty-three (23) surveys were handed out. Return them to me when you get it done, if you want. It was Hanalei northeast of Weke Road property owners' traffic committee. There were different areas. Please circle what you want and put a percent out to the side. General speeding and racing reduction improvements, ninety-four percent (94%) effective. That is by the community. That is not me. Safety for pedestrians, bicyclists, joggers, or other drivers: ninety-two percent (92%) safer. Road noise, engine revolutions per minute (rpms), or roaring, squealing tires: eighty-four percent (84%) less noise. Destruction of property, fences, hedges, telephone poles, sign poles, injured or killed animals, and there was a note on the bottom of this: "the four (4) years preceding the speed table installation, there

was destruction seven hundred seventy-five (775) feet of fencing; one (1) downed telephone pole,” which I had to bring up with my own block and tackle pulley system to a palm tree until four (4) days later when Kaua‘i Electric came out and replaced it; “four (4) dead dogs, one of them crawled to Weke Road underneath my house,” which sits up thirty-six (36) inches. I found out four (4) days later from the smell. I crawled under and the Kaua‘i Humane Society came out. I used a fishing gaff to drag the bugger out, put him in three (3) bags, and hauled him away. But that dog had been hammered in the street. I was personally involved with that. You never had information about this. It is in the packet that I gave Councilmember Cowden a long time ago and I have tons more information, which I will not bore you with. It has all of this intimate meaningful information and I know the time is up.

Council Chair Kaneshiro: Okay.

Mr. Parks: I have something else that you need to hear, so what do you suggest?

Council Chair Kaneshiro: We will see if anyone else has public testimony. Is there anyone in the audience wishing to testify on this item? If not, you can have your final three (3) minutes.

Mr. Parks: Thank you. I assume you all got this. I brought it in yesterday. It is the confirmation of speed table effectiveness via fire chiefs, chiefs of police, mayors, full County Council, Department of Public Works, engineers, and County lifeguards from the Kaua‘i interdepartmental notices and communications. Excuse my voice. These are all quotes. You have it. They are all positive towards implementing and using speed tables. This I want to read to you very quickly because this is important about speed cushions that you need to know, and in-depth testing research and analysis of the traffic cushion devices by the Institute of Transportation Engineers (ITE), Federal Highway Administration (FHWA), and American Association of State Highway Transportation officials. Here it is. “The design of the speed hump or table encourages drivers to drive centrally within their lane. At speed cushions, drivers tended to drive centrally in their lane and then they shifted to the left of the lane and cushion to place their left tires in the slot or groove. A few also did same thing to the right side of the cushion with their right tires in the gutter slot groove on the gutter side of the road. The cushion with its slot or groove appears to invite a safety concern to unsuspecting oncoming drivers. This was repeated by forty percent (40%) of the two thousand (2,000) drivers observed. That is eighty hundred (800) out of two thousand (2,000).” We had one thousand (1,000) vehicles a day on Weke Road, substantiated by the County and the State with the little speed coils that they put on the street. You figure it out, one thousand (1,000) cars a day and forty percent (40%) of them are cheating, taking the slot, and putting their tires in, so they can go faster. That is exactly what they do. Their average speed over speed cushions was above twenty-five miles per hour (25 MPH). The speed limit on Weke Road is twenty miles per hour (20 MPH), so that was the average speed, twenty-five miles per hour (25 MPH). Some of them are going faster than that. My last thing I wanted to lay on you and this is important for future thinking, we asked some time ago, I think it was Ms. Sheehan, myself, and one other person went with the previous Mayor and

sat in his office with one of the gentleman back here, one of the engineers where speed tables were discussed about being repaired and replaced with asphalt because the speed tables have given us what is left of them, thirteen (13) years of no problem.

Council Chair Kaneshiro: Sorry, that is your time. I think we all know where you stand on speed cushions versus speed tables. Thank you. I will call this meeting back to order.

Mr. Parks: If you are interested, I have the information.

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

Council Chair Kaneshiro: Is there any final discussion from the members on this? The motion is again, to receive, so the Administration will not be putting in speed cushions. Their plan is to put in a speed table, which was there originally. Councilmember Kagawa.

Councilmember Kagawa: Basically, I think you won.

Mr. Parks: Yes.

Councilmember Kagawa: Thank you for your effort on behalf of your community.

Mr. Parks: But we want them replaced with asphalt because Princeville is a perfect example of a lot of speed—well, I am answering his question.

Councilmember Cowden: You are going to get it, you won.

Mr. Parks: Did you just want a “yes” or “no” out of me?

Councilmember Kagawa: No, I just wanted to clarify because it sounds like in your tone that you still feel like you lost, but you won.

Mr. Parks: No, it is unanimous amongst the residents there.

Councilmember Kagawa: Okay. Thank you for your work.

Mr. Parks: I will leave you with the thought, as soon as possible.

Councilmember Kagawa: Thank you. You got it.

Mr. Parks: Thank you for your time. I appreciate it.

Councilmember Kagawa: We are fighting for safety, so thank you.

Mr. Parks: Thank you.

Councilmember Kagawa: I just want to thank the Administration. Through the north shore flooding, the Administration is not juggling problems, they are juggling hand grenades all over.

*(Councilmember Brun was noted as present.)*

Councilmember Kagawa: I think we have to give them credit. They are trying to make the right decisions. When you have a population like the north shore that is ever changing, you will never please everyone and that is the hardest part. They are using their professional expertise and their teachings and they are trying to make good decisions, but at the end of the day, the hard part is that sometimes, there is going to be disagreement. I have had those with the Administration and they know that well, but I just want to commend them because they are truly trying to deal with a situation where they have hand grenades all over. I commend them for their response to the north shore and all of the problems in trying to fix them. On this one, I guess, we gave a little. Sometimes you have to give and sometimes you have to take, and on this one, we gave in and I am okay with that. Thank you.

Council Chair Kaneshiro: Anyone else? Councilmember Cowden.

Councilmember Cowden: I just want to thank the Department of Public Works, Roads Division. I think the community will be happy and I think we have something that has worked well and we will continue to have that. Thank you so much.

Council Chair Kaneshiro: Is there any further discussion from the members? If not, the motion on the floor is to receive. Roll call vote.

The motion to receive Resolution No. 2019-33 for the record was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Next item, please.

Resolution No. 2019-34 – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR FISCAL YEAR 2020: Councilmember Chock moved for adoption of Resolution No. 2019-34, seconded by Councilmember Kuali'i.

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 on this? Is there any final discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Again, I wanted to thank Aida for her work. I have the only staffer who will continue to be here for a long time. There is a lot of change not only with the members, but with the staffing, but I have Aida and she provides a lot of the history, which is important. I missed that history on the last meeting. I did not know what they were trying to pull on me, but hopefully, we can maybe come up with a win-win just like Hanalei.

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

The motion for adoption of Resolution No. 2019-34 was then put, and carried by the following vote:

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

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

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

Resolution No. 2019-35 – RESOLUTION APPROVING NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2020: Councilmember Brun moved to receive Resolution No. 2019-35 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Let me just preference this. For me, I think when this thing came in, originally, we tried to be proactive in the past. This last year, we have had two (2) nominations from Kauai; we had a National Association of Counties (NACo) board member and Western Interstate Region (WIR) board member. We did our resolution here and send it over. At HSAC, they decided to take one of the board members, one of our board positions, and took the NACo and left us with WIR. My only problem with it is I think we were being proactive by sending them a recommendation and if we knew we were only going to have one (1), then we should have had the discussion here on the floor about which one we wanted and who we

wanted in it, so that is the only reason to now have this conversation on this. I think our options now are, if we are okay with keeping the WIR position, then, we agree to it as-is. If we want to fight for the NACo board position, which I think is a position that we have always had over the past and I think it is a better position than WIR, then I would say that we receive this and send it back to HSAC. My recommendation is to say, "We make the recommendation that we want the NACo board position and this is who we want for that position" and have HSAC decide from there. But for me, I do not want HSAC deciding what Kaua'i gets. That is just my comment on it. Councilmember Kagawa.

Councilmember Kagawa: Again, had I had Aida with me on the last one, she probably would have caught it. I did not even know it was up for discussion that they were going to ask for one of our two (2) seats. Council Chair Kaneshiro was in the previous seat for NACo and Councilmember Chock was in the WIR seat. At that meeting, they posed to me that Maui did not have one, so they were saying, "Wow, Kaua'i you folks have two (2) and everyone else has one. Can we have your NACo seat?" I said, "If HSAC is going to ask that everyone has one, then I thought it was fair." But I did not realize that the NACo one was the one that we have always had in past. I did not know the history. I think it is from Council Chair Kaneshiro's dad's time that we had that NACo seat. The WIR one is the one that popped up and luckily, former Council Chair Mel Rapozo got Councilmember Chock into that seat. Of course, NACo is National and WIR is regional, so if we are going to keep a seat for Kaua'i, now I understand that I should have fought for the NACo seat. It is here. It could have been prevented had I known the history, but I did not know it would come up that day, so I apologize to the staff and you folks for having to deal with this. I will try to be more careful in the future.

Council Chair Kaneshiro: Tomorrow is a HSAC meeting, so my idea is we decide what we want now and when we go to HSAC tomorrow, we basically say what we want if it is keeping the NACo position or going with their recommendation with the WIR seat. But again, for me, we have had the NACo seat for years. Since 1991, we have had a NACo board seat. There were a few times when we did not have it, maybe three (3) times since then, but we have had it since 2005, so the past fourteen (14) years. It is actually Hawai'i Island that does not have one. If you look at it right now, currently, O'ahu has a NACo seat, Kaua'i had NACo and WIR, Maui had WIR; and Hawai'i Island did not have anything. At the time, Hawai'i Island did have a presidential appointee, which is not guaranteed every year. The new President of NACo gets to pick ten (10) people out of the entire Country to be one of his presidential nominees. Fortunately for us based on the relationships Hawai'i has had at NACo, we have been able to get a seat. Last year, Dru Kanuha had that seat. Dru Kanuha had WIR and his presidential seat, so that is why the WIR seat started floating. So that is just a little bit of history behind it. Ideally, I want to...it did not sit well with me that the decision was made at HSAC. If we knew we were only going to have one position, then I think at the time when we approved the two (2) positions, that is the time we should have had that discussion. I am just saying let us have that discussion now and when we go to HSAC, we can tell them what Kaua'i wants. Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Kaneshiro. I think

a lot depends on that presidential nomination and if we get it. It could very well be that Hawai'i Island gets that and we do not know. I do not know when we will know, but if that is true, then Hawai'i Island would get two (2) NACo positions, essentially, which I think is worth having the discussion on trying to level the playing field and allowing us retain the NACo position that Councilmember Kualii has vied for. I will be attending tomorrow's HSAC meeting along with Councilmember Kagawa and yourself, Council Chair Kaneshiro. I think certainly we should...my point is that we do try to retain the two (2) positions, WIR and NACo, and I also agree that if that is not something that we can negotiate with HSAC, that perhaps they would consider the NACo position in the end. Essentially, I would be relinquishing the WIR position in order to allow the NACo position to re-open for Kaua'i. That is how I feel at least at this point.

Council Chair Kaneshiro: Okay. To the other members, if that is the direction we are going to go, then we should receive this one, go to the HSAC meeting, and say, "Our first option is to keep both seats and if we cannot keep both seats, then our next option is to keep the NACo one and distribute the WIR seat to Hawai'i Island." Councilmember Cowden.

Councilmember Cowden: I have a question. Do we risk not having either?

Council Chair Kaneshiro: I do not think so. I think we would argue for fairness in having us at least having a seat. I do not think we would risk not getting anything.

Councilmember Cowden: When I look at this, I see that it seems like what we have done is given each island a seat, each County a seat. When we had two (2) key seats before, probably the other three (3) Counties might have argued that was not fair. Is that likely? They might have all decided that we all should have something. I am just curious.

Council Chair Kaneshiro: I think that is why they probably took the second seat we had to say, "We want all of the islands to be fair to have one seat." It may be a hard argument for us to go there and keep both. We can try. Worst-case scenario, we tell them that we want to keep the NACo seat because that is the seat that we have always had.

Councilmember Cowden: When I look at the two (2) personalities in NACo, at least one, as far as I know, he is probably not going to give that up. We have to then have someone give it up, right? Is that what it would be?

Council Chair Kaneshiro: It is not confirmed yet.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Right now, currently, Councilmember Chock is WIR and I am the NACo, Ikaika Anderson is NACo, and Maui, I think was Kelly.

- Councilmember Kagawa: For WIR.
- Council Chair Kaneshiro: Yes.
- Councilmember Cowden: Okay. So, just Hawai'i Island did not have any representation?
- Council Chair Kaneshiro: Because of that WIR one floating. I think they wanted Hawai'i Island to get representation and they took the NACo seat rather than the WIR seat, which they had prior.
- Councilmember Cowden: Yes, which makes sense, right? I mean, that is why I would do if I was them.
- Council Chair Kaneshiro: For us, we would want them to take the seat that they had previously, which was the WIR seat.
- Councilmember Kualii: Is the current NACo seat your seat?
- Council Chair Kaneshiro: Correct.
- Councilmember Kualii: Herbert "Tim" Richards is being appointed to the seat that Council Chair Kaneshiro is vacating, and so what we were originally doing as a Council was placing me in seat that he was vacating, which was our seat all along. As far as Counties having multiple seats, Maui has a second seat with Riki Hokama, right?
- Council Chair Kaneshiro: Riki has a seat because he is a past President of NACo.
- Councilmember Kualii: So, that is the second seat for Maui. Then, if it the presidential appointment goes to Hawai'i Island and if they took WIR, then they would also have two (2) seats?
- Council Chair Kaneshiro: Correct.
- Councilmember Kualii: So then, we would now be a County without two (2) seats?
- Council Chair Kaneshiro: Us and O'ahu. We can try.
- Councilmember Kualii: We can try to make the argument to keep two (2) seats. There is an argument there.
- Council Chair Kaneshiro: Yes. Councilmember Cowden.
- Councilmember Cowden: Are you stepping down because of the demands in your life?

Council Chair Kaneshiro: Exactly. For NACo, again, for Hawai'i being such a small contingent and having the least amount of votes when it comes to voting and presidents, Hawai'i actually is very strong at NACo. We have had a President; Hawai'i has had a President. Our representation at the NACo meetings is very important. They know that Hawai'i's board is going to show up at the meetings and there are four (4) meetings a year. Yes, they know that Hawai'i shows up and that is why we get a presidential nomination every year with the relationships we build up there. They can pick from any county in the entire nation. Hawai'i gets a presidential nomination out of ten (10) people for the entire nation. Hawai'i has historically had a nomination every year, and that is due to the relationships that we formed up there and our participation there. Councilmember Cowden.

Councilmember Cowden: Am I correct that there are three thousand four (3,004) counties in the United States and we are ten (10) out of three thousand four (3,004) counties?

Council Chair Kaneshiro: I do not know exactly how many votes we have, but I can tell that you we probably have...the votes are based on the number of...

Councilmember Cowden: I mean, that is the number of counties.

Council Chair Kaneshiro: It is based on your population, yes.

Councilmember Cowden: I think it is the number of counties that there are, three thousand four (3,004). I looked at it relative to this.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I have a process question. If we were to reject that other item, what does that essentially trigger?

Council Chair Kaneshiro: I think that tells HSAC that they need to relook at the NACo and WIR board nominations again.

Councilmember Chock: If ultimately, we cannot come to a decision, who makes the decision? Is it HSAC? Do they need the Kaua'i County's approval in order to move it forward?

Council Chair Kaneshiro: Yes.

Councilmember Kualii: Unanimous.

Councilmember Chock: So we have to come to a resolution on it?

Council Chair Kaneshiro: Yes. I think the idea is we reject it, go to HSAC, say what we want, and then they get to decide if they want to switch up their package and resend it back to us. It has to come back to us to approve.

Councilmember Chock: Okay.

Council Chair Kaneshiro: Are there any further questions or comments from the members? If not, the motion on the floor right now is to receive. Roll call vote.

The motion to receive Resolution No. 2019-35 for the record was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2749) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-1.5 AND SUBSECTION 8-4.3, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS WITHIN THE RESIDENTIAL DISTRICT (*County of Kaua'i Planning Department, Applicant*): Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2749) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 2019, and referred to the Planning Committee, seconded by Councilmember Brun.

Council Chair Kaneshiro: Do we have any questions or are we willing to wait until it comes to Committee? Councilmember Kagawa, do you have a question?

Councilmember Kagawa: I do not mind in a nutshell, just really fast.

Council Chair Kaneshiro: I will suspend the rules.

There being no objections, the rules were suspended.

Councilmember Kagawa: I think I am getting old. I used to say "no." There are millions of people that watch this show and I think a lot of them like to see me, actually. I am just joking.

MARIE WILLIAMS, Long-Range Planner: Good afternoon. I think it is afternoon. Council Chair Kaneshiro and Councilmembers, I am Marie Williams, Planning Department.

ROMEO IDICA, Land Use Permit Technician: Romeo Idica of the Planning Department.

Ms. Williams: We are here on behalf of Director Ka'aina Hull. He is out of the office this week. He is really the mastermind behind this Bill and does have a very detailed presentation prepared that he will present to you soon, but we are very fortunate to have Romeo here. He actually helped write and craft the Bill, and we can provide a brief overview of what it is. Essentially, what we are asking is to amend the building setbacks in Chapter 8 in the Residential District, and there are several reasons for this. Primarily, we wanted to prevent inconsistent application of the standards, and so some clarifying language is being proposed. At the same time, there is a provision in the Bill that would increase the lot coverage from fifty percent (50%) to sixty percent (60%), and of course, that would allow a landowner or a homeowner to maybe be a little bit more flexible in how they could possibly build another structure on their lot, such as an additional dwelling unit (ADU). Perhaps Romeo could elaborate or we could also answer any burning questions you have, but that is the Bill in a nutshell.

Councilmember Kagawa: Good. Thank you. Good job. The fifty percent (50%) to sixty percent (60%), are we following Maui or Hawai'i Island? Who changed from fifty percent (50%) to sixty percent (60%)?

Mr. Idica: Basically, we want to give the local families and local landowners more flexibility in putting more development, especially with the ADU and additional rental unit (ARU) that we are trying to push forward.

Councilmember Kagawa: Okay.

Mr. Idica: So, it is just to add more capabilities to the landowners to put these types of developments on their parcels.

Councilmember Kagawa: When you say "lot coverage," this is the main question that I have, are the driveways and the sidewalks included in the lot coverage percent?

Mr. Idica: That is correct.

Ms. Williams: Yes.

Councilmember Kagawa: It is?

Mr. Idica: Yes.

Ms. Williams: Yes.

Councilmember Kagawa: I do not know how some people made the fifty percent (50%) if that is true, or if it is paved after inspection or something. Seriously, I think we are actually just giving some after-the-fact approvals, but it is expected. The land prices are high, so everyone is just trying to make things work, right?

Mr. Idica: Yes, that is correct.

Ms. Williams: Yes.

*(Councilmember Brun was noted as not present.)*

Councilmember Kagawa: So, are we not following what maybe some of the other Counties did in this area?

Mr. Idica: No, not to my knowledge.

Ms. Williams: No.

Councilmember Kagawa: We just said, "Fifty percent (50%) is not really realistic, let us go to sixty percent (60%)?"

Mr. Idica: That is correct.

Ms. Williams: I will say that we did consult with Public Works and they did feel that it would not be a negative impact to the drainage standards, so they felt it was acceptable change.

Councilmember Kagawa: Acceptable with health, safety, and all of that kind of thing?

Mr. Idica: Yes.

Ms. Williams: Yes.

Councilmember Kagawa: So the Building Division takes care of the building and all of the components in the building, and then you folks are the approval for the setback and lot coverage?

Mr. Idica: Yes. We look at land use setbacks heights.

Councilmember Kagawa: Okay.

Mr. Idica: So, that is what the Planning Department...

Councilmember Kagawa: And if there are shoreline setbacks and that kind of thing?

Mr. Idica: That is correct, yes. We work in conjunction with the Department of Public Works.

Councilmember Kagawa: Thank you, Romeo.

Mr. Idica: You are welcome.

Councilmember Kagawa: That is a very romantic name.

Mr. Idica: Thank you.

Council Chair Kaneshiro: Thank you. Councilmember Evslin.

Councilmember Evslin: I really appreciate this Bill and you folks being proactive in trying to change this. One of the things that I have heard for years is the confusion on setbacks, and I have gone through it and do not understand; five (5) feet or ten (10) feet, side or back. This just seems like it will really help clarify. I think it is a good idea to move to sixty percent (60%). One question I had, though, the original ARU Bill allows for sixty percent (60%) if you build an ARU. Was that a ten percent (10%) bonus that it allows, or does it just allows sixty percent (60%)? Will an ARU give you seventy percent (70%)?

Mr. Idica: As it stands right now, it is still at sixty percent (60%).

Councilmember Evslin: Okay. Thank you.

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

Mr. Idica: Thank you, Council Chair Kaneshiro and Councilmembers.

Council Chair Kaneshiro: Is there any public testimony on this?

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 any final discussion from the members? Roll call vote.

The motion for passage of Proposed Draft Bill (No. 2749) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 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 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. 2750) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-5.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX LIENS AND FORECLOSURES: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2750) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 2019, and referred to the Finance & Economic Development Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: Do we have any questions on this? I will suspend the rules. Councilmember Kagawa.

There being no objections, the rules were suspended.

Councilmember Kagawa: If you can just tell us in a nutshell what is going on so that the public knows what is forthcoming. Thank you.

Ms. Matsuyama: Reiko Matsuyama, Director of Finance.

MICHELLE LIZAMA, Deputy Director of Finance: Michelle Lizama, Deputy Director of Finance.

Ms. Matsuyama: Michelle has actually been working on this amendment for a while. What happens is when someone does not pay their real property taxes, we file a lien on the property, and when those property taxes are paid off in full and we are satisfied that they are not indebted to the County anymore, we would go ahead and release the lien. There is an additional step, though, that is required of the homeowner to actually record the release with the Bureau of Conveyances and they need to pay a fee in order to do that, so that would clear any title issues they have. Often, they do not do that final step and so when they go to either refinance or sell their property, this lien comes up as outstanding. Then, they would come back to the Administration and try and get a duplicate lien, which causes heavy burden on the Administration for record keeping purposes. So, what we are proposing do is kind of do that final step for the homeowner in collecting those fees that are required for the Bureau of Conveyances and then passing it on and recording the release of the liens on behalf of the homeowner.

Councilmember Kagawa: It sounds like good customer service where we see a problem and then we try to say that before the problem comes up because it is recurring, we will try to fix it. It sounds good to me.

Ms. Matsuyama: Exactly.

Councilmember Kagawa: How many transactions are we talking about that we have encountered? Is it about tens or hundreds? Just ballpark about.

Ms. Matsuyama: She has a spreadsheet.

Councilmember Kagawa: Okay.

Ms. Lizama: I do have the statistics for you.

Councilmember Kagawa: Has this happened a lot?

Ms. Lizama: Over the years, yes.

Councilmember Kagawa: Over the years, it has happened a lot where they take out a mortgage or whatever and then find out that things did not get cleared?

Ms. Lizama: Right. Let me give you an example.

Councilmember Kagawa: Okay.

Ms. Lizama: Zone 1 for the County of Kaua'i, from 1989 to present 2018, we had one hundred thirteen (113) release of liens and still have not been recorded. To-date, we had twelve (12) for duplicates for those parcels that still have not been recorded. So, if we had collected the fee at the time, we would file the lien once the taxes or all of the fees paid at the time, then we can send it to the Bureau of Conveyances, get recorded, and we will be clean.

Councilmember Kagawa: Okay.

Ms. Matsuyama: In total islandwide, there are six hundred twenty-two (622) parcels that we have released the lien, but they have not filed.

Councilmember Kagawa: Wow.

Ms. Lizama: Or recorded at Bureau of Conveyances.

Councilmember Kagawa: Would this Bill will fix that?

Ms. Matsuyama: Well, it is only going forward, unfortunately. We are not going to go back and collect and then file for them.

Councilmember Kagawa: Yes. Okay, I get it. So at least we are going to eliminate the problem from occurring in the future and stockpiling.

Ms. Matsuyama: Yes.

Councilmember Kagawa: Thank you.

Ms. Matsuyama: We are not going to pass on any kind of administrative fee to them, so it is just the pass-through of what we owe to the Bureau of Conveyances to record.

Councilmember Kagawa: Just to help them clear it up.

Ms. Matsuyama: Yes.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: You probably just said it, but in the future, you will collect that fee for recording with the Bureau of Conveyances when you get the tax?

Ms. Lizama: Correct, at the time we file a lien.

Councilmember Cowden: Okay. I think that sound goods. I think most people are used to that once they pay the bill, they think it is all recorded. It is just instinctive for other elements in their lives. I will support it.

Council Chair Kaneshiro: Are there any other comments from the members? If not, thank you. Is there anyone in the audience wishing to testify on this?

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

Council Chair Kaneshiro: Councilmember Chock, final discussion.

Councilmember Chock: Thank you, Council Chair Kaneshiro. I just wanted to thank Reiko, Finance, and particularly the Real Property Tax Office. I think what I am seeing is a real openness in trying to clean up a lot of gaps and improvements to the system. I am happy to see that and happy to work with them. I want to thank them publicly.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: It is an exciting day when we can find a process improvement that both increases efficiency on our side and on the community's side. Good job in finding that.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I want to echo the thank you to Michelle and Reiko. Whatever that will decrease the stress on the staff, which is already their stress from the public when the public has these things come up, they are going to take it out on our staff. Again, just being proactive. I want to thank you folks for taking these measures.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to echo that, too. It decreases the stress on the staff, but it also decreases the stress on the public. When we have

collective goal between the Mayor, Administration, and ourselves for better customer service, I think this is really in alignment with that. Thank you for working in that direction.

Council Chair Kaneshiro: I appreciate it. I think we are going to the extra step, actually and doing the filing. I think the stress comes by looking at the list of six hundred something parcels that we cannot clear off the list or checkoff. We should not get any more of those going forward, but hopefully eventually that list shrinks as people try to sell land. I think them looking at that list is what is causing them all of the stress and knowing that there are no means to reduce that list if we keep going the way we are going. It is us taking that extra step and it is a great thing for the community. With that, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2750) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 2019, and referred to the Finance & Economic Development 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 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.

Proposed Draft Bill (No. 2751) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX: Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2751) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 2019, and referred to the Finance & Economic Development Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: With that, I will give Councilmember Chock the floor to just give an overview on it.

Councilmember Chock: Sure. Thank you, Council Chair Kaneshiro. Just in a nutshell, really quickly, this is another example of a win-win situation. This was based on a few E-mails that we received regarding the long-term affordable rental housing program. What was happening was there were applicants who actually go into a three-year lease and every year, they are required to actually submit an affidavit to verify that lease so they can continue to get that exemption. But what was happening is sometimes these owners in the program would forget to

do it on an annual basis, so and they were falling out of the program. What this is doing is taking that affidavit process, not out, but out of the annual request into the third-year, so then every three (3) years, they would still go through the process, but they would not get confused, so to speak, and we can still keep them in the program. That is what the amendment is. There was a good overview. I hope you do not mind. I will just share what you wrote, Reiko, in terms of the details of this amendment. If you have any questions, I thought the written response summary was exactly what this Bill is attempting to accomplish, and that is it.

Council Chair Kaneshiro: Thank you. I appreciate that. I think the purpose of the three-year lease was to provide the landowners with some predictability. I think we had meetings here almost every single year on what the long-term affordable rate that they can rent at is. Sometimes, it was going and sometimes it was going down and there was no predictability, and so the three-year was to provide predictability. If they are willing to lock in the tenant at rate right now for three (3) years, then they do not need to come back and worry about how the rates were going. I think the intent was for them to be able to lock it in and do the affidavit and not have to worry about it, so I think this cleans up that little fact of them having to keep redoing the affidavit every year even though they went for three (3) years. I think it is something that needs to happen. Councilmember Kagawa.

Councilmember Kagawa: So true to go with the national standards for affordability, and you are talking about Kaua'i, the most expensive...I guess next to San Francisco and maybe New York City. One of the most expensive places in the world where the land prices are so high and then the building prices are so high because we have to ship things across the ocean. It is very difficult with that program and finding the right number even though it is tough for everyone. It is tough for the Housing Agency, Department of Finance, and Planning Department to come up with that number. I agree with you that the three-year at least provides the owners with two (2) additional years of stress-free knowing that they can stay in the program and take advantage of our Homestead tax class rates. Thank you, Council Chair Kaneshiro.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am in agreement as well. I think that it is a lot easier and again, avoiding mistakes that catch people off-guard. When we talked about putting in these levees and how it could add for flood costs, that is an adaptation on this, but if people have flood insurance, that is the one thing that I hope in the future, we are able to look at. Some communities that are looking at high flood insurance or different expenses is something else if we can adopt that number depending upon which area of the island. But what is here, I support and I see that it is a little incomplete, but it is a step in the right direction.

Council Chair Kaneshiro: Actually, 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: Seeing none, Councilmember Evslin, final comments.

Councilmember Evslin: Obviously, I think this is a good idea. We have been working on this for a little bit. Two (2) quick points of clarification. One, if you do a one-year lease, you still obviously would have to do an annual affidavit. It was just making sure that those with three-year leases do not have to come in every year. Also, Real Property Tax will currently give Homestead exemption, it is my understanding, the people with a 15-year lease without the annual affidavit. You could do a 15-year lease and just turn in an affidavit once, I believe, and you get Homestead. This is also trying to match. It does not make sense that we do that with a one-time affidavit. Yes, we require an annual affidavit for the long-term affordable rental program. I do also recognize that this will probably only affect a small handful of people. There is not a whole lot of people that fall out of compliance every year, but if this does keep five (5) families from having their property taxes doubled when they do have a long-term affordable rental, it is a win, or if it does incentivize or reduce the administrative burden on a couple of families to try and create an affordable rental that they did not previously have, it is a win.

Council Chair Kaneshiro: Is there any other discussion? Again, I think it falls exactly with the intent of the three-year term on it. Our intent was not for them to say that they are going to keep our rent the same for three (3) years and then have to come in and do an affidavit every year confirming that they kept the rent the same. I think the intent was you say you are going to keep it for three (3) years, do the affidavit at that time, and it is kept for three (3) years. You keep your rent at the rate, that you get the long-term affordable rental and Homestead rate, and that is what it is. Is there any further discussion from the members? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2751) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 13, 2019, and referred to the Finance & Economic Development 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 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: Motion passes. With that, we do have a public hearing at 5:00 p.m. regarding the budget and the public hearing is only on the budget. Be here at 5:00 p.m., we need quorum. Other than that, seeing no further business and hearing no objection...

Councilmember Chock: 1:30 p.m., right? We have a public hearing today.

Council Chair Kaneshiro: Do we have a 1:30 p.m. public hearing, too?

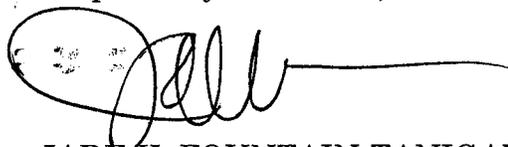
Councilmember Chock: No. Sorry.

Council Chair Kaneshiro: It is a 5:00 p.m. public hearing. Again, 5:00 p.m. is to allow people who work the time to come in and testify. Seeing no further business and hearing no objections, the Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:01 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk