

Department of Parks & Recreation

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable Bill DeCosta
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

The Committee reconvened on March 31, 2022 at 9:00 a.m., and proceeded as follows:

Committee Chair Kaneshiro: Good morning, I would like to call to order the Committee of the Whole and the Fiscal Year 2022-2023 Departmental Budget Reviews. Please note, all Members are present. On the schedule for today, we will be taking the Department of Parks & Recreation, Office of the County Attorney, and the Department of Liquor Control. As we do each morning, we will take public testimony at the beginning of the meeting. Is there anyone registered to testify today?

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:

Committee Chair Kaneshiro: We have no written testimony for today. Let us try to stick to questions for each Division, so we can excuse them when they are done. I would like to ask Pat to give us a rundown of your budget and we will open it up for questions on your write-up, then we will go into the Administration budget.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation: Good morning. Pat Porter, Director of Parks & Recreation. I will give a quick overview of this year's proposed budget, then we can dive into the details. Overall, the Department of Parks & Recreation proposed budget for Fiscal Year 2023 is \$22,600,000, which represents a \$2,300,000 increase over our current Fiscal Year. For the Golf Fund, our proposed budget for Fiscal Year 2023 Operating budget is \$2,900,000, which is an increase of \$149,000 of this Fiscal Year. We focused our efforts on three (3) major areas for this proposal. I can quickly do an overview of those three (3) areas, then we can dive into the details later.

The first one is for the Līhu'e Town Core. We are requesting three (3) new groundskeeping positions to be added to our beatification section. Currently, we have an east beautification and a west beautification, but this would be more of a central beautification effort. This is going to be comprised of one (1) Working Supervisor and two (2) Groundskeepers. We are also requesting equipment and vehicles to help with this crew, as well.

The second request is a Park Ranger enforcement. We are asking for two (2) Park Rangers. One (1) would be specifically for the entire bike path as a whole, and also the adjacent park, like Bryan J. Baptiste (BJB) Sports Complex. The second position for Park Rangers would be to improve our overall coverage of the island. Currently, we have four (4) nights. Because of our seven-day schedule, the Park Ranger will have four (4) nights that will have only one (1) person working, so with this newer added position, we will at least have two (2) people at all times.

The last part is transferring a small engine mechanic. Currently, it is housed under the Transportation Agency, but since Department of Parks & Recreation is the main client for that mechanic, I would say over 80% of the work that mechanic does is for the Department of Parks & Recreation, that is why we are requesting for it to be transferred under the Department of Parks & Recreation. Those are the three (3) major focused areas for this budget.

Committee Chair Kaneshiro: Are there any questions on the write-up? I have a quick question, the small equipment repair folks, are they going to continue to stay at the Transportation building?

Mr. Porter: No.

Committee Chair Kaneshiro: Are they located there now?

Mr. Porter: What we are looking at is housing them at the new BJB baseyard and having a bay for them over there and moving the lift and everything over there.

Committee Chair Kaneshiro: Where are they located right now?

Mr. Porter: They are in the Transportation yard.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Pat, I wanted to ask you about the new equipment for the three (3) groundskeepers for the Līhu'e area, will that equipment, especially the lawn mower, will it stay with those three (3) Groundskeepers, or are we still moving the riding lawn mowers around? The reason I ask, is when an employee is held accountable for their riding lawn mower, it seems to me that they take better care of it, they have it serviced better, and they do not rough it up as much. When they share lawn mowers, you do not know who damaged the lawn mower, who serviced the lawn mower—it seems to me that when you are allocated a piece of equipment, you tend to take better care of it, so tell me a little bit about the equipment, and how are we doing things with the rest of the riding lawn mowers in County parks?

Mr. Porter: That is exactly our train of thought, is that we will keep it with the crews. Throughout these past few years, we have been fortunate, we have been asking for new equipment, and the Council and the Administration has approved the requests. We are slowly getting to where each crew has their own equipment, and that equipment stays within the district, and we have been fortunate through these past few years, we have been able to accumulate more equipment slowly. We are almost to a point where all the crews will have their own equipment. We are not there yet, but each year as we chip away at it, we will get there, and this is another part of that.

Councilmember DeCosta: Thank you. I like that process.

Committee Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Pat, the Lihū'e Town Core and park maintenance, I am supportive of the position, I am just curious, the write-up talks about the contractors maintaining Rice Street, can you tell us when did that end, because when I walk up the road it does not look like it has been maintained for a while, and I know there was the Rice Street Business Association and others who were involved in talking about maintaining this; do not get me wrong, this is part of our *kuleana*, but I think it is everyone's, so I am curious how far that discussion has been going.

Mr. Porter: For a while, there was a grant that was issued to the Lihū'e Rice Street Business Association through the Planning Department, I believe it was, so they did do maintenance for a year. When that grant ended, I think they opted to not take on that responsibility, so since that ended, there has been a void in the maintenance of Rice Street, so that is where we are at. At this point, there is a time period where it has been in limbo, as far as the maintenance side of Rice Street. There is a lot of money out there, a lot of Federal money, a lot of State money, grant money, that gets filtered down that is for implementation or construction, but there is not a lot of nationwide funding money for maintenance. So, I think the Federal government is big on giving the money to set it up, but it is up to the local government to maintain it. I think that the Transportation Investment Generating Economic Recovery (TIGER) project was great, and now it is back on the local government and community for maintenance.

Councilmember Chock: Has there been further discussion on the business improvement district in order to support the maintenance of this?

Mr. Porter: I have not heard anything. I remember talks about it, fairly early on, but recently since COVID-19, I have not heard much with that.

Councilmember Chock: Thank you.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Pat, just to highlight or clarify, because I know we have had numerous discussions, but as far as maintenance overall, this whole maintenance track, if you will, from the Civic Center all the way down to the stadium, going up the road, I want to clarify that for everyone, because I think it is a good thing, it will have more attention, it is a down pour tying into the bigger picture, so I want to clarify that, so everyone understands.

Mr. Porter: To get an overall picture, right now, what we do is, we have our East Beautification crew that services from Hanalei to Līhu'e, since it is such a big area, that with this new crew taking over the Līhu'e area, the Eastside Beautification crew will have more time to work on the bike path. Areas that are under our jurisdiction along the bike path, the boardwalk, and a lot of the County cemeteries were being maintained by stewards all these years that are slowly passing away, and the younger generation is not volunteering to service these areas. Now, our Beautification crew is going to be tasked to take over some of these areas like the Keapana Cemetery. With this new Līhu'e crew that is dedicated in Līhu'e from the police station to Rice Street and everything in between, the Convention Hall, it will relieve a lot of pressure off of the east beautification crew to do more on those areas and focus their time on those areas. In a way it will be a win.

Councilmember Carvalho: I want to clarify that, so everyone understands the stretch, which is perfect overall. Thank you.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: A number of questions were answered, but for the Westside too, I know that the maintenance crew for cleaning the parks has been lightly staffed, so this will help them as well, correct? Or have they not made it this far? Have they been overworked? Maybe that is the right word I want to use. We have had a lot of use on their parks, so how are they doing? I want to thank everyone who does work on the beautification efforts.

Mr. Porter: Our Beautification crews are separate from our Parks Maintenance crews. Our Parks Maintenance crews are assigned to parks, then all County lands that are not designated as a park are like green spaces or yards, like neighborhood center yards—those types of things fall under the Beatification crew, so this will relieve a lot of the Beautification crews' workload.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want you to explain to us, what is the responsibility of these Rangers. I think it would be nice for our public to hear what their responsibilities are, how much enforcement the can do, and will they be able to make an enforcement. Will they have "Smokey the Bear hat and badge" and have an outfit they walk around in, or will they be more incognito? Those are the things that I am very interested in knowing.

Mr. Porter: Our Park Rangers have the ability to enforce rules that are under Chapter 19. Chapter 19 from the Kaua'i County Code 1987, as amended, is what covers the Department of Parks & Recreation in our park spaces. Anything that is under Chapter 19 is what they can enforce, so if you look through the rules, they do not have arresting capabilities, or those types of things, they can issue trespasses for anything above a trespass notice, the Kaua'i Police Department's (KPD's) support would be needed, which we have been really fortunate that KPD has been very helpful in responding to the Park Rangers when they need help. I do not have anything else to add.

Councilmember DeCosta: I have a question, Pat, almost an example question.

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation (*via remote technology*): They are able to do vehicular enforcement as well, which KPD has given the authority to Park Rangers to site vehicles that are within county parks that maybe illegal, or that kind of thing.

Mr. Porter: But we are working with KPD to go through a list of things that can be delegated to our Park Rangers that currently only sit with KPD, but there might be some actions that could fall under the Rangers' capabilities, but would need to be delegated through the Chief of Police to our Rangers for them to be able to do that, so we are going through that list now and trying to identify those things. I think in those ways it is a win-win like what Wally was talking about being able to tow the vehicles to post the notices, and things like that—that has all been delegated from the Chief of Police to our Rangers, so we are just looking to see how we can ease the burden off of the police.

Councilmember DeCosta: I have a scenario question I wanted to ask you and Wally. I spoke to you about this at Black Pot. Let us say I am at Black Pot, and I see surfboard businesses that do not have a license to operate in place, will a Ranger be able to enforce them to not conduct business? Another scenario, the roundabout at Black Pot, there are a lot of tourists' bus that sit in the roundabout where you turn and cars are congested and cannot get in and out, they are almost blocking traffic, and they sit in their bus waiting for the tourists to go to the beach and enjoy it for an hour or take pictures on the pier, then come back to the bus, will a ranger be able to enforce the bus to move? I am trying to see how well we can utilize Rangers and make it more than just someone walking around.

Mr. Porter: Yes, in both of those scenarios, our Rangers would have the authority to enforce those rules.

Councilmember DeCosta: Pat, last one, I noticed that baseball, soccer, and even flag football are big community sports, and sometimes it gets hectic with the families, coaches, and parents. Could this spare Ranger, not the one assigned to the bike path or the BJB Sports Complex, but would he or she be able to go to these large County park events and help police those Pinto tournaments or soccer tournaments?

Mr. Porter: I think we can always schedule to spin by, we would not be able to dedicate them solely to one (1) event, usually, because they still have to do their rounds, but we can give them emphasis points on certain days to check it out, for sure we can do that.

Councilmember DeCosta: Thank you.

Mr. Rezentes: What has been happening over the years, there has been a lot more activities that are occurring in our County parks that are a lot more... Councilmember DeCosta, as you have mentioned, leagues that are using our park facilities, so we are getting quite an increase in the amount of use of our parks. There are parks that are now transitioning into more of a year-round-type of activity, so besides that impacting our park maintenance crews, it is also requiring additional enforcement activities. Hopefully with the two (2) adds that we are requesting, we can address some of the issues. We have seen more vandalism in parks, more graffiti are occurring in parks, it is just part in parcel to having more people there, so our hope is that with a little bit more presence we can curtail some of these types of activities, especially in the afternoon and evening times which seems to be when they occur. The one that we are requesting for BJB, in talking to community folks in that area, they need that big push to try to get more enforcement at BJB. We have had discussions with the Coconut Coast Business Association about that and needs for enforcement on the bike path, so that is part of the reason why we made these requests. The park rangers will also have the some added responsibility relative to the cat population, so hopefully with these new adds, we can address some of the increase responsibilities.

Councilmember DeCosta: Thank you.

Committee Chair Kaneshiro: Councilmember Evslin, Councilmember Carvalho, then Councilmember Cowden.

Councilmember Evslin: Pat, for the maintenance crew on Rice Street, there are a number of trees that have been broken, and some of the planters are totally dead. Is there still any TIGER grant money left over for those replanting, or will this be something that the crew will be handling out of your current budget to get new trees in the ground?

Mr. Poter: I do not have the specifics on the TIGER grant, but I would imagine not.

Councilmember Evslin: Will the new crew be responsible for replanting anything that has died or will be broken in some capacity?

Mr. Porter: Yes. I think we should actually be looking at it and since a lot of these have died, we should be looking at the type of landscaping that we can put in that may be different than what was first implemented in the TIGER grant, but we need to take a look at that and see.

Councilmember Evslin: I think I remember when it was first planted, there was a water truck, whoever was the contractor, seemed to be driving a water truck periodically to water it. Is that something you have the capacity to do if you did a bunch of new planting to keep those watered for a time period?

Mr. Porter: Yes, we do have a water tank truck that is under the Department of Parks & Recreation.

Councilmember Evslin: Okay. Thank you. If I can briefly add, in general there is some critique of the idea of beautification in our downtown areas, but I think it is vitally important to create a thriving economy downtown where we all benefit from the property taxes that it generates, so these types of programs are largely self-sufficient and more, that will help other parts of the island, so good to see that crew to be included in here.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Pat, I want to reconfirm, going back to the responsibility of the Park Ranger at BJB Sports Complex, that enforcement is one thing, but presence, and I heard you say that presence will be in the afternoon hours, probably from 2:00 p.m. to 10:00 p.m., is that what you are talking about? Just so the people can hear that.

Mr. Porter: Yes, we are looking at more of an afternoon into evening presence along the BJB and the bike path. So, what this dedicated ranger will do for us right now, currently, our rangers will work at the bike path at certain areas along their way up to the North Shore, then on their way back, they might hit a couple of areas along the bike path. What this dedicated ranger will do for us is be able to show presence along the bike path and do multiple passes in one day from end to end. So, there would be a constant presence during their shift, so that is why we are also requesting a Utility Terrain Vehicle (UTV) type of vehicle, so they can patrol from north to south along the whole path, then also hit up the adjacent parks as well, so that is one good thing it will provide a presence that Councilmember Carvalho was talking about just now.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I will begin with following-up on Councilmember Carvalho's question. I am excited about this ranger at the BJB Sports Complex. What I got from Mayor Derek S.K. Kawakami, is that there is going to be an emphasis on temperament for working with the youth. This is more than enforcement; it is encouragement or empowerment of good behavior with the kids in the afternoon. Is that why it is at that time?

Mr. Porter: Exactly. What we have been trying to stress to our rangers is that we want education first before enforcement, so that is the approach they are going to take islandwide, but especially with kids it is education first, then enforcement second.

Councilmember Cowden: I think that will be great for safety in an uplifting and positive way, so I am very supportive of that. I am also very supportive of this position because I have had a good handful of people who have been bitten by dogs on the bike path, apparently that is a really hard to enforce element, is dogs off leashes, and not even necessarily big dogs, but little dogs can still bite. I looked, and there are signs up, but the leash law and abiding consequence...when people are bit, what strategy do they have in reporting these dog bites? A lot of times they cannot identify whose dog it is. Can this ranger help with that situation?

Mr. Porter: Yes, our rangers can definitely help, especially if they are around and identifying the dog and the owner. If it is a violation of Chapter 19, like an unleashed dog, then they can deal with that, but if it goes farther into hurting someone, then they can always get KPD involved and help them through that process.

Councilmember Cowden: Okay, so maybe they should call the police main number, not 9-1-1, but the police main number, because that seems like a problem we should not be having. I have three (3) other questions. How many properties do we have that are parks, roughly? How many parks do we have?

WILLIAM TRUGILLO, Chief of Planning & Development (*via remote technology*): Sorry to just jump in, Pat, but if you are talking everything under Parks' jurisdiction that is parks, like Pat said, green spaces, open spaces, cemeteries, pools, neighborhood centers, sides of roads, everything under our jurisdiction is probably about one hundred thirty (130) to about one hundred fifty (150) different pieces of property.

Councilmember Cowden: Okay. In my mind, I was trying to separate the difference for parks and beautification properties. When I look at our budget amount, which is approaching \$23,000,000 with the exception of the golf course, I was curious what that number was, because it is a lot of property to take care of. I have another one, there is a State parcel in Kapa'a, Inia Street parcel that got assigned to the County, right next to the bike path near the Pono Market area, I have had a number of calls about that recently, and I am looking at how can we at least clean up that area. It was going to be assigned to a church, do we have a plan in place on that property or if there are community organizations willing to come together and do a cleanup. What is the best way to manage that? Is that Parks' responsibility?

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Councilmember Cowden, this is Mike Dahilig, Managing Director. Just as a follow-up to that question, for the past three (3) years we have been attempting to try to get to an agreement with the Board of Land and Natural Resources to sub-assign the lands that were given to the County via Executive Order (EO) about four (4) or five (5) years ago to a religious entity, and in the process of going through that particular assignment process with the Board of Land and Natural Resources there were questions concerning the activities concerning and whether or not a fair market price for the usage of States lands needed to be folded into the agreement with that religious entity. After some follow-up with the Office of the County Attorney as

well as Department of Land and Natural Resources (DLNR) staff, there was not significant yielding on that particular position to have fair market rents be at a point where the ability for the religious entity to use the property and to develop it, came into a balanced pro forma. So, we had initiated conversations and had set formal voice to DLNR to have that particular deal and refer it back to the State, because we would not be able to use it for the intended purpose. What that means is that particular parcel that you are describing is reassignable, so we would be in a position to needing an intermediary on it, but any public entity or private entity is more than welcome to engage in that process with DLNR to get an Executive Order given to them to use it for their purposes. Like you have mentioned, some of these communities could engage with DLNR directly to have DLNR sign off on a new Executive Order.

Councilmember Cowden: Okay. Thank you.

Committee Chair Kaneshiro: I have a follow-up question from Council Vice Chock.

Councilmember Chock: I think it goes back to Councilmember Cowden's question about what properties are under what jurisdiction in terms of what division. This one in particular is not under the Parks Department, how many other properties are outstanding for us in the County are falling in between the cracks? We do not have dedicated teams, but in this case, we have an abandoned house that is a liability, and I am curious as to what that situation is for us.

Mr. Dahilig: Intriguing question, Vice Chair. Parcels like this never actually got assigned to a particular department or division, because it was intended more so as a community assistance type of scenario, so it would generally fall under the purview of the Director of Finance, which is generally the holder of all real property assets and tangible assets of the County. In this case, Parks would not have had the responsibility to transfer it over, just yet, because it was never intended to be a long-term asset of the County. With that said, we have a myriad of real property parcels that are under our jurisdiction, some of them are Executive Order like the golf course income with particular restrictions for the type of public use, others are given to us by license, others we owe in fee, and so and so forth. So, there is always an up and down, parcel-by-parcel analysis that has to be understood as what the purpose is. For example, we could not necessarily transfer a parcel that is related to Housing, like Kealaula, which is State lands that are in the process of being turned over to the Department of Parks & Recreation for their responsibility, because the Executive Order does not have it for recreational use in that state. Those are the types of things that we struggle to have a broad understanding of. One of the things that was talked about in the previous conversation during the CIP budget discussion was that the Land Information Management System (LIMS), as it involves and continues to become more comprehensive in its correlative analysis on our assets would also be able to assist us in an asset management type of scenario, so that is what we are aiming to get to, but as mentioned, we are essentially running zoned defense on a lot of the management here, and it is a large asset base. One of the things that I thought of as this conversation was going, and as

Councilmember Cowden did bring up the comment of how large of an asset base that we do have. Just as a suggestive piece of information, we will take a look at the actual value of our asset base, and we will juxtapose that with the amount of maintenance that we have, but I will suspect that the actual asset base value that we have on our real property assets under purview, which probably is a very small percentage of what would be the industry standard for maintenance across the board. I will try to get that information to you, just so that there is a little more context in what we are asking for, and why the scope is getting bigger.

Councilmember Chock: Thank you.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I have a follow-up question, these two (2) Ranger positions seem like they are going to have a lot of youth and adult interaction in multiple scenarios of providing education first and enforcement second. I would like us to be very selective on hiring these two (2) people, because it seems like they could make a huge impact in our community or be a huge liability for us if the encounter with the child or youth scenario does not go correctly. Not so much of a question, but my advice would be to, Human Resources and Department of Parks & Recreation do a good job on hiring these two (2) Park Rangers for our community, please.

Committee Chair Kaneshiro: Are there any further questions on the overall Department of Parks & Recreation write-up? Councilmember Cowden.

Councilmember Cowden: Can I ask about the golf course or should I wait until we get there?

Committee Chair Kaneshiro: Let us wait until we get to the golf course.

Councilmember Cowden: Okay.

Committee Chair Kaneshiro: Are there any further overall Department of Parks & Recreation questions? If not, we will move into the budget. Are there any questions on the Park Administration budget? I had a question on the Grant-In-Aid line item, can you explain what type of projects those are for, and does it replace the Grant-In-Aid that was in Recreation at one time? I think Recreation used to hold a Grant-In-Aid line item and now they do not, did you move it to the Administration, and what type of Grant-In-Aid is that for?

Mr. Porter: We just moved it over to the Administration section and took it out of Recreation, and it is a \$5,000 increase from what it was before, but that is it, and even as for outside youth sports, even fine arts can apply for it. I know the rodeo has in the past, so those are the types of organizations that can apply for grants.

Committee Chair Kaneshiro: Pat, sometimes we get a lot of questions from community groups that want to take care of a park, or adopt a park, or when they see graffiti, they want to paint it, is a Grant-In-Aid the route they go or is there a different type of agreement that they are able to work where they take responsibility for certain things?

Mr. Porter: Usually, if it is an isolated project, then we will supply the materials, equipment, supplies, that type of thing, but that is usually through Lenny, through a different Grant-In-Aid program.

Mr. Rezentes: That is multifaceted. The old Ho'olokahi Program for groups that want to take on painting a small pavilion, they can work through Lenny to get the supplies necessary to do that kind of thing, and we do have that kind of thing often. We might have a Boy Scout or an Eagle Scout type of project where they want to provide that service, so Lenny can facilitate that through some of his funding. For larger types of groups that want to take over and help assist in the overseeing of a park, then we can develop a formal agreement with them to adopt-a-park, and we have had a number of those. One of the most recent and successful ones, is the PIHI Bicycle Club who took over and is helping with Hanamā'ulu Beach Park. They have done an awesome job there and I am not sure if they ride their bikes down there and do the work, but they are consistent with helping and giving back to the community in doing repairs, painting, and the like to the main pavilion in Hanamā'ulu. Again, those would be more of a written type of adopt-a-park type of agreement.

Committee Chair Kaneshiro: Okay, thank you. Councilmember Kuali'i.

Councilmember Kuali'i: We slipped over into Ho'olokahi Adopt-A-Park program, but this specific grant, it says sports and other competitive awards, so it is not a lot of money, it is only \$35,000, but who is eligible to apply, how do they apply, and what is the typical grant amount that you award?

Mr. Porter: Any non-profit that needs money for certain things, it could be sports, even fine arts would qualify for it, it does not have to just be competitive sports. Usually it is small, \$2,000 here and there—that is usually how it goes.

Councilmember Kuali'i: Do they contact your Department?

Mr. Porter: Yes, they can contact us.

Councilmember Kuali'i: Thank you. My earlier question is from page 203, on the special projects, the explanation is there and the majority of the money, which is \$500,000 is \$425,000 for the Kaua'i Seabird Habitat Conservation Plan and incidental take permit, by basic question is, when I look at the prior years, I do not see that same large amount, but I want to know how many years has this permit expense been in place now, and is there an end date? Are we working towards a certain type of compliance? Was this for a set amount of years and this expense can go away, or is this something we need to do indefinitely in order to operate the parks in a certain way?

Mr. Porter: William can answer some of those questions and I think the Office of the County Attorney can answer a couple of those questions, too.

Mr. Trugillo: Councilmember Kualii, thank you for the questions. The first question I heard was, when did it start? This would be our third year to pay this permit fee. The other question I heard was, how long is this? Our agreement right now is thirty (30) years. Did I miss something else?

Councilmember Kualii: The agreement is just thirty (30) years, so we have to pay nearly \$500,000 for thirty (30) years, they did not give us a list of things to accomplish to get us to a place where that expense can go away, it just is what it is?

Mr. Trugillo: Like Pat said, the County Attorney can explain a little bit more. The amount will go down, the amount on the front end to have the permit and to establish some of the physical things that needed to be done is establishing the habitat and the refuge area is on the front end and to get the organization up and running. The fee does go down over time, but the commitment is for thirty (30) years for this particular permit and agreement.

Councilmember Kualii: Okay, thank you.

Committee Chair Kaneshiro: Follow-up, Councilmember Evslin.

Councilmember Evslin: Sorry, maybe I should have asked this in CIP, but I thought the CIP expense was...there is \$40,000 in the CIP budget for the Seabird Habitat Conservation Plan, so was that for start up expense in some capacity and has been mostly spent down, and is that \$40,000 in there expected to be spent over this next year, or is it just sitting there, what is the plan with that?

Mr. Trugillo: I believe the one in the CIP was for that initial contract work and the initial start up for the agreement to get the permit in place. The \$40,000 is what is remaining currently. Yes, there are plans to spend it out in the next year.

Councilmember Evslin: Once that is spent out from CIP there is going to be no need from CIP in the future for Seabird Habitat Conservation Plan, it would just be this recurring line item.

Mr. Trugillo: Yes, I believe so. I believe there will be a reasonable plan moving forward.

Councilmember Evslin: Okay, thank you.

Committee Chair Kaneshiro: Councilmember DeCosta with a follow-up.

Councilmember DeCosta: I have a follow-up with Councilmember Kualii on the \$425,000 Kaua'i Seabird Habitat Conservation Plan, also adding in the \$120,000 for the Feral Cat Control. I believe William mentioned something about habitat for the Kaua'i Seabirds, I am appalled that \$500,000 will be spent over the next thirty (30) years every year without any...do we have Federal funding that we are looking at? Do we have someone like how we look for agriculture Federal funding, we have people that write for grants? Do we have anyone within our Department of Parks & Recreation to look for Federal funding to try and off set this price, or is the Kaua'i Seabird Habitat Conservation Plan people looking for their own Federal funding? That last one would be, how will the \$120,000 be spent on feral cat control? I want to know more about the meaning of "control," please. There is a big group from the community that wants us to ask the question.

Mr. Trugillo: If part one of your question is the County looking for additional outside funding to help support this, the answer is currently "no." If you are asking about what other requirements are in the permit, it includes that the County controls the population of predators and not just cats, it is also anything that could be endangering the endangered seabirds. There is a contractor in place to help control it at County facilities.

Councilmember DeCosta: So, you have a contractor that is paid \$120,000 to control predators. Do we know the job responsibilities of this certain controller that is getting paid \$120,000? That seems like quite a bit of funding. Is it an entity, single person, or a local business? Who is that contractor, may I ask?

Mr. Trugillo: It is a small business here on Kaua'i. \$120,000 is for year-round to help us. The County is responsible for about eighty (80) properties with lighting to have predator control on it. Given this funding, this is what the contractor able to do.

Councilmember DeCosta: What is the name of this contractor? Can I get the name of this contractor?

Committee Chair Kaneshiro: If you do not have it on hand, you can E-mail the response.

Mr. Trugillo: Hallux Ecosystem Restoration, LLC.

Councilmember DeCosta: Thank you.

Committee Chair Kaneshiro: Are there any additional follow-up questions on this? Councilmember Kualii.

Councilmember Kualii: Just for clarification. This is also required by the Habitat Plan, so it is not a separate item, it is all tied in. That is why that issue alone is \$500,000 a year, because control of anything that is impacting and endangering the seabirds, is also required for the next thirty (30) years.

Mr. Porter: Correct. As part of that Habitat Conservation Plan (HCP), we are required to do predator control.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Councilmember Evslin and then Councilmember Cowden.

Councilmember Evslin: The Kaua'i Seabird Habitat Conservation Plan is a requirement for us to be able to turn on nighttime lights and not get prosecuted or fined by the Federal Government, right? So, we do not have leeway with these two (2) budget items.

Committee Chair Kaneshiro: This does not only include our stadiums and Friday night football, but this also includes the Convention Hall and public properties that are open at night for people who need lighting, so they can see at night. That is what these covers, those types of venues also, right?

Mr. Porter: There is a large number under Parks and so it was handed over to the Parks Department to manage.

Councilmember Cowden: I have a question on the Seabird Conservation Plan. Another animal that I really love that is predator, as far as I know when we introduced predators, are owls. Is that correct? Owls are an introduced bird, and they eat the baby birds as well?

Councilmember DeCosta: Certain owls. *Pueo* owl is a native owl.

Councilmember Cowden: I just wondered if we did predator control on owls because of that problem.

Mr. Porter: If an owl was identified as being a threat on County land, it could have targeted under this program, yes.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Knowing the entire story behind this, but I remember there was an agreement of partnership with the schools that the kids would get involved should there be a bird that falls, they would participate in nighttime games and be part of working together and education part. I am just wondering if it is still there.

Mr. Porter: Yes. We hired a new position under the Permitting Section that is meant to oversee the entire Permitting Section and also take on this HCP side as well. That is under William. He can you talk about the responsibility that person is going to have as far as coordinating with the rules.

Mr. Trugillo: As you can see there is a good handful of responsibilities that the County is responsible for in regarding this plan. This staff person is helping us get a better handle, but what the County needs to do coordinating the training for staff, coordinating the outreach for the community, like what Councilmember Carvalho mentioned. Get people educated, which is what the County is responsible for as part of this permit. Kat would help the County fulfil those requirements. In response to Councilmember Carvalho's note about the kids helping out, yes. When the Kaua'i Interscholastic Federation (KIF) requested to use the stadiums during fledging season for football, we asked them to help provide youth to help monitor. Helping to learn about it is part of our outreach program also. Going back to Committee Chair Kaneshiro's note about, "it is not just the stadiums that is covered," he is right. The County is responsible for all the County's facilities, which is everything from the old County Building to Moikeha, any County-owned with lights; landfills, transfer stations, sewer treatment plants, et cetera. All of those are covered under this permit. The requirement is that we monitor anything that lights are on during the fledging season for any reason, health and safety, workers, et cetera.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When we look at repairs and maintenance (R&M) building, I know we are flat with last year, I just cannot remember why last year was one-third of the cost of prior. What dropped that our repairs and maintenance cost is down to \$650,000 from \$1,900,000?

Mr. Rezentes: In past years, the R&M building account would also include major projects or repair projects that are not a recurring item. We may have had a pretty significant item to address a specific building project. That number could potentially fluctuate based on those needs.

Councilmember Cowden: Okay, thank you.

Committee Chair Kaneshiro: Are there further questions? We are still on the Administration Budget. I have a question on the Līhu'e Civic air conditioner (AC). The cost went up. We just redid the contract and it is more expensive.

Mr. Porter: That is correct.

Committee Chair Kaneshiro: Are there further questions on this? If not, we will move on to Fiscal. Are there any questions for Fiscal? I have a question on towing. In prior years there was a towing vehicles/towing services cost of \$60,000 and I did not see it get moved anywhere else. Is that cost being eaten up somewhere else?

Mr. Rezentes: KPD is managing the towing contract, so the funding source is there.

Committee Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kualii: Position No. 1207, Accountant Trainee. The Vacancy Report only went up to March 15th, the position showed a budget of \$25,512. In this budget, which I thought was pretty much done at the same time, is showing \$43,620. The \$43,620 is the low range/starting range for the position. I am guessing that at one point you may have thought you were not going to be able to fill the position and start it on July 1st and maybe we are doing partial funding. I calculated out seven (7) months, which was a weird amount, because you usually do six (6) months or nine (9) months. What is the status of that position and recruiting and filling?

Mr. Rezendes: Councilmember Kualii, basically, the current fiscal year budget for six (6) months was \$25,512, and that was based on an Accountant II. I think at the time when the budget was formulated, there was a broad-brush where we basically partially funded a number of vacant positions. We were given six (6) months funding for the Accountant II, so that represents what the cost would be for that position. We are now in recruitment for an Accountant Trainee and we are hoping to conclude that in the next month. The \$43,620 would be commensurate with one-year of salary for that particular position.

Councilmember Kualii: Now that makes sense because the Vacancy Report under recruitment status, it did say "awaiting selection," so that is for the Accountant Trainee, which you have updated the budget to correctly reflect that new position which is probably an easier to fill position as well. Thank you.

Mr. Rezendes: Correct.

Mr. Porter: Actually, we held interviews for that position on the 23rd and we did select for approval.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I wanted to know the difference between EM-3 and EM-5 and what the range of the salaries between the positions are. I noticed that we use this throughout different departments. I wanted to know more about it.

Mr. Porter: I can pass that on to the Department of Human Resources (HR) to explain that.

JANINE M.Z. RAPOZO, Human Resources Manager III (*via remote technology*): Currently, the range for EM-3 annually, would be \$78,684 for the minimum, and to the maximum of \$137,604. For EM-5, the minimum would be \$86,748, and the maximum would be \$151,752.

Councilmember DeCosta: How are these EM positions allocated within the different departments?

Ms. Rapozo: Our Classification Division looks at the duties assigned as far as how complex they are or how large a scale it is on. We also need to look at the other jurisdictions on similar types of positions, so that we are comparatively similar if we have someone at that level somewhere else such as Maui County. We are going to be doing those types of comparisons.

Councilmember DeCosta: I understand everything up until the comparison to Maui. Are we comparing our salaries to Maui County?

Ms. Rapozo: Actually, all jurisdictions. We compare all of our salaries. We are all part of the same contracts and are all part of civil service roles, so we have to do equal pay for equal work amongst all of the jurisdictions, not just Kaua'i County.

Councilmember DeCosta: Even if Maui County's population and their responsibilities are greater than ours, we still have to give the same pay as Maui County?

Ms. Rapozo: We would look at that whether or not the quantity is different and whether we would have...sometimes when the quantity is less, because we are smaller, you sometimes take on a little bit more. But a lot of times, the duties are similar, and it is just a matter of having a larger quantity. Those are all the things that we look at whether we look at comparing with Hawai'i Island or Maui. We usually see where City and County of Honolulu is obviously, going to be a little bit higher than our County, because of their large responsibility, but often times, the duties themselves are similar regardless of how large it is, because at the end of the day, whether you are processing three (3) invoices versus three hundred (300), you are still processing an invoice, for example.

Councilmember DeCosta: Thank you.

Committee Chair Kaneshiro: Are there any further questions for Fiscal? If not, we will move on to Planning & Development. Councilmember Kualii.

Councilmember Kualii: I noticed that there was a lot of movement on the positions, and you brought several positions from Parks Fiscal—I think three (3) of them and then one (1) position from Recreation. Prior to these four (4) positions coming here to Planning & Development, was this Planning & Development with just three (3) positions? Are Position No. 1625, Chief of Planning & Development; Position No. 1987, Park Planner; and Position No. 1202, Park Planner existing positions that were in this position alone, or did they also come from somewhere else?

Mr. Porter: You are correct, those positions previously made up the Planning & Development Division.

Councilmember Kuali'i: This was not explained in your narrative. What is going on? What is this all about?

Mr. Porter: I can give the background of how we got to this point. Previously, our Permitting Section under the Department of Parks & Recreation was under the Fiscal Division, and there was no single permit section. The park ranger section and the permitting section were one section that ran the rangers and all the parks permitting together. One thing that I really wanted to do was create one (1) Parks permit standalone section, because I felt like permitting was a huge portion of what our Department does and it needed its own attention and its own section. We were able to figure out a way, and on the other side, park rangers needed their own section, too. It just was not very efficient to have both of them run out of same shop. We were able to find a way to split the two and have two (2) standalone sections that would be a lot more efficient and a lot more effective in what they do. We were able to accomplish that, and in doing so, we left the park rangers section under Fiscal as its own section. We kept that there, and then we moved the permitting section under the Planning & Development to be under William's shop. That is how we got to where we are now.

Councilmember Kuali'i: Thank you.

Committee Chair Kaneshiro: Are there any other questions for Planning & Development? If not, we will move on to Recreation. Are there any questions for Recreation?

Councilmember Cowden: I have a really basic one.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: What do we define as Recreation? How is that distinguished from the rest of this?

Mr. Porter: The Recreation Division encompasses our neighborhood centers, all of our seasonal programs—summer, spring, and winter programs, pools, et cetera.

Councilmember Cowden: Okay. There is no fee to go swimming, right? Pretty much all the recreation centers do not have a fee. Is the golf course the only one that has a fee?

Mr. Porter: No, there are fees. Chapter 19 has a whole fee schedule for different types of activities.

Councilmember Cowden: People pay money to...you usually get your money back though, right? If you put \$200 down to use the recreation center, then you get it back if you leave it clean. Am I remembering right? What fees go in? Can you just remind me? I know I should know.

Mr. Porter: It has a schedule. It is broken down into types, from Type I through Type VI. Type VI is like commercial activities, and of course, commercial activities will have a fee associated with that.

Councilmember Cowden: What is a commercial activity? The American Youth Soccer Organization (AYSO) is not a commercial activity, right?

Mr. Porter: Sorry, I missed that. I cannot hear.

Councilmember Cowden: Scott put it in front of me. He gave me the list of the different fees, so it would be...I see it now. He gave me the answer.

Mr. Porter: It is Chapter 19.

Councilmember Cowden: I guess my larger question, because I was trying to look through where we are looking at the Golf Fund. Are we going to look at that at some point here?

Councilmember Kualii: It is coming up.

Councilmember Cowden: I could not find it. Okay.

Councilmember Kualii: It is the next section.

Councilmember Cowden: I was trying to find it and did not see it. Okay.
Thank you.

Committee Chair Kaneshiro: Are there any other questions for Recreation? I have a question on the Recreation Worker – Hanalei that is not funded at all. Is that going to affect anything in Hanalei? I cannot remember. I believe we were opening that building or redid it, and then may have gotten flooded. Can you just explain if it is going to affect any facilities in Hanalei or on the North Shore, or is someone else is taking charge of it?

Mr. Porter: With that, we are going to have our Kilauea Neighborhood Center staff, Chad Koga, will be in charge of Kilauea and Hanalei. It is kind of the same model that we have in Kapa'a and Anahola. We have one (1) person overseeing Kapa'a and Anahola, and then also on the west side, Waimea and Kaumakani is also overseen by one person, too. It is kind of that same model. We are not going to lose any services with that.

Committee Chair Kaneshiro: Okay. Thank you. Councilmember Carvalho.

Councilmember Carvalho: Pat, I was just informed that regarding equipment and other supplies, apparently, there was an incident with a young athlete getting hit by the ball at the batting cage. I wanted to get an update on that and what we are doing to make sure that the equipment that we have that we have the resources. Where are we at with that, because that was just brought up to my attention?

Mr. Porter: We got notified that at the batting cages at Vidinha Stadium baseball field, that there was a hole in the batting cage net and the ball went through the hole and hit a player in his face. We closed it off immediately after and just earlier this week, we did a walk through with the Kaua'i High School baseball coaches and our staff, and identified all of the holes in the net and what needed to be done to fix it. Our staff and the Kaua'i High School baseball team, coaches, and players worked together to fix them and came to an agreement that it is not safe for the rest of the season. In this case, we are ordering new nets to be replaced, but it looks like for the remainder of the season, that those batting cages are fixed and will be able to be used, and then we will replace them after the season.

Councilmember Carvalho: I just wanted to make sure because everything counts, and it matters overall. We need the resources to replace and whatnot. I just heard about this and I wanted to make sure you folks addressed it and move forward.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to be proactive on this situation also. I was actually at the game and it happened to one of my son's teammates. Are we being proactive Waimea and Kapa'a also with their batting cages in having at least an inspection by our people and the coaches on their staff? I think it would be nice. Let us not forget about all the little league and baseball teams that are younger than our high school players who actually use the batting cages. Maybe we should do an overall sweep of the different batting cages throughout the island and be proactive. Thank you, Pat.

Councilmember Carvalho: Just one more thing.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Not just fix, but replace already. I heard you just say that you folks looked at replacing all the nets, and you are in that mode right now.

Mr. Porter: Yes.

Committee Chair Kaneshiro: Are there any other questions for Recreation?
Councilmember Kualii.

Councilmember Kualii: On page 217, the item Consultant Services, \$55,000, which is the same amount as last year. It just says "Officiating Youth & Senior Instructors." Can you provide a little bit more detail? Are these stipends? If it is, at what rate? What does this all cover; how many games or events?

Mr. Porter: This covers our County youth basketball league to pay for the officials to run the games, so that is basically what it is for.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Are there any other questions? Under Computer Peripherals/Supplies on page 219, in the past, we had a line item for \$10,000 for Annual WebTrac/PayTrac Maintenance and Services. Do we still use those services? If so, why is that not in budget?

Mr. Porter: That one was taken out of Recreation and put under Planning & Development, because now the permitting falls under planning and development, so the RecTrac follows that.

Committee Chair Kaneshiro: Okay. Are there any further questions?
Councilmember DeCosta.

Councilmember DeCosta: Other Commodities, I noticed the original budget was \$37,000 and we actually have an adjusted budget of \$134,000. How did it jump up by \$100,000?

Committee Chair Kaneshiro: What was the question on that one?

Councilmember DeCosta: How did you have that big a jump in the original budget versus the adjusted budget?

Mr. Rezentes: Councilmember DeCosta, we are asking for \$37,000 for that line item. It looks like there may have been a transfer the prior year into that account. We can look at how that was used.

Councilmember DeCosta: Thank you, Wally.

Mr. Rezentes: But for the current fiscal year, we are only asking for the \$37,000, the normal price tag.

Committee Chair Kaneshiro: Are there any other questions?

Mr. Rezentes: I know sometimes we get reimbursed by the federal government, United States Department of Agriculture (USDA), and so sometimes we have to front the money and it is a timing thing. We may get moneys back, depending on the location and the number of kids or students that are in the various programs. We can look if you want that information on what work we have transferred in the past to spenddown.

Committee Chair Kaneshiro: Are there any further questions for Recreation? If not, we will move on to Facilities Maintenance. Councilmember Kualii.

Councilmember Kualii: On the positions for Facilities Maintenance, there are two (2) vacant positions, both of them are named Electrician-Electronic Equipment Repairer, Position Nos. 1540 and 1541. Position No. 1540 is 9-month funded and it has been opened for eighty-nine (89) days. Position No. 1541 is fully funded. They both have in the HR status, "continuous recruitment." What is the plan for filling these positions? I am curious as to why one is nine-month funded and the other one is not. Are you planning and hopeful to get at least one (1) of them filled before July 1st?

Mr. Porter: Yes. We are always trying to fill them. Like in previous years, the private sector is still a little more attractive for this type of work right now, so we are having a hard time filling them. But we are hopeful and still trying to work on finding someone to get in there.

Councilmember Kualii: Okay. Then the only other position is Plumber I that is 9-month funded. In fact, the status says "no requisition to recruit," but being it is...is it also a hard-to-fill position?

Mr. Porter: I am sorry, what type of plumber?

Councilmember Kualii: The status was "no requisition to recruit," but even at 9-month funding, if it is a hard-to-fill position, are you going to start recruitment soon? Are you going to request requisition, or have you?

Mr. Porter: Yes, we will. We are anticipating that it will be hard to fill, so that is why we do not think that we are not going need the full year's worth. That is why we dropped it down.

Councilmember Kualii: Okay. Thank you.

Committee Chair Kaneshiro: Councilmember Cowden and then Councilmember Evslin.

Councilmember Cowden: In looking at the Health Fund Contribution and Retirement Contribution, it seems like the stepping from \$345,000 to \$420,000 is disproportionately more than when I see these benefits moving in other categories. I wonder if there was some sort of special situation there. When we look at Social Security Contribution, it just went up a little bit. I am wondering why those two (2) line items went up comparatively a lot.

Mr. Rezentes: I think those items track industry specific group employees in that division. I think the Department of Finance and/or HR work on those numbers and estimates. They would be in a better position to explain the increases. Sometimes it is a matter of how many employees take advantage of going through the County's system, or using the County's benefits versus a spouse's benefits, but again, probably the Department of Finance may be a better entity to answer.

Councilmember Cowden: Okay. Our Deputy County Clerk kind of helped me with this a little bit as well, too. I am satisfied.

Committee Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Parks Maintenance, but I see an islandwide chain-link repair line item under Facilities, so I was wondering if the fence at Kapa'a Beach Park on the *makai* side of the park seems to have been broken for a while. I have gotten some concerned constituents about the state of that fence. What is the plan for repairing that?

Committee Chair Kaneshiro: You are on mute, Pat.

Mr. Porter: We submitted the workorder and our Facilities Maintenance knows about it, and it is on the schedule to be fixed. I do not have a timeline, but it is in the system to be fixed.

Councilmember Evslin: Okay. Thank you. Again, I am not totally sure if bathrooms are under Parks Maintenance or Facilities Maintenance, but the bathrooms at Lihi Beach Park area have been closed for a while. Is there a plan for those?

Mr. Porter: Lihi Beach Park was in the CIP. We had problems with the septic there, and that is why it has been closed. The septic system is in poor shape over there. The plan is what we are trying to do is tie that back into the sewer system and on top of that, to see if we can replace the structure itself and possibly do like a Portland Loo-type of bathroom over there as well, which we are hoping to tie into the existing bike path contract. So, that is the plan for the Lihi Beach Park bathroom.

Councilmember Evslin: Is that included in the CIP right now for this year?

Mr. Porter: Yes, it is.

Councilmember Evslin: Sorry, I missed that. You broke up a little bit.
What did you say?

Mr. Porter: Tying into the sewer system is, yes.

Councilmember Evslin: What about the erosion under the bike path past Lydgate? I remember we had a presentation with you folks talking about no good options, but I am wondering which is the "bad" options we are going with at the moment.

Mr. Porter: We just inquired with our Planning Department, Office of Conservation and Coastal Lands (OCCL), DLNR about what kind of permitting we need to remove the slab and to fill that *puka* that is over there. We started that process. Also, we are setting up a meeting with the management at Kamalani to do a walkthrough to brainstorm if they would be willing to reroute the path into their property or...the two (2) options long-term would be to reroute the path in the Kamalani property, but that is going to take some time, or to cut it off at a certain point and reroute it up to the soccer fields and then back down. Those are the two (2) long-term options that we are looking at. But for now, we are going to through the permitting process to see what type of permitting we need to do the actual mitigation work to get rid of the fallen slab and to level the sand.

Councilmember Evslin: Do you have the funding for that? Is that in CIP, or is the plan just to do permitting this year and then construction next year?

Mr. Porter: The long-term, we do not have the permitting and all of work now will be done in-house.

Councilmember Evslin: Okay. Sorry, last question. At Lydgate, and I have not seen it myself, but I heard a concern about the safety handrails on some stairs by the soccer fields. They are rusty. Two (2) parts to the question: one, are you looking to replace it, and are there maybe alternative materials that can be used in that high salt environment that will not rust?

Mr. Porter: Wally, you are working on that.

Mr. Rezentes: A workorder was placed and our welder will be fabricating the guardrails, and I believe our Facilities Maintenance folks will do the install in-house. I do not have a specific time or status on the time right now, but we can get that for you, Councilmember.

Councilmember Evslin: How long has those handrails lasted? Do they require replacement every couple years or has it been a while?

Mr. Rezentes: I think that was the original, so it lasted a couple of decades. But because of the salt spray in the area, those kinds of things will occur. We talked about different types of materials and making sure we are coating it as best as possible. It looks like we are going to proceed with galvanized type of materials based on the brainstorming that we did.

Councilmember Evslin: Okay. Thank you.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Is this the right place to ask about our Veterans Cemetery, the new build-out? I think it is almost done, is that right?

Mr. Porter: Yes, that is part of the Parks Maintenance Division. I do not know if you want to wait until the Parks Maintenance Division.

Councilmember Cowden: Okay. I was wondering about it, a T1 line and a kiosk. Alright, that comes up later.

Committee Chair Kaneshiro: The next one.

Councilmember Cowden: Okay.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I just wanted to clarify going off of Councilmember Evslin and the Kamalani pathway area. You did say that you are looking at either redoing it in the current place or go around? Can you clarify that again one more time, because we are getting a lot of concerns about that?

Mr. Porter: We are going to keep it in the same location that it is now. Where it fell, is pretty much gone and the integrity of the sand underneath is not...we would not be able to put the path directly where it was, so we would have to move it just *mauka* of where the path is existing, which would take into Kamalani property. We would have to work with Kamalani if we wanted to keep it in that area. The other action would be to just cut it off at a certain point before Kamalani and cut it off there, not have a path in that area, and reroute it up to the soccer fields and then come back down to the campgrounds from the top side. That would be the other option, long-term.

Councilmember Carvalho: Okay.

Committee Chair Kaneshiro: I have a question on the Janitor for the golf course that is dollar-funded. Right now, do we have someone else that is able to go and do the work there?

Mr. Rezentes: That position falls under Facilities Maintenance, under the janitorial section, but the Golf Fund pays for that position, so the funding source comes from the Golf Fund.

Committee Chair Kaneshiro: Okay. Thank you. Are there any other questions? If not, we will move on to Parks Maintenance. Councilmember Cowden, you have a question on the Veterans Cemetery.

Councilmember Cowden: Yes, I have one on the Veterans Cemetery. I have to go out there again. Did you pretty much finish up this...I heard that in the CIP portion, that it opened up that pavilion. I am just curious. Are the ceramic tiles that I love gone? Is that still there? What happened to that?

Mr. Porter: We told the contractor we needed to save the mural, so they just relocated it to another portion.

Councilmember Cowden: Wow. Okay great. I know there was a challenge with locating the burial sites. There was something they needed like a kiosk and T1 line. Is that part of anything that we are still planning do or is that not happening? We have new area to bury in the back, like a new cemetery area. Then, they had the grave registration kiosk. Did that happen? Can you tell me about that? Do you know what I am talking about?

Mr. Porter: I am not sure.

Councilmember Cowden: Okay. So, that is not in here. I just remember that was part of what they needed, that they do not have a good method for knowing where all of the gravesites are. I am just communicating with the Veterans Council. I will let that go for now. We can maybe meet later and ask about that, so I could have a better understanding.

Mr. Porter: Yes, I am not sure.

Committee Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I have a couple of positions. Vacant Position No. 1671, Administrative Support Assistant, that position was vacant for quite a long time. On the Vacancy Report, it showed it as 6-month funding; here in the budget, I see it as fully funded. The comment on recruitment was "referred list" and it showed two (2) different dates, referred on 12-07-2021 and then referred again on 03-07-2022. Does that mean you are at a point where you are going to do final interviews and hire, and the person will indeed start by July 1st? You are muted.

Committee Chair Kaneshiro: Pat, you are muted.

Mr. Porter: We have interviews for April 6th and we are hoping to hire.

Councilmember Kualii: The other is Position No. 1672, Beautification and Parks Maintenance Supervisor III, which was also open for a really long time. On the Vacancy Report, it said dollar-funded; but here we have it fully funded. The recruitment status says "applicant declined, no selection made." Does that mean you have to restart the recruitment process, have you done that, and do you intend for that person to start by July 1st?

Mr. Porter: We are going to re-recruit on April 4th and then it is going to close on the 13th, then we will conduct interviews right after that, and hopefully hire.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Are there any other questions? Councilmember DeCosta.

Councilmember DeCosta: Pat, I wanted to you, what is your opinion on the County leasing vehicles versus the County purchasing our own vehicles? I am talking more about the utility trucks, the ones that we use, the Dodge 2500 for the liftgate for the plumbers and electricians. Do you have a personal preference on leasing them versus purchasing them outright? It seems like every three (3) or five (5) years, we have to turn them in on the maintenance and release another new one, correct?

Mr. Porter: I do not really have a strong opinion either way, whether we purchase or lease. I think the County in previous years and previous administrations, kind of based off the fleet off more of a leasing program, and so we are kind of tied into that countywide. We are kind of tied into that method of acquiring vehicles. I think if we were to start purchasing vehicles outright, it would take an overhaul of the entire way we purchase. But personally for Parks, I do not have a strong opinion either way.

Committee Chair Kaneshiro: I have a question, Pat. Are these vehicles lease to own?

Mr. Porter: Yes.

Committee Chair Kaneshiro: At the end of the day, we end up owning it. It is a matter of, do we purchase it upfront at full cost or lease it over five (5) years and own it after five (5) years?

Mr. Rezentes: Maybe I was guilty when I wore a different hat in the County, but we started the leasing program a number of years ago to assist us in acquiring vehicles and equipment, and the leasing mechanism gave us an opportunity to amortize the purchase cost over a period of time, basically over the useful life of the asset. We were able to get more equipment sooner versus building up enough funds to purchase outright. I know that the Department of Finance has been successful over the years in obtaining lease financing that is really good. I mean, the rates are very reasonable, and they competitively solicit pricing every year. It has worked well for a number of years for County. Today, the downside to it is that the Department of Finance has to procure the lease financing first, and then we got to go through the procurement process through Hawai'i Revised Statutes 103(b) to buy. It takes a little bit longer in the scenario where we set up a leasing mechanism and go through the purchasing mechanism because they have to wait one than the other. Today, unfortunately, with supply chain issues, it is taking quite a while to obtain equipment countywide. An approval from the Council that takes effect July 1st for a truck, we may not see that truck for one (1) year, because it takes time to do the procurement and then it takes time on the supply chain side to get it on island. So, we have to keep that in mind look forward and we have to plan that way. It is just taking maybe a year or so to actually get the asset from the time that we receive the approval through the budget.

Committee Chair Kaneshiro: Are there any other questions? I have a question. Under Equipment, I see line items for the Lihue Town Core District, but I also see a new one for Hanapēpē District. Is that actually a new district that you broke out?

Mr. Porter: Out in Hanapēpē, what we did was we carved out the Hanapēpē Stadium to be its own district, and that was in an effort to be consistent across the board. We have Kapa'a, we have BJB Complex as its own district and Vidinha Stadium as its own district. In Hanapēpē on the westside, previously the Hanapēpē Stadium serviced all of the Hanapēpē and the stadium, and that was the whole district. In an effort to be more efficient and effective on that side, what we did was we carved out the stadium to be its own district with its own working supervisor and then we created a regular Hanapēpē District with its own supervisor. In doing so, we carved out a couple parks from the Kōloa District and also one (1) position from the Kōloa District, and put it into the Hanapēpē District and made that one its own, so that is a new district now. That was just an organizational clean-up that we did, so that has gone through the renewal consultation process and everything.

Committee Chair Kaneshiro: Okay. Are there any other questions for Parks Maintenance? If not, we will move on to Beautification. Councilmember Kuali 'i.

Councilmember Kuali'i: These new positions, Senior Groundskeeper, Groundskeeper, and Groundskeeper, is the intention for the new Lihue Town Core District to begin July 1st? I know that is what the budget is. Could you possibly start sooner, based on recruitment or lapsed funding?

Mr. Porter: As soon as we get it approved, we want to start and hire, yes.

Councilmember Kuali'i: Are these positions already being recruited for, or maybe there is an eligible list? I see you are also filling the vacancy for west district for Position No. 1644 and that the status was testing on March 14th. I guess you could test several people for several positions, right?

Mr. Porter: Yes. The working supervisor test is for any position, and as long as you pass the working supervisor test, you would qualify for any of those working supervisor positions. Then, we would be able to select the groundskeeper positions from the labor list. There is already a list in place for that.

Councilmember Kuali'i: Thank you.

Committee Chair Kaneshiro: Are there any other questions for Beautification? If not, we will move on to Stadiums. Are there any questions for Stadiums? Councilmember Cowden.

Councilmember Cowden: With the ending of the COVID mandates, are we anticipating renewed use at a regular level? Will we go back to having say the Fourth of July events at Vidinha Stadium, large events such as that or the fair? Do we anticipate a summer fair?

Mr. Porter: As long as the organizers want to put it on, we are ready to approve them.

Councilmember Cowden: I guess that ties into the funding question. When someone puts on a fair or a very big event like that, do they pay a fee?

Mr. Porter: It depends. If the County ends up sponsoring the event, then no, because it would be a County-sponsored event. But if it is a standalone event that the County does not sponsor, then it would be whatever it falls under on the fee schedule.

Councilmember Cowden: Okay. Thank you. I think I have one more. In this downtime, were we able to do much maintenance on the stadiums, since we had a couple years off of heavy use?

Mr. Porter: Yes. The main one we did was we did the whole Bryan J. Baptiste Football Stadium. We the entire stadium during this downtime. So, there are new stands, new food booth, new press box, and all of that. The field was redone.

Councilmember Cowden: Thank you.

Committee Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: The vacant position that is Park Caretaker I has only been opened fourteen (14) days on March 5th, I see that there is a list established and there are eighty-four (84) eligible, and the list was referred on February 24th. Throughout your Division, if there is a Park Caretaker I, you have a pool of people waiting to go back and check with that list and then hire people from there, right?

Mr. Porter: Yes. What we will do is we will usually select a handful of people off the list to interview, and then based off the interviews, select.

Councilmember Kualii: For the position above that, Position No. 1957, Parks Caretaker II, do you try to promote from within, Park Caretaker I up to II to 2, and then you backfill that Park Caretaker I? Is that what you do?

Mr. Porter: Yes, that is the process we are tied to. We always go in-house first. However, the working supervisor position needs to pass the written test, so we will open it up to in-house that want to take the test and pass it first, and then if no one does, then we go external with that.

Councilmember Kualii: And being that you are working on this now, both will be easily filled, even possibly before July 1st?

Mr. Porter: Which number are you talking about?

Councilmember Kualii: Position No. 1957, Park Caretaker II, BJB Sports Complex, and Position No. 1052, Park Caretaker I, BJB Sports Complex.

Mr. Porter: Okay. So, we have already selected an internal for Position No. 1957.

Councilmember Kualii: Alright.

Mr. Porter: He will be moving over to that position.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Are there any further questions for Stadiums? If not, we will move on to Convention Hall. I had a question for Convention Hall. We added a line item of \$10,000 in Other Services for Security Guard Services for weekend events. Can you please complain explain that line item and will it be reimbursed? It is on page 239.

Mr. Rezentes: In past years, we have used that mainly for larger events, evening-type events, but it is a case-by-case thing. We do not get reimbursed for that type of cost. In talking to Lenny, he has informed me that since taking over, he has not used that line item for that expense. We have been closed with COVID, but I think we may not use it as much in the future, but that amount is there for that purpose. We do not have we do not have a mechanism to get reimbursed for that. It is not part of the fee structure.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just have a general question, is the main side of the Convention Hall prepped and ready to be utilized again if a choice made by the community? I do not think it has been used for two (2) years, has it?

Mr. Porter: Are you talking about the auditorium side?

Councilmember Cowden: The big side, yes.

Mr. Porter: The auditorium has been...Lenny has done a good job. During the downtime, he has done a lot of renovations to it. A lot of in-house work has been done to the back of the house and the auditorium side. In fact, I think we have had a few events already on that side since opening up in the last couple of months. As long as the testing center is on the end wing, then it is going to be there. But for now, the lobby and auditorium are fully opened for reservations.

Councilmember Cowden: And that has an income stream affiliated with it when events happen. Do some events pay money?

Mr. Porter: Yes. It will fall under the type, Type 1 through 6, and there is a fee schedule. There are Administrative Rules for the Convention Hall that spells out the fee structure.

Councilmember Cowden: When we have not earned any money through that fee structure for the past couple of year...I do not recall having to subsidize it, right, the costs were lowered so we did not have to subsidize anything. Is that right?

Mr. Porter: Yes.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Pat, I wanted to know about the regular overtime. Is this because we have night potential activities that we may have to have the maintenance worker hang around?

Mr. Porter: Yes, exactly.

Councilmember DeCosta: Okay, thank you. That is what I thought. Thank you.

Committee Chair Kaneshiro: Are there any other questions for Convention Hall? Councilmember DeCosta.

Councilmember DeCosta: Pat, was the EM-1 position always an EM-1 position for the Program Administrative Officer?

Mr. Porter: I am not sure. Ever since I was here, it has been. I do not know what it was before.

Mr. Rezentes: It has been that way for a number of years, probably well over a decade.

Councilmember DeCosta: Okay.

Committee Chair Kaneshiro: Anyone else? If not, let us keep going to the next page, which is the Improvement & Maintenance Fund. There is only one (1) line item for it, Special Projects. Are there any questions on that one line item? It is on page 336. It says park and sports field enhancement, same amount as before. Councilmember DeCosta.

Councilmember DeCosta: This might be a difficult question, but Pat, I believe the special projects, is this something where you folks decide you want to do something new and the funding is allocated under this?

Mr. Porter: This fund is revenues from Spouting Horn. We previously used this money to renovate the Spouting Horn booths. Before, it was the tent structures, and the revenues kept building up. When it got to a certain number to redo the booth, we used it to redo all of the booths. It can be used islandwide, from my understanding, just not for salaries and equipment.

Councilmember DeCosta: My mind is always thinking, and I looked at how we spent money on the seabirds and now we have a Special Project Fund. I was hoping that maybe one day, the Special Project Fund can fund a covered stadium where we do not have to worry about seabirds and we can have games at night and it would be great. I am not sure where the money is going to come from, but it would be great. It might be nice to have a covered stadium on Kaua'i.

Committee Chair Kaneshiro: Are there any other questions on this line item?
Council Vice Chair Chock.

Councilmember Chock: Just a follow-up. Is the Ho'olokahi Program
imbedded in the Special Projects?

Mr. Porter: Do you mean the funding for the the Ho'olokahi
Program?

Councilmember Chock: Yes. You mentioned it earlier and I thought I
heard you say that Lenny is still overseeing that.

Mr. Porter: Yes, but it is separate from this fund that we are
talking about.

Councilmember Chock: Where is that located in the budget?

Mr. Rezentes: Councilmember, it is in Convention Hall under
Special Projects. That is kind of the funding that we have used for the Adopt-A-Park and
miscellaneous programs.

Councilmember Chock: Okay.

Committee Chair Kaneshiro: Are there any further questions on this line item?
If not, we are going to take our 10-minute caption break. When we come back, we will finish
up with Parks, Wailua Golf Course.

There being no objections, the meeting recessed at 11:00 a.m.

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

Committee Chair Kaneshiro: Welcome back. We are on the Wailua Golf Course
budget. Do we have any questions from the Members on the Wailua Golf Course budget?
Council Vice Chair Chock.

Councilmember Chock: Can you give me an update on how our
concessionaire arrangement is going and where we are on that. I know it has been difficult
to hold people in that lease for an extended amount of time. We have talked about at one
time expanding their ability to increase revenue in other ways. I am curious if that is working
out for us.

Mr. Porter: You are talking about the restaurant vendor,
correct?

Councilmember Chock: Yes.

Mr. Porter: Currently the contract is going to end at the end of this Fiscal Year on June 30th. We just put out a solicitation for bid that just closed approximately two (2) weeks ago. We did not get any bids. No one bid on it. The big reason we are thinking from the feedback we are getting is the condition of the facility. Previously what we did was, have the vendor invest money into the facility to fix it up. Based on the condition that it is in now, no one felt like investing that type of money to upgrade it. That is the reason we did not get any bids this go-around. Now we just have to brainstorm and talk amongst us and the Administration to think about the options we have moving forward to see what we can do to try to keep a long-term concessionaire in there.

Councilmember Chock: Just to confirm, the current occupant or vendor does not want to continue?

Mr. Porter: Correct. They did not put in a bid.

Councilmember Chock: Okay, thank you.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Is there a liquor license or can there be a liquor license at that restaurant facility?

Mr. Porter: There is one for the restaurant itself.

Councilmember Cowden: They can? Okay. How long is the lease? Sometimes if the lease is not long enough, the tenant does not do that kind of improvement.

Mr. Porter: I think it was three (3) years with a possible two-year extension. I would have to pull it up.

Councilmember Cowden: For consideration, that is really short typically for a restaurant lease. You do not put in a lot of tenant improvements if you are basically building it for the next tenant. It might be that we could look at how we structure that lease. It seems to me that the restaurant could really be a good location and it could bring money in. Also, when we are looking at trying to bring it closer to revenue neutral, it is a really good deal for the prices on the green fees. Before we would do anything to hurt that golf course with so many benefits, it seems like we could either raise that fee or market it harder to people on vacation, because they pay the higher rate. Do we have a business manager on the golf course to see how we can make it solvent or more revenue neutral?

Mr. Porter: We have been exploring increasing the fees. We dove into the initial stages of how we are going to increase the fees and put cost estimates into that. We still have to review that as the Administration and decide when the appropriate time is to come to you for that. We have started that conversation and have already drafted up some numbers. We are not yet ready to come to the Council.

Councilmember Cowden: It looks like our projections have it as a drop of \$71,000 from last year. The cost of a month...I am really proud of what a good deal it is and how to get people out there. The cost of a month membership for seniors is less than half of one tee time green fee for somewhere else. It seems like we should protect the viability of the golf course.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Can I ask Councilmember Cowden a question?

Councilmember Cowden: Sure.

Councilmember DeCosta: When you say viability of the golf course, does that mean that you would like to raise the fees so that they could operate more profitably?

Councilmember Cowden: Last time we supplemented an unbudgeted \$270,000 and when we are looking at the cost of this one property, though it is a large property, it is almost \$3,000,000 to run it. If we are bringing in \$1,000,000 or so...that is why I was asking about how many properties do, we have total? Most of these properties, whether people surf or play soccer or something else, there is not anything that comes in economically. Surfers do not pay to surf there or to play soccer. These runs separately. The more we can make it be economically even would be good. I just want to make sure that we keep it viable. It is a great open space and has multiple benefits.

Councilmember DeCosta: I agree.

Committee Chair Kaneshiro: The General Fund puts \$1,900,000 into the Golf Fund. Councilmember DeCosta.

Councilmember DeCosta: I have a question for Pat. Do we have a profit margin cap on how much that entity can earn in the restaurant or business that they lease from us?

Mr. Porter: There is no ceiling.

Councilmember DeCosta: What are the hours that the entity can operate?

Mr. Porter: We do not determine the actual hours, but we say that they need to be open for eleven (11) hours a day. They can determine the timeframe, but the number of hours per day is written in the contract.

Councilmember DeCosta: I have a far-fetched idea. Have counties across the United States of America ever taken on a restaurant-serving business at their golf course? Could the County run something like this, or would that be too much for us?

Mr. Porter: That is interesting. I am not sure what that would look like. We would have to dive into the details.

Councilmember DeCosta: Would it be safe for us to ask what the contract bid was for the year before for this last contractor, so we could figure out what would have to be sold over the timeframe over the year to make it feasible with the amount of clientele that we have? Is that okay for us to ask that question? It does not have to be on the floor, but you can provide it to us in an E-mail. I am just trying to run the numbers in my head. If no one is going to take this and we still have to have food and beverages at the golf course for our constituents, how do we make it work? Maybe we can talk story later, Pat. How about that?

Mr. Porter: Yes, sounds good.

Committee Chair Kaneshiro: Are there any other questions for the Wailua Golf Course? If not, thank you, Pat to you and your crew on answering all of the questions. We are going to move on to the Office of the County Attorney.

Councilmember Kualii: Sorry, I did have one.

Committee Chair Kaneshiro: Wait, hold on. Councilmember Kualii.

Councilmember Kualii: Position No. 1741, Groundskeeper Crew Leader has been open for quite a while, approximately nine (9) months. I see the cashier position you initiated recruitment. This one it says, "No Requisition to Recruit." Are you going to initiated recruitment and do you anticipate getting this position to start by July 1st?

Mr. Porter: Yes. We are going to look to fill it and again we are going to try to fill it in-house. It is a working supervisor position, so they have to do a written test first. Once we get a list from all the people that passed the written test, then we are going to try to hire for that position.

Councilmember Kualii: Thank you.

Committee Chair Kaneshiro: Are there any final questions? If not, thank you, Pat and Wally.

Mr. Porter: Thank you.

Committee Chair Kaneshiro: We are going to move on to the Office of the County Attorney.

Office of the County Attorney:

Committee Chair Kaneshiro: Matt, please give us an overview and then we can go into asking questions.

MATTHEW M. BRACKEN, County Attorney (*via remote technology*): I will give a real quick overview. Our budget is really short compared to the Department of Parks & Recreation. Overall, our budget is a little under \$3,500,000. Our Operating Budget is \$544,000. Our Operating Budget is essentially identical to last year. There were small changes, and those changes were under \$2,000. Our budget is basically the same and it is flat. Our budget really has not changed in the last seven (7) years probably. A lot of our costs are fixed. We have control over a few of them. They are still largely dependent on things happening in the County. With that, I am open to any questions you may have.

Committee Chair Kaneshiro: Your budget is up 1.4%. Salary and benefits, which you have very little control over is a majority of the increase. Other Office Supplies and Computer/Peripherals – I think there was a variance of \$1,000 or something. Council Vice Chair Chock.

Councilmember Chock: In your narrative you spoke about challenges of retention or potential challenges. Given the flat budget that you presented, I am curious as to what we might be able to invest in to increase that outcome. Is it a matter of salary? Is it a matter of other aspects that we need to be considering?

Mr. Bracken: I would say that retention is mostly based on salary. We have the lowest paid attorneys in the state. The Office of the Attorney General pays better. The other counties pay better. We are the lowest paid government attorneys in the state. In order to keep...we do have good retention at this point. We have a fully staffed office, which is good. We have always struggled with retention issues over the years. A lot of that is due to our flexibility in terms of work schedules and work environments. I currently have attorneys working in Kentucky, Michigan, two (2) on the Hawai'i Island, and one (1) on O'ahu. I think we are able to retain people currently because we are flexible with that. Long-term I think our salaries are just not competitive. They have never been competitive with the private sector, but we are not even competitive in the public sector, currently.

Councilmember Chock: Thank you.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Am I remembering correctly? Basically, all of those positions are appointed positions and are not union? Is that correct?

Mr. Bracken: That is correct. Every attorney position is appointed.

Councilmember Cowden: Is it the Salary Commission that would be raising it? What limits us from simply creating a raise for those positions?

Mr. Bracken: The process is that the Salary Commission initiates a resolution and adopts it. The resolution is then sent to the Council and then the Council would either adopt or reject that resolution. It goes through that process.

Councilmember Cowden: Does that resolution raise up a whole lot of other positions as well, or can it get singled out? Can we just look at only our attorneys as one line item?

Mr. Bracken: Generally, the Salary Commission looks at all of the appointed positions. Historically, they have kind of sent it over with all of the positions. In the past they have divided it up. There have been separate resolutions for different things over the years. At one point we had a resolution sent over for...when I was really short on attorneys at the beginning of COVID-19, covered student loan costs. It is possible. They can do a resolution specifically for individuals, but generally they do it for all the appointed positions.

Councilmember Cowden: Can they separate it at least from our positions. That is what I remembered the last time. If we give someone else a raise, we give ourselves a raise. That really binds us, because we do not want to do that. This one we could do, if we needed to. I realize that this has been a problem for as long as I have been in office. I think it is getting harder.

Mr. Bracken: The Council has the authority, when those resolutions come over, to line item and delete any position they do not want to see a raise go to. It is possible to tweak those resolutions.

Councilmember Cowden: Thank you.

Committee Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Matt, good job on figuring out the remote work options to ensure that you can get fully staffed. I know it saves us on having to use Special Counsel. Those expenses seem to be going down or at least the need for Special Counsel. Are there any drawbacks with remote work? Are there any limits on their ability to perform their jobs? Getting out of COVID-19, I do not know if there are times when you need attorneys to go to trial or any issues there?

Mr. Bracken: Essentially there are. The attorneys that are working remotely are not the litigation attorneys. I could never have a litigation attorney as a remote attorney. They would have to be on-island because they would have to appear in court. All our litigation attorneys are on-island. That is how it would always have to be. It really is the attorneys that are providing advice that do not have to necessarily be on-island. They can communicate via Microsoft Teams, E-mail, and whatever else. We also have case management system that allows us to...it is an intake for all of our legal work, and it allows them to track their hours. It is easy enough for me to manage, because I can see all the hours that are being spent by the attorneys with each department and whatever else. That is relatively easy enough for me to track.

Councilmember Evslin: Okay, thank you.

Committee Chair Kaneshiro: Councilmember Cowden with a follow-up.

Councilmember Cowden: With this remote work, I would think that regional knowledge would be relevant. Are they people who have lived here before? Were they our attorneys and they moved away? How do we have these people in distant areas really grasping what is going on here?

Mr. Bracken: They are all attorneys that previously worked in the office. I think some of the struggles that we have, and on every island, they have difficulties finding places to live. That is part of the reason why some of them have moved away. A lot of them cannot afford to purchase homes. They have student loans or whatever else. Their debt-to-income ratios do not quite work. For one reason or another these are people who have left the island, but they continue to work for us. They do have the knowledge and the relationships too, because they already met people in the County. That is helpful. They have all worked here in-person in the past.

Councilmember Cowden: Okay, thank you. That is very meaningful.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: What is the timeframe that a County Attorney that leaves our County cannot work on a case against the County in his or her timespan?

Mr. Bracken: It depends on the case. If it is something that they materially worked on for the County, they cannot work on it in private practice unless the County waives the conflict. If it is something that they did not materially work on, there is a restriction within the Code of Ethics that would not allow an attorney to then appear before a commission for a one-year period. There is a one-year period post-employment, but there is also an ethical obligation that an attorney has to comply with so they really could not touch things that they worked on without a waiver from the County.

Councilmember DeCosta: Is it safe to say that your Office hires many new lawyers out of college because our pay scale is not as competitive as the private sector?

Mr. Bracken: That is accurate. We have a posting at the University of Hawai'i at Mānoa continuously. We do hire right out of law school and right out of clerkships fairly frequently.

Councilmember DeCosta: As a County, we spend all these resources training all of these lawyers then they leave us, and they only have one year before they can go represent somebody else against the County. They learned all of the important information and loopholes. I just have to say something to all of those attorneys who have left the County that they remember where they got their training. How is that?

Mr. Bracken: I think that is an important reminder. I also think it goes back to retention. Ideally, it is best for the County if we could keep attorneys for as long as possible. We need people who have gained all of this knowledge and experience over the years. The longer we can retain that knowledge and experience, the better the County will be. Every time I have to hire a new attorney with no knowledge, it takes a certain amount of years to get them to a level of proficiency. We do not really want to lose that.

Councilmember DeCosta: I personally can relate to that, even as far as being a new Councilmember. We think we come in knowing a lot and we do not. Councilmembers who have been around for a long time know a lot of important information. With that being said, Matt, I am going to ask a question. Is there a chance that we can raise that one-year to let us say, five-years, to deter them? We can make it so they cannot go against the County no matter what the issue is.

Mr. Bracken: Probably not. The reason I say that is that one-year is probably pushing it to a certain extent. There is only so much you can restrict someone's post-employment abilities without running into problems. If you were to try to restrict someone's ability to work on-island with anything that would have to do with the County for that period of time, it would likely be subject to legal challenges and would probably not be upheld. A year is kind of already pushing it already. It would depend. Just an off-hand legal opinion from me, probably not. I do not think you could increase or extend it to be that far.

Councilmember DeCosta: Thank you.

Committee Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just had a question about a position. Position No. 805. It has the same title as all of the other positions, Deputy County Attorney. It says 50% and it has half the salary. It does not have an asterisk saying that the other half of the salary comes from another source. Is this just basically a half-time position?

Mr. Bracken: Correct. It is a part-time position. We have a part-time attorney.

Councilmember Kualii: Okay. It probably should be labeled as such. It just says, "Deputy County Attorney" like all the rest.

Mr. Bracken: Yes. It is based on the fact that the attorney is only working part-time.

Councilmember Kualii: Okay. Thank you.

Committee Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Matt, just a quick question on your highlights regarding the updating of the County's insurance requirements...can you explain that?

Mr. Bracken: That was something that our Advice and Counsel Team worked on. The insurance requirements for the contracts really covered what was needed. They worked pretty closely with Atlas to find out exactly what kind of coverage we wanted to best protect the County. A spreadsheet was created to breakdown what kind of coverage was needed for what kind of contracts. It is basically to ensure that the County has the most protection possible. It had to do with what insurance was necessary for each type of contract. That was something they did just to shore up our contracting a little bit.

Councilmember Carvalho: Okay.

Committee Chair Kaneshiro: Are there any other questions from the Members? If not, we will move on to our final department. Thank you, Matt.

Mr. Bracken: Thank you.

Committee Chair Kaneshiro: The last on our list is the Department of Liquor Control.

Department of Liquor Control

Committee Chair Kaneshiro: Leo, if you could give us an overview of your budget, then we will open it up for questions.

LEO SANDOVAL, Director of Liquor Control (*via remote technology*): The budget that we are proposing this year, we do increase it by what appears to be 23.9% from the previous year. We went up to \$1,266,906 this year. Most of the increases were on the salary due to the fact that we were actually running on a reduced amount of employees this past year. Also, for the non-budgetary items which are going to be for the staff development and training, we are focusing more on developing everybody. There had been a lack of training that has been overlooked and I am trying to fill that gap to bring our staff more up-to-speed. Also, with the increase in licenses, the amount of work is also increasing. We are having to increase the staffing to keep up with the amount of work that we are being presented with. We are grateful for the amount of work as it means our economy is coming back for our industry and the reports are showing that as far as the amount of alcohol sales as well. Our budget is pretty forward. We are not going too crazy on any new items that are coming up. We are just trying to get back into the swing of things and try to get ourselves back to 100% operational capacity that we can be at this point.

Committee Chair Kaneshiro: I have a question from Councilmember Cowden.

Councilmember Cowden: I see that your revenue has gone up. It says here that the island is selling 100% of the capacity of the alcohol that comes in. They could see more if there was more alcohol available?

Mr. Sandoval: That is correct. At the time, compared to pre-COVID or during COVID-19, we had a significant decrease in the amount of sales of alcohol obviously. The amount of retailers being closed down and alcohol being served, that would be the on-premise locations, we had to depend on the retailers, which would be like your Costco, Wal-Mart, et cetera, step-up to the plate. Those were the people that were carrying all the alcohol sales during that time. We projected to have about \$70,000,000 in sales during COVID-19. We ended up having about \$80,000,000 in sales which was actually a lot of sales. Now, we are bouncing back, and we are projecting to have a lot more at this point. The reason being is that we are in contact with all the industry and the way that the industry works is that we have the wholesalers who provide the alcohol to our retailers...the wholesalers are having difficulty filling the orders for the retailers because the demand is so high. All the retailers are placing their orders and the wholesale cannot keep up with the orders that are being made on-island with the locations being open at 100% now. It is looking really good. We have a very good projection for this coming Fiscal Year as well.

Councilmember Cowden: That sounds like a mixed blessing to me. I am glad that business is good. We now have a lot of alcohol being drank. I see that you have a big need in both clerical staff and needing more people to do these...these licenses if I understand and correct me if I am wrong...you have to get a license from all these other states that are sending things here. If you are buying alcohol from Tennessee, you have to get something done in Tennessee too, is that right? They have to apply somehow and there is an amount...is the number that we charge those distributors appropriate, or can we bring in more money that way?

Mr. Sandoval: What the Department has been doing is...and again, thank you. I just want to show my appreciation for the current staff that I do have. We have been working at minimum capacity. The staff that I do have...I have my Clerical Staff Assistant, which is Clarence Sales and Kenneth Herman, which is the Investigator that has been working on the dayshift. They have been working countless hours and have been putting in a lot of time. I am very appreciative for everything they have done. They have carried us very well during the COVID-19 setback. As far the amount that has been coming in, it has been bouncing back. The amounts of new licensees have been increasing significantly. The amount of people that has been returning in the form of transient vessels is returning, which has been very good. We have also been having a lot more direct wine shippers. These are all the people who are on the mainland and are wanting to start doing business on our island. In the past they have only been paying approximately \$33 or something in that range. We went through the rulemaking process to increase that amount for them to do business on the island to increase that amount to \$180. This was done for the additional revenue and also the fact that the amount of time that it does take to process that paperwork and the quantity of paperwork...we have had about five hundred plus (500+)

wineries that want to do business on our island, and it takes all that extra time away from our clerical staff to process all of that information, in addition to handling what we have to, on-island. Yes, there is additional revenue that we are bringing in. We are trying to become as innovative as we can. As you can see in the report as well, we have been in the process, and actually I just got the E-mail for us to go live online for an online payment system. While meeting with the industry members, they have expressed an interest in using the use of more technology over what we are doing now. In the process of doing their forms or renewals for payments, we will offer online applications. A lot of our clients or licensees on-island are run by companies that are off-island. They want the convenience of submitting for the licenses and be able to process it completely interactive and in real time. That is something that we are moving towards for our Department as it will be easier to do business on our island and it entices more people to do sales of alcohol on our island. This will also help those here to put them in business as quickly as possible.

Councilmember Cowden: I want to acknowledge your Department. Your Department looks revenue neutral. Your Department does not take moneys from the General Fund. You have had an increase of 24%. What does it take to fill those positions? It seems like those would be jobs that people would want. What are your barriers in having the positions that you need?

Mr. Sandoval: Currently, with the positions, we were trying to be creative this past year. We did have a position that was open. We were trying to fill the position with an 89-day hire, however, the position potentially got interest, and we really had a lot of applicants that we interviewed for the position, but it ultimately came down to the fact that it was not full-time and there were no benefits with the position. Other people were not wanting to come over without the certainty of having those benefits. We had a lot of people turn down the job that way. Ultimately, we lost that position to another department. We seek to get that other position, if possible, either this or next fiscal year to see if we could get that. That was actually for another training position that I was trying to fill. The training position was supposed to be utilized for community training and interaction to have additional education through the schools and in the community. They would be putting on anything that the constituency is wanting to have interactions with our Department of Liquor Control. That just never came to fruition because of the fact that the position was not a full-time spot. As far as the other positions that we do have...we do have the Private Secretary position that is currently in recruitment. We are having no problem finding applicants for that position. We had an excess of applicants that had wanted to come work for our Department for that position. We are going to be interviewing actually starting on April 6th. We also had an opening for an Assistant Chief position, which we also had no shortage of applicants for that as well, because that was also a management and supervisory position with benefits. We hired for that position. That position begins on April 1st, tomorrow. We have no more positions. Obviously, we are a small Department and we operate with what we can. The work does not stop.

Councilmember Cowden: Help me out here. Are you going to be fine once you get these two (2) new positions or am I hearing that your Department is in growth? I have mixed feelings about that, because I would like to think that we are not drinking too much on the island. When you are revenue neutral, do you need a new job position? Am I hearing that you need a new full-time position or a half-time permanent job position? Am I hearing that?

Mr. Sandoval: Ultimately, yes, we would like an additional position, if possible, at least short-funded. We are in a good spot at this point. We were able to partially-fund an additional position for the need that I was wanting to do for community involvement. We do have additional funding where we could fill that gap. It is just that we need the position number so that we can also offer benefits as a full-time position. Hopefully we can then completely fund it through the growth of sales and the amount of revenue generated this next year. That would help out the Department immensely, especially with getting us out in the community in terms of putting on different activities that are needed to educate the youth on the island. I know that is a big issue. A lack of education and any kind of cessation programs that could be helpful in the schools would be the goal.

Councilmember Cowden: Can I ask Managing Director Dahilig a question?

Committee Chair Kaneshiro: Yes.

Councilmember Cowden: Mike?

Mr. Dahilig: Yes.

Councilmember Cowden: We have been taking it pretty easy on this budget. We have not been taking anything away or adding anything. When I look at this Department that is...am I working okay here? I am seeing something that is actually increasing in revenue and not drawing from our General Fund. I will be honest that I do not want to see drunk driving and I do not want to see our youth getting into trouble. This position that he is talking about, does that cause problems if we are able to create a position?

Mr. Dahilig: Let me give a little bit of context in terms of how the Liquor budget has evolved over the past two (2) previous fiscal years going into this particular budget proposal. Back in the 2021 budget, that was right when COVID-19 was coming out of the gates. At that time, we had proposed an additional position, which was an SR-10 position. You can look at the 2021 budget proposal that actually added a position that was prior to COVID-19 coming. We saw revenues and liquor sales on an upswing. What that position was meant to have been the increasing Commission duties that were coming upon the Commission meeting twice a month, doing adjudications, and those types of things. Also, with the fact that more and more vendors and licensees were coming into the market, that support was needed back in 2021. As Leo mentioned, as the revenues started to take a dive due to the actual service-side of the balance sheet not generating revenue due to things shutting down, we had to do a couple things to try to keep that shop intact while at the same time reflect that the revenues that were being generated actually reflected a zero-sum budget. We did two (2) things. The first was we had to dollar-fund Position No. 2204, which was the Private Secretary position. We also had to move a position which handled the Commission duties that was in at the time Gerald's shop, which was Position No. 2209. In the 2022 budget, that position went over. When we look at the revenues that are on the table, while we are on an upswing, the numbers that we had gotten as part of the projections do not reflect that the revenues for liquor have actually been restored to levels that we saw prior to the pandemic. They are more on-par with numbers that we saw in 2016 and 2017 as the

basis to be able to budget a shop. That is where going into this budget, we made a call to fully-fund that position which was dollar-funded the year before, which is Position No. 2204. We supported the increase duties in Position No. 2201 as a means of converting that from an SR to an EM to create a Deputy for that position. We still held Position No. 2209 in the Office of Boards and Commissions because of the demand on the Commission-side of the work and also reflecting again that the full revenue stream had not been restored when we asked for that additional position back in 2021. That is in a nutshell where we are at. It is not impossible that as we see the numbers get back to that reflection of a 2021 environment when revenues were at its peak, that we could look at additional positions or transferring back the position that is in the Office of Boards and Commissions. That is kind of where we settled on as an increase in support, but also reflecting the fact that the revenues so far have not hit the 2021 level when we had asked for that additional position at that same time. One thing to consider also is that we made those changes back in the 2022 budget to ensure that we were not taxing the licensees or the establishments with a higher proportion of the cost to be able to operate the Department of Liquor Control. If we were in a position where we kept all that funding level, essentially that cost proportionately gets passed down to the licensees which during the pandemic for small businesses, could have meant an increase in the overall burden that they would have to be paying us for. Doing that change as we proposed last year was done to make sure we were not in a position to increase governmental burden on our small businesses by having to pay more in fees. That is why you saw the burdens being reduced and shifted to the General Fund partially with that position to try to remain par and not have those increases hit our licensees.

Councilmember Cowden: I appreciate that. I am going to invite Leo to correct me. If I heard him right, and I may not have. There are wine manufacturers and different companies in the Continental United States who are willing to spend more than \$33 and up to \$180, that that would increase the volume and the ability to do sales. In my experience in business, rarely is anything at 100% capacity. It sounds like there can be more. If we make more money, then we are not even taxing our existing businesses. I appreciate that we cut the cost back so we would not hurt more restaurants and establishments, but it sounds like...Leo, please help me if I do not have this right...it sounds like we have...the barrier that we are hitting in being able to create more business activity is limitations within the Department of Liquor Control. We do not have enough capacity to be approving these permits. Do I have that right? Did I hear that right? I am not sure.

Mr. Sandoval: As far as increasing the amount of burden for the local licensees, we went through an update of the Liquor Rules and Regulations. Methodically. We do that in trying to make sure that any kind of changes are not going to be affecting our local businesses directly. That is why we went the other route in looking for those that are wanting to come to the island that are based on the mainland to increase those funds. There is a correction also Councilmember Cowden, it is not \$33, it is actually \$48 that it was. We started looking at that. We went from \$48 to \$180. We were trying to figure out a way to try to increase that revenue so that could actually help out on moneys that are coming in. Unfortunately, it is something that has been in the laws for several years. Our laws for the new permit applications have been kind of stuck for several years at a lower

amount for those that are actually trying to do business on our island that do not live on-island. One of the problems that we are running into because of the shortage of staffing is that some of those wineries, we have about five hundred (500) or so, but we have a lot more. As required by law, our direct shippers are required to tell us every single shipment that comes onto our island of alcohol or wine. A big burden that we are having is on these monthly reports, we have wineries that are coming in that are not recognizing that they have to apply for a permit to sell on our island. We do not have anyone that is able to follow up with all those kinds of violations. They are bypassing the \$180 because we are not able to go back and enforce that. We do not have the staffing the enforce that on the amount of alcohol that is being brought in. That is a shortage that we are having at this point. With what we do have, it is possible to "nip at the iceberg," but it is not going to be significant enough for us to go after those violating our rules and regulations off-island. That is why we went in with a conservative kind of budget this year per se. We did not want to increase anything else. The amount of staffing, if approved, that is on this budget, if it is permitted, we can make it happen. We can make it work for another year or so. It is more of a wish. We would like to have an additional person to help reduce that burden, if possible. We do understand. We are still getting to the point where we were at. We are not there right now. If permitted this budget, this will work out.

Councilmember Cowden: Okay, thank you. I think if I could make a little bit of a budget request...I am asking this of the Managing Director. Just give this a little bit of a look there. If it is something where we cannot have it pull out of the General Fund and it would make greater efficiencies and more permitted alignment within places that are distributing these wines and everything else, I would just be curious to see how far off we are from being able to add another position. I would be curious to see the math on that. Thank you.

Mr. Dahilig: In response, Councilmember, it is certainly not outside the realm of possibility. I did also want to suggest...we have been abstaining from wanting to look at General Fund transfers into the Liquor Fund as a means of supporting the operation. There are some philosophical pros and cons of doing so. When you look at the exercise from last year's budget, we kind of did a pseudo support item by having an added position go into the General Fund shop while having the support functions still remain for the Liquor Commission. That is still not outside the realm of possibility as you go through the appropriations process to add an additional position within the Department of Liquor Control funded via a General Fund transfer. That is a possibility. I think philosophically, we have tried to keep the shop intact in terms of being a zero-sum type of accounting exercise. That is why we do recognize that as the environment changes with how liquor is sold, especially given the at-home types of things that Leo was mentioning, it does become a little bit of a "chicken and the egg" because we would need to realize that revenue in order to pay for the position if we were to maintain that philosophy that the revenues pay for all the positions within the Liquor Fund. It is a possibility that if the Council's sees within its wisdom to use General Fund moneys as a start-up to try to kickstart it or to project higher revenues as part of the overall revenue game for Liquor to fund that additional position, that is certainly not outside the realm of possibility.

Councilmember Cowden: Okay, thank you. I was not trying to suggest General Fund moneys. It just sounds like we are at the limit of what our staff can do. Those are my questions for now.

Committee Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Leo, you made a significant comment that resonated with me. You said that all of our local businesses are fine right now. They are selling their alcohol, we are meeting the expectations with our personnel, it is more of the mainland people who want to do business here on the island that we are not accommodating, is that correct?

Mr. Sandoval: We are trying to make it as easy for them to conduct business on our island. If they want to have their product shipped to us, we want to make it as easy for them to get the proper permitting and licensing to do business here through shipments. As far as our locals, they are doing really well on their sales. Do not get me wrong, staffing is still an issue. Staffing is always going to be an issue with getting 100% staff, but the amount of alcohol that is being sold is still past the amount that the wholesalers can keep up with. They are selling more alcohol. They are just not having enough personnel to keep up with the sales of their alcohol either.

Councilmember DeCosta: Could you run a number sheet for us to show us that if you do have this extra person, what is the revenue that this extra person will bring in, and what is the cost to us as a County? We can do the cost comparison pretty simply on that.

Mr. Sandoval: We can get something done on that. There are still areas that...this is the first area that I took over the Department. For our Commission I did a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis for the Department. During the analysis, we did find some areas that we do have some weaknesses that need to be improved upon in operations. That is a long-term goal. I did a 5-year strategic assessment for the Commission so they can see where we are going and our future goals of things that need to be done. As far as being on revenue generating, I can get something together for the Council. One of the weaknesses we had is our Department does not have an auditor or auditor position. That is one that can be encompassed into one (1) position with this training and auditing kind of thing. Whenever the licensees turn in their sales at the end of the year, they send us a percentage amount of their sales...they are supposed to pay an amount off of that. However, we are at this point, trusting that everyone is reporting the correct amount of alcohol sales so that they contribute their fair share. With the lack of an auditor at this point, we are deficient, because we are not able to verify that that is accurate numbers that are being reported. That could be money that we also could be losing out on to the Department.

Committee Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a follow-up on that. I think all of us experience walking around or going at lunch time, dinner time, et cetera and seeing a number of restaurants closed. I know in Hanalei or Līhu'e during different times, I could want to go eat and I will see three (3) or four (4) different restaurants are closed on the same day. When we are at 100% liquor sales even when we cannot open, to me that is a capacity that is not there. I have a clarity question, too. I do want to support local businesses, but my understanding of when we are getting these permits for distributors from the Continental United States, that alcohol or bottle of wine still goes to the local restaurant. It still gets shipped to the restaurant, right? It is still getting shipped to an on-island brick and mortar store.

Mr. Sandoval: As far the direct shippers, that is going to the ultimate consumer. They are going to individuals throughout the entire island, not going directly to businesses.

Councilmember Cowden: Oh. You can order alcohol, and have it mailed to your house?

Mr. Sandoval: Only wine. There is currently legislation introduced that is trying to get it for distilled spirits, which are your liquors, but currently only wines are permitted to get shipments directly to the ultimate consumers. It is kind of like the "Wine of the Month Club" kind of thing and if you are signed up for something like that. They have to sign-up with us and get proper permitting to send that wine to any person that orders that to conduct business. Ultimately, that wine company, all they are having to pay our County is \$180 for one (1) year of selling. They can sell to as many people on this island as they want to. Anyone that is a business owner or licensee, that is wanting to place an order for wine, they have to go through that wholesaler and place it through their as part of the 3-tier system that we have in place at this point. Only the direct shipper is that way. I have been following pretty closely the legislation on the direct shippers for distilled spirits. That is kind of somewhere in the air. If that goes through, then we are going to have that responsibility to take care of all that permitting process as well. That is actually...I cannot even fathom how many distilleries there are that would want to ship from the mainland to our island. If anyone wants that product, the distillery is going to have to apply with us if that gets passed into law. That is going to double the work on the permitting process as well.

Councilmember Cowden: Okay, thank you. Thank your Department for the diligent work that they do.

Mr. Sandoval: Thank you.

Committee Chair Kaneshiro: Are there any further questions for the Department of Liquor Control? Councilmember Kualii'i.

Councilmember Kualii'i: It is not really a question, but I see that both of the vacant positions...one selection was made and the other one you are reviewing applications. On that Position No. 2204, Private Secretary, I would throw it out there for the Budget Team or HR, there might be a little typographical error in the budget amount. The Vacancy Report had the range as \$51,024 to \$75,588. On the salary, it says \$52,044. That is just a \$1,020 difference, but I think it might just be a typo, if someone could check on that.

Mr. Dahilig: Thank you for the heads up. We can look at it.

Councilmember Kualii'i: Sure.

Committee Chair Kaneshiro: Are there any further questions from the Member? If not, thank you, Leo. Again, this was our last department. Thank you all again for a very informative session. At this time, I would like to recess the Departmental Budget Reviews. We will reconvene at 9:00 a.m., tomorrow, Friday, April 1, 2022, where we will hear from public safety departments, including Fire, Emergency Management, Police, and the Office of the Prosecuting Attorney.

There being no objections, the meeting recessed at 12:09 p.m.