

PUBLIC HEARING

JULY 6, 2016

A public hearing of the Council of the County of Kaua'i was called to order by Mel Rapozo, Chair, Committee of the Whole, on Wednesday, July 6, 2016, at 1:31 p.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

The Clerk read the notice of the public hearing on the following:

“Resolution No. 2016-48, Draft 1 – RESOLUTION PROPOSING A CHARTER AMENDMENT TO ESTABLISH A COUNTY ROADS RESURFACING / RECONSTRUCTION BACKLOG FUND,”

which was ordered to print by the Council of the County of Kaua'i on June 15, 2016, and published in The Garden Island newspaper on June 24, 2016.

The following communications were received for the record:

1. Mickens, Glenn, dated July 6, 2016
2. Nakanelua, Dayton from United Public Workers (UPW), AFSCME, Local 646 and AFL-CIO, dated June 30, 2016

The hearing proceeded as follows:

SCOTT K. SATO, Deputy County Clerk: We received one (1) written testimony in support from Glenn Mickens, one (1) in opposition from United Public Workers (UPW), and we have one (1) registered speaker. The first speaker is Glenn Mickens.

Council Chair Rapozo: Mr. Mickens.

GLENN MICKENS: For the record, Glenn Mickens. Thank you, Council Chair Rapozo. I read this whole Resolution, but I am not sure I am one hundred percent (100%) positive about what it says and does not say, but let me go over my testimony. I guess you cannot correct me, but I tried. Basically, I believe the concept of Resolution No. 2016-48, Draft 1 is very good, much needed, and I thank Councilmember Kuali'i for introducing it. The Resolution states, “the council shall appropriate a minimum of one percent (1%) of the annual certified real property tax revenues and a minimum of six percent (6%) of the annual transient accommodations tax revenues to a fund known as the County Roads Resurfacing / Reconstruction

Backlog Fund.” The money will be used to address resurfacing, repairs, or reconstruction of County roads. “At any given time, no more than one percent (1%) of this fund shall be used for administrative expenses. Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year, for a period of 20 years from the establishment of this fund.” I believe that there should be added wording saying that all moneys collected from the one percent (1%) property tax, the six percent (6%) Transient Accommodations Tax (TAT), and I would hope that the fuel and weight tax are included with these two (2), would be put in a “lock box” not be used for any other purpose than those listed above, that for no other reason than these, can the money be taken, used, or borrowed.

If I understand this Resolution correctly, under Section 3(D) it says, “The allotment herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.” If this means that the fund can be altered by the Mayor for any other purpose other than roads resurfacing, then I would not support this Resolution. Section 3(F) also says, “The mayor may at any time transfer an unencumbered appropriation balance or portion thereof within a division or between divisions in the same department.” Again, if the wording says that money can only be used to address resurfacing, repairs, or reconstruction, then no other language is needed. Also, since these funds are coming from sources that were intended before the above Resolution, then replacement funds may well require additional taxation. In other words, the money has to come from someplace. How is that going to be unless you tax somebody else again? Wording needs to be in the Resolution stating that strict compliance to paving practices (American Association of Highway Transportation Officials (AASHTO) or Hawai'i Asphalt Paving industry (HAPI)) must be adhered to—seeing that trucks have proper tonnage of asphalt concrete (AC) when loaded and proper amounts are put down with an inspector present at the site as Larry Dill was doing, and only those roads that are the heaviest traveled and in the worst conditions are done on a prioritized basis and not for political reasons. Can I finish? I do not have much more.

Council Chair Rapozo: Hold on real quick. Is there anyone else wishing to testify? Is that the last paragraph that you have?

Mr. Mickens: Yes, you have it there.

Council Chair Rapozo: Just finish it up then.

Mr. Mickens: Okay. Again, this Resolution has the makings of something badly needed, but let us not “ready, fire, aim” before it is properly worded and given to the people to vote on. It should also have a monetary breakdown of how much money will be brought in from the sources mentioned above so that people will know how much is going to our roads.

Council Chair Rapozo: Thank you.

Mr. Mickens: Thank you, Council Chair Rapozo.

Council Chair Rapozo: Mr. Hart.

BRUCE HART: For the record, Bruce Hart. I am really glad Glenn was here because he addressed almost every concern that I had. What I would really like to say is I just want to commend Councilmember Kual'i for introducing this. I want to commend the whole Council and encourage you to be proactive. We killed the General Excise and Use Surcharge Tax (GET) and I think that is what we should have done, but we have not stopped or just said "Well, now we are going to do nothing." The roads do need to be repaired and I think that this is a really good option for doing that. Again, I am just encouraging you all to continue to work on it until you have it tight, all of the concerns are addressed, and I hope it passes. Thank you.

Council Chair Rapozo: Anyone else wishing to testify? Glenn, please come up.

Mr. Mickens: Thank you, Council Chair Rapozo. Just briefly, as an example of what I was talking about, these funds should have to be in a lock box. For example, look at the social security fund. There has been enough money put in that social security fund for the last one hundred (100) years or more and yet we put a big pile of money in there, people borrow it, put an "I owe you" in it, and it never gets paid back. So now we are hurting, right? We say, "We only have enough money for four (4) or five (5) years to pay it back." In this Resolution, let us see that the money gets put in there, but it cannot go anywhere else. Our roads and traffic are what people are screaming about. Have the money in the fund stay there, turn it over where it keeps on paying for itself, and any money that is not used goes back into the fund. Again, we just keep putting funds in a thing or the Mayor can take it across the street, and we give him the funds to use for something whatever his project happens to be. He can use it for anything I presume. I think it is in the Charter. It is legal. He can do it. It is not right. If the money is appropriated for something, it should be used for that and only that. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Anyone else wishing to testify? If not, the public hearing is now closed.

There no further testimony, the public hearing adjourned at 1:39 p.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk