

## COUNCIL MEETING

JUNE 3, 2020

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, June 3, 2020 at 9:02 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin (*via remote technology*)  
Honorable Ross Kagawa  
Honorable KipuKai Kuali'i  
Honorable Arryl Kaneshiro

Excused:     Honorable Arthur Brun\*

Council Chair Kaneshiro:     Please note that we will run today's meetings pursuant to the Governor's Supplementary Emergency Proclamation dated March 16, 2020, Sixth Supplementary Emergency Proclamation dated April 25, 2020, and Seventh Supplementary Emergency Proclamation dated May 5, 2020.

### APPROVAL OF AGENDA.

Council Chair Kaneshiro:     The first item is the approval of the agenda.

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

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

Council Chair Kaneshiro:     Any discussion from the members on the agenda?

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

Council Chair Kaneshiro:     The motion is carried. Next items are the minutes. Clerk, could you please read the minutes?

MINUTES of the following meetings of the Council:

May 13, 2020 Public Hearing re: Resolution No. 2020-16, Bill No. 2779, and Bill No. 2780  
May 15, 2020 Special Council Meeting  
May 20, 2020 Council Meeting  
May 27, 2020 Special Council Meeting  
May 27, 2020 Public Hearing re: C 2020-135

Councilmember Kualifi moved to approve the Minutes as circulated, seconded by Councilmember Cowden.

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

Council Chair Kaneshiro: Any discussion on the minutes?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1\*.

Council Chair Kaneshiro: Motion is carried. Clerk, next item please.

CONSENT CALENDAR:

C 2020-135 Communication (05/07/2020) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2020-2021 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter.

Councilmember Kualifi moved to receive C 2020-135 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any discussion from the members on the Consent Calendar?

*(No registered speakers requested to testify regarding this agenda item.)*

The motion to receive C 2020-135 for the record was then put, and carried by a vote of 6:0:1\*.

Council Chair Kaneshiro: The motion is carried. We are going to jump around on the agenda. Knowing that we have some live testimony on the budget, we want to get to that immediately. We also have our Washington D.C. consultants that are going to be speaking. We will be jumping around a little during the meeting. We also have twenty-eight (28) recorded testimonies for the budget, which we will be pushing out to the end of the meeting so that we do not have all of the Administration waiting. We will get rid of our police items and our communications items ahead of finalizing the budget and listening to the pre-recorded testimonies. With that, Clerk, could you please read Bill No. 2779, Draft 1.

There being no objections Bill No. 2779, Draft 1 was taken out of order.

BILLS FOR SECOND READING:

Bill No. 2779, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 Operating Budget*: Councilmember Kualii moved to approve Bill No. 2779, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: This is the Operating Budget. I will suspend the rules and we will take the live testimony now. For live testimony, typically, we do three (3) minutes and three (3) minutes, but to make the process smoother for us, if someone wants to talk more than three (3) minutes, we will give them the six (6) minutes of talking, so we do not need to go back and forth with the Zoom video. The rules are the same. The light will turn green; when it is your turn to speak, state your name for the record, then when there is thirty (30) seconds left of your six (6) minutes, the yellow light will turn on; when the time is up, the red light will turn on and that will be the end of your testimony. We will start with you, just state your name for the record and you can start. John Patterson, you are first. I can see you, but you cannot see who I was talking to.

There being no objections, the rules were suspended.

JOHN PATTERSON (*via remote technology*): Can you hear me? I wish I knew you were going to change the rules, I spent all day yesterday cutting it down. I can talk slow. My name is Dr. John Patterson and I live in Wailua. I have lived on Kaua'i since 2005. I have a Ph.D. in Zoology from the University of Texas, at Austin. I am not affiliated with any group at all on the island. I am here to speak as a private citizen. I feel animal cruelty is abhorrent and the thought of a single animal dying unnecessarily pains me to the core. Who can say they enjoy seeing an animal suffer? Not even a hunter or fisherman kills for pleasure. I have never known any of them to let an animal suffer needlessly. First thing I want to say is I deeply empathize with people who do not like seeing animals die. But it is important to realize, where we live is not just any old place. We live on Kaua'i. It is the most diverse island in the western world—most diverse, so I feel responsible to protect it for as many generations in the future and I hope you all do, as well. I know many of you feel this way. I do not have much time. I am not going to go into the lifecycle of protozoan that causes toxoplasmosis, but it is important that everyone knows that this is a parasite and lives in the feces of cats. This parasite is a leading cause of death in native Hawaiian Monk Seals. This killed at least five percent (5%) of all the animals in the last 15 years, that had been autopsied. That is just the animals that we see. No telling how much it affects them. Obviously, reducing the feral cat population would reduce the occurrence of toxoplasmosis on Kaua'i. This Council Meeting and you all are essentially the mechanism that we have to fund the control of the feral cats to protect the island from the damage they are doing. So I am glad I get to talk via Zoom, because this has been something that has been bothering me since almost the whole time I have lived here, just to see the effects. What happened to the Feral

Cat Task Force? Why did we spend years making a plan only to abandon it? Now there is a ninety dollar (\$90) fee to euthanize a feral cat, how is that helping? Have we not already designated funds for this? I am not sure of the whole story, but there seems to be back and forth, with the Department of Human Services (DHS) and the funding, with what they are doing and what they said they would do. There has been people for a long time advocating Trap-Neuter-Release (TNR). They had their chance over a decade and it has not worked. The Council has given them many chances. How much longer are we going to let this continue? Look at places where wild cats are everywhere, like Lydgate, south shore, Walmart—we see people feeding them. Sometimes those same people come to testify at these meetings. I am here to testify as a scientist, how important it is, that we reduce the feral cat population. I have a question, the Council, would you guys vote for protecting coqui frogs, if they came over? If we had coqui frogs, to protect them, do we advocate doing trap-neuter-release on the coqui frogs, because this is the same thing. We know that cats and feral cats share the same thing. People have cats and cats are pets. I am not anti-cat. I have a great cat and I love that cat. I am extremely pro-Native Hawaiian species. That is the difference. I am very pro-saving what we have. I want you guys to think about Kaua'i in the future, two (2) years from now, five (5) years, how long do we care about the 'āina? How long do we care? Five (5) years? One hundred (100) years? Five hundred (500) years? I am sure you guys care if you see your grandkids or great grandkids seeing a monk seal on the beach. I am sure that is important to everyone that is listening to me right now, to keep the seals here and alive. So thinking about the way we are currently addressing the feral cat issue and looking out one hundred (100) years, who do you think wins? Do you see the feral cats going extinct in one hundred (100) years? How about the monk seal, of which there is only one thousand two hundred (1,200). So unfortunately, we have to pick something. We have to choose and we have to maybe make it based on this idea, which is crueler, the death of one feral cat, or the death of the very last monk seal on earth? The decisions you are making today will significantly impact how that question is answered. That is my testimony.

Council Chair Kaneshiro: Perfect timing, John. Thank you for your testimony.

Mr. Patterson: Thank you.

Council Chair Kaneshiro: Next up, we have Summer. Summer, you are on mute, right now.

SUMMER HOLWEGNER (*via remote technology*): How about now?

Council Chair Kaneshiro: We can hear you.

Ms. Holwegner: I am addressing this line item in the budget for the protection of the native bird population, as well as, I guess, all native population of species on the island from the feral cat population. I want to start out by saying I support the protection of all these groups. I feel like it is everyone's responsibility to care for them. I do not have a proposed plan. I lived here all my life. I am a teacher. I am a mother. But I want to advocate for the humane treatment of

our feral cat population. In what I am seeing in other areas, TNR has proven to be sustainable, effective, long-term solution for other locations, but I feel we need to do our part. So what has been happening on our island is certain groups have been working on this, but I feel we need to do more with the support of the County. From what I see right now, in what I have seen in other areas, TNR has proven to be a sustainable, effective, long-term solution in other locations. But I feel we all need to do our part. What is happening or has been happening on our island is certain groups have been working on this. I feel we need to do more and with the support of the County... I feel the County of Kaua'i... I feel that we might have more of a chance. From what I see right now, the Kaua'i Community Cat Project does their thing and PAWS of Hawai'i does their thing, the Kaua'i Humane Society might all do it, but if we work together, the outcome might be different. My sister works with Kaua'i Community Cat Project to TNR the cats by her house, but that is just her working with others. There are others all over the island doing this with the support of these groups as well and sometimes they do not have funding. So I go out-of-pocket and pay for the care of the kittens and adopt them out. So we are all doing our part, but I feel it is a concerted effort with a solid plan, that maybe it would be more successful. So again, that is my argument that we all need to do our part. If we work together with the resources that we have in the community, to decrease the feral cat population, that will also serve to protect the native population of the other species on our island. So I am just asking, that you please consider keeping the options for the control of our feral cat population. That is all.

Council Chair Kaneshiro: Thank you, Summer. We have no one else. Thank you, Summer for your testimony. We had three (3) others to testify, but they are not connected right now. We do have prerecorded messages for them, so we will play those at the end with the other twenty-eight (28) messages. We are going to disconnect the live testimony. Thank you. We are going to jump to our Washington D.C. consultants. Clerk, can you please read C 2020-151.

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

There being no objections, C 2020-151 was taken out of order.

C 2020-151 Communication (05/13/2020) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.

Councilmember Kualii moved to receive C 2020-151 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: With that I will suspend the rules. We have our consultants to brief us on what they have been doing and then we will open up for questions after that.

There being no objections, the rules were suspended.

JIM SMITH, Smith Dawson & Andrews, Inc. (*via remote technology*): Thank you, Council Chair and members of the Council. I am Jim Smith, founder and President of Smith Dawson & Andrews, Inc. and I am joined by my colleague today, Catherine Beal. We have provided you a written report, which I assume you must have a copy of and I hope you had a chance to review it. I know you have a very full agenda today, so we will try to be brief and allow more time for questions and answers. As you know, some of you know, we have been the County's eyes and ears in Washington, D.C. since 2012. We have a very good partnership with the County in helping the County to put together the annual Federal agenda and to advocate for those priorities back in Washington, D.C. We all collectively used this relationship and engagement to enhance the County's standing in Washington, not only with the Hawai'i Congressional Delegation, but with other members of Congress, key committees in Congress, particularly the House and Senate Appropriations Committees, as well as the Federal branch. As you know, we would normally be giving this report in person, but because of the circumstances surrounding all of us now, travel is impossible. But I am glad we are able to do this virtually, and we appreciate you providing time for us on the agenda. As I said, we worked with the County on an annual basis. We come out usually this time of year, to present this report and meet with the Office of the Mayor and County departments, to sort through what each of the Departments' priorities and needs are. And then to try to match them up with Federal finance and Federal legislation that are put together on the agenda. We follow that up with, of course, normally the Mayor would come to Washington D.C., to the U.S. Conference of Mayors and take advantage of his time in D.C. to set up meetings with the agencies. Unfortunately, that was canceled this year because of COVID-19, but we do maintain those contacts and relationships in all the Federal agencies on an ongoing basis. Also unfortunately, we were not able to take advantage of Hawai'i on the Hill this year, when Kaua'i always sends out a strong representative delegation of elected officials and local business leaders. That, too, has been canceled because of COVID-19, but nevertheless, we have been very busy on your behalf, in tracking Federal legislation that impacts the County, advocating for increased appropriations for those programs that the County benefits from, and identifying and sharing with the County Federal grant opportunities. One such grant opportunity that we brought for your time and attention was the U.S. Department of Transportation (USDOT) program, Better Utilizing Investments to Leverage Development (BUILD) grants, otherwise formerly known as Transportation Investment Generating Economic Recovery (TIGER). You are familiar with our successful project in downtown Līhu'e about four (4) or five (5) years ago with the TIGER program. Under the current Administration, they rebranded this program, and the acronym is BUILD. But we met with the USDOT last summer when the Mayor was in Washington D.C. and started talking with them about a potential project under BUILD. We were ultimately successful in getting the County to focus on this. As you know, the County has put forth a BUILD application for the Po'ipū Road Safety and Mobility Project. Again, this is under the rural designation of the USDOT BUILD program. A project cost of twenty-two million six hundred twenty-six thousand dollars (\$22,626,000), of which there would be a ten percent (10%) match, two million twenty-six thousand dollars (\$2,026,000). We feel very good about this project. We spent a lot of time working directly with the BUILD office at USDOT for technical guidance and clarification. We have also been in close contact with every member of the Hawai'i delegation and have received unanimous support from the

delegation for this project. They have accompanied our application with letters of support. So we feel very good about that. Also, we have seen a lot of time over the last weeks tracking COVID-19 relief. There have been four (4) different Bills that congress has pushed through, and the President has signed, which provide direct financial relief, both to individuals as well to local governments and corporations. The biggest of those four (4) Bills was the Coronavirus Aid, Relief, and Economic Security (CARES) Act, that was a two trillion three hundred thousand dollar (\$2,300,000,000,000) piece of legislation that was signed into law March 27<sup>th</sup>, providing direct assistance to individuals, small business, farmers, ranchers, main street, mid-sized businesses. I am not going to go into that. I am going to ask Catherine to address some of those programs, but needless to say, there has been constant communication with the Office of the Mayor on these programs and the eligibility requirements and technical information, which I know that they have disseminated throughout the County. There are a number of other legislative issues that we have monitored and followed and advocated for on behalf of the County over the last year. I am not going to go into all of them, but suffice it to say it has been a very active year and the last ten (10) weeks have been extremely active. We anticipate that there will be additional relief legislation enacted by congress. In fact, the House has already passed another Bill, known as the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. Catherine is going to give details on that. Timing is uncertain, but we will keep you and the Office of the Mayor informed as this legislation moves through the process. I will turn it over to Catherine. Catherine, talk about some of these programs and we will take questions later.

CATHERINE BEAL, Smith Dawson & Andrews, Inc. (*via remote technology*): Absolutely. Thank you so much, Jim. "Hi" to the Council. I am sad we cannot be there in person, but happy we are doing this digitally. There were four (4) Bills, as Jim mentioned, that congress passed directly relating to Coronavirus relief. I will quickly go through the four (4) Bills and touch on the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. The first Bill was passed on March 6<sup>th</sup> and was called the Coronavirus Preparedness and Response Supplemental Appropriations Act. That was just over eight billion dollars (\$8,000,000,000), and that was primarily focused on Health Department funding, medical supplies, community health centers, and funding for the National Institute of Health to begin developing vaccines, treatments, and tests for the Coronavirus. Moving on to the Families First Coronavirus Response Act, which was passed on March 18<sup>th</sup>, that focused on nutritional programs, such as Women, Infants, and Children (WIC) program, and also focused on the senior nutrition program and it provided \$1 billion in emergency grants for states to start processing unemployment claims. There was also funding for the national school lunch program. The third Bill that was passed was the CARES Act, which was the massive \$2.3 trillion package, which included funding for three main things I will discuss: the first is the Paycheck Protection Program (PPP), which has been the most popular program out of the CARES Act. The Paycheck Protection Program, through the Small Business Administration, provided direct funding to small businesses to keep their staff on payroll to prevent unemployment. The second item I will discuss is USDA. The Department of Agriculture's Coronavirus Food Assistance program was direct funding to farmers and ranchers for financial losses due to COVID-19. Last Tuesday, there is sixteen billion (\$16,000,000,000) in funding and farmers are encouraged to reach out to their

farm service agency service center directly to apply for that relief. The third item I will discuss is the U.S. Economic Development Administration's (EDA) Coronavirus Response Grant, which is a \$1.5 billion dollar (\$1,500,000,000) program meant to provide funding to support workforce development, infrastructure growth, to either respond directly to COVID-19 or to respond to the unemployment. We are in the beginning stages of working with the Office of Economic Development (OED) on submitting an application for that program. The fourth Bill was passed on April 24<sup>th</sup>. And it was the Paycheck Protection Program and Health Care Enhancement Act, which provided supplemental funding for the Paycheck Protection Program as well as the economic injury disaster loan grants, as well as some additional funding for hospitals and Coronavirus testing. Moving on to the potential fifth (5<sup>th</sup>) legislative package, on May 15<sup>th</sup>, the house passed a Health and Economic Recovery Omnibus Emergency Solutions Act, known as the HEROES act. That package is focused on state and local government relief, a second round of the economic stimulus payments to individuals—the one thousand two hundred dollars (\$1,200) or two thousand four hundred dollars (\$2,400) payment for individuals or families, as well as additional funds for the Small Business Administration Economic Injury Disaster Loan Program. Senate leadership has indicated that they will not support the HEROES Act as it is currently written, they have indicated that the Bill is too large and they need to see how the CARES Act funding has been spent before they go into a massive omnibus Bill again. We do know that Senate leadership and House leadership are working behind-the-scenes to find a compromise, and there is no date expected on when another Bill would be released, but we are optimistic that we would see something within the next six (6) to eight (8) weeks; obviously we hope that is much sooner. I know that is a lot of information. But with that, we would love to turn it over to you for any questions that you may have.

Council Chair Kaneshiro: Thank you for that. Any questions from the Councilmembers? Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. Thank you for the briefing. I really appreciate you being here today. Wish you were here in person, as well. I appreciate the good work you have done over the years, in securing some of these large projects—BUILD project, as it is renamed. Obviously, we are just in a different situation, different climate, and I think some of what we have been experiencing here on a local-level is unprecedented. So we are looking for answers in how we can translate what we might anticipate in some of the future CARES Act funds directly to our people, who have been struggling with getting assistance, financial assistance through unemployment insurance and so forth. Of course, also the economy needs to reboot and restart, but we have lost, on the County-level, much of our TAT funds, our GET Funds, and so we are looking to fill gaps here. I am just wondering as we look forward to some of the forthcoming opportunities, how it is that we might be able to anticipate filling those gaps and also the timing of which you could anticipate that might run into it? Lastly, and sorry I am throwing all my questions out at once. I am not clear, if you had a chance to see how the current anticipated CARES Act funds, here on the local-level are being budgeted? How we might rollover into... even though it is a big pot of money that needs to be spent before the end of the year, in some cases it may not be enough to start and continue for successful outcomes.



Mr. Smith: Well, I will start. I think I heard all your questions, although I was having a little trouble. I will start and Catherine, you can fill in. In terms of the next round of COVID-19 funding, as Catherine said, the House has put together a very major Bill. It is almost three trillion dollars (\$3,000,000,000,000) in additional spending. And it passed the House. The Senate and the White House, frankly, have been much less enthusiastic about moving another round of CARES legislation. As Catherine said, they have taken the attitude of it is too soon; let us wait and see how the CARES funding plays out and where the additional need may be. I do know that one of the biggest needs is to provide revenue to state and local governments at all levels. In fact, that was one of the very controversial items of the CARES legislation, which did provide one billion five hundred million dollars (\$1,500,000,000) to state and local governments, but only to communities the size of five hundred thousand (500,000) or more. So obviously, Kaua'i, and hundreds and hundreds of other communities around the country were left-out. Not many states, that I am aware of, I do not know about Hawai'i, but not many states have extended any of their direct appropriation under CARES to local communities in their state. So that is a major area of concern and priority in the House Bill. I forget the exact figure, Catherine may know, but there is significant funding in the HEROES Act, which passed the House, which would help back-fill the treasuries of state and local governments at all levels, all around the Country. So that is a big priority. Initially, that was an area that the Republicans in the Senate really pushed back on. In fact, Senator McConnell, the Senate Majority Leader, when this first surfaced suggested that state and local governments declare bankruptcy. Well, that did not go over too well, as you might imagine and since has softened his position on this program and I think it was when he was back in his home state last week, when he heard from a lot of mayors and county commissioners in Kentucky. So I fully expect the next round of CARES legislation will include additional support for State and local governments and will direct it down, to even the smallest levels of government. In terms of timing, it is a little bit up in the air. The Senate is not moving at all on this right now. There has been some estimates, it may be July, before they would negotiate a package with the House, or September. So we are watching it very closely, and we know it is important to the County and to the revenue. Catherine, do you want to add?

Ms. Beal: I do believe that Hawai'i is being generous and giving out some of the funds that they were allocated in the Coronavirus Relief Fund, which is the direct funding from the CARES Act, as Jim referenced. I know it is not enough money, but I do know compared to other local governments, to be able to get some of that money from the State would put Kaua'i in a good position. The HEROES Act legislation would provide one trillion dollars (\$1,000,000,000,000) in direct allocation to state and local governments with the population size, I believe, of fifty thousand (50,000) or higher. So the exact formula, I am not sure how much money is provided and the timeline I am not sure.

Council Chair Kaneshiro: Catherine, you are breaking up a little bit. Maybe sit a little further back when you speak.

Ms. Beal: Can you hear me now? Is that better?

Council Chair Kaneshiro: It is better.

Ms. Beal: Sorry about that. So I will just reiterate, the HEROES Act, there was one trillion dollars (\$1,000,000,000,000) for state and local government allocations, which means for populations of fifty thousand (50,000). So that would put Kaua'i in a good position to get some direct funding and not have to go to the state. To reiterate, the timeline is still unknown, but as each day continues with the pandemic and the effects are more pronounced in the country, that would put more pressure on lawmakers in Washington to move swiftly.

Council Chair Kaneshiro: Thank you. Councilmember Chock, do you have any more questions? Councilmember Cowden, Councilmember Kualii, and Councilmember Evslin.

Councilmember Cowden: Thank you so much for all the work that you are doing and that really good explanation. Some of mine are a little bit more detailed. I want to speak to...we just heard about backfilling the state and local government revenues. Small business is also an area that is really struggling.

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

Councilmember Cowden: The Payroll Protection Plan, the timing is difficult, when we have the eight (8) weeks to re-opening. So that is an area we will probably need a little bit of help. Also, currently, when people are getting this six hundred dollars (\$600) per week additional unemployment, the Republican community that was suggesting four hundred fifty dollars (\$450) per week, once they are reemployed, because for the businesses, people do not want to come back to work, because they are going to lose money. So I support that other perspective. When we are looking at some of these numbers, when you are saying, one billion dollars (\$1,000,000,000) on families first. And eight billion dollars (\$8,000,000,000) from the HEROES Act. That is what is going to the state, right? Is that the state's numbers?

Ms. Beal: In the CARES Act, I believe Hawai'i received one billion one hundred twenty-five million dollars (\$1,125,000,000) of the Coronavirus Relief Fund.

Councilmember Cowden: Okay.

Mr. Smith:  
are, the clearer it is.

Catherine, sit back. The further away you

Councilmember Cowden: I appreciate your report. I have just written some notes down on the report. The opportunity zones on Kaua'i are not really appropriate ones. They are the higher-end communities, where there is a lot of money. I am hoping that when we expand the opportunity zones that there is an allowance for the County to give feedback on which areas are chosen. So it can go to the places struggling. Is that a possibility?

Mr. Smith: The Opportunity Zones program is not without controversy. As you know, it was rushed through Congress as part of the Republican Tax Bill in 2017. There really had not been a lot of public discussion or hearings on it. After it was enacted, people realized that where the zones were located really did not align well with economic development or local community priorities. So there have been a number of Bills introduced to amend the opportunity zones, to rectify some of these inequities and to make some of these changes. There has been no action on this legislation this year. Given the circumstances that we are in now, and the limited schedule that congress is keeping because of the pandemic, I am not sure that anything will happen on this legislation this year. But I would fully expect it to be a priority in the next congress. We would be happy to send you copies of that legislation that has been introduced, and you should also know that we have also articulated these concerns with the opportunities zones in Kaua'i to Senator Schatz Senator Hirono, and the House delegation, as well.

Councilmember Cowden: Thank you. Another infrastructure problem that we are having, that has amplified with the COVID-19 dependence, is the fiber optics cables under the water. They are aged and going out from time-to-time and there is a much higher demand now.

*(Councilmember Chock was noted as present.)*

Councilmember Cowden: In fact, this morning, I do not know if it had anything to do with it, but we had trouble coming online, but if you see any room for some granting, to help us get a fiber optic cable, my understanding from the Mayor's Administration, if we could get a seventy million dollar (\$70,000,000), cable from Maui, that is the goal they are looking for. I think that will help our economic recovery in a lot of ways, because I think our dependence is going to increase. Are you aware of any area in any of these grants that we might be able to take advantage of that under COVID-19?

Mr. Smith: Well, yes, there is funding in CARES for broadband and there is significant funding included in the HEROES Act, which passed the House, for broadband. It is becoming a real priority for Congress. So, I think you will see funding included in whatever passes the next congress. Catherine, do you want to add anything to that?

Ms. Beal: In terms of COVID-19-related legislation and opportunities, Jim is right. Going beyond Coronavirus, I believe the USDA's rural utilities service has some funding opportunities related to increasing broadband. So we can definitely look into that and share those opportunities.

Councilmember Cowden: Great. Another one that I see here is "brownfield" moneys. We have some significant brownfields sites, one (1) in Lihue, one (1) in Kekaha, and there is a few others, but those are an ongoing problem for the people downwind. Whatever way we can look at that, I am wondering if we could partner with private ownership, because the brownfield sites are on private properties. They have been longstanding, from the sugar era. It would be really great if we could find money to fix and address some of those problems, even if we do it through a lower-scaled mediation way, where it is not so expensive to do it, but at least to Band-Aid the problem, so we do not have that dust blowing on our public housing areas.

Mr. Smith: Well there are definitely Federal programs that address brownfields. So we will be happy to work with the County staff on that.

Councilmember Cowden: Okay. I am looking forward to that. Another area is... in the COVID-19 grants, I did not see much that specialized in our Native Hawaiian needs. That is something that has been generations-neglected. We really need to be getting especially our Hawaiian Homelands to be able to truly build. Infrastructure needs is the biggest area that blocks us. I do not know, if we are able to use any of this big flush of money that goes that way? It would be great if we could, because that would help us with housing and our poorest or least-housed communities tend to be the ones most vulnerable to health crises.

Ms. Beal: You are correct, I have not seen anything specific about the Native Hawaiian population, but we will keep our eyes peeled for opportunities that are aligned with that goal, and keep you informed with what we find.

Councilmember Cowden: Okay. Two last ones. I see flood mitigation on the list here, much of that is on state land. We are having an increasing crisis with flooding problems, both with more concentrated rainfall, but especially because we have just an overgrowth of invasive species, beautiful trees—Albizia trees, but as they break in the upland they clog the rivers, impacting infrastructure. So when I see flood mitigation, national flood insurance, almost every one of our larger rivers and even big streams, are creating problems for both the County and the State. It is on State land, but mostly it is County infrastructure, other than the roads. Flood mitigation, especially with tree removal, is another big area. I suppose, one of my largest concerns that I think is somehow addressable, is I fear in this outcome when

we have the short window of time that we will have a lot of small business collapse, you know? There is a number of them, it is starting to happen, I think we maybe only have a month or two (2) left before we are going to have very significant small business collapse in areas that are highly-dependent on tourism, like on the North Shore, Kilauea is at forty percent (40%) unemployment, Hanalei is at ninety four percent (94%) unemployment. Those are high rates. Overall, I believe the island is thirty-four percent (34%) to thirty-seven percent (37%). So more time extensions on these eight (8)-week windows, especially when it does not line up with our need to keep our airport closed.

Mr. Smith: Yes, I understand you. In fact, the House has passed legislation amending the Payroll Protection Program, extending the eight (8) weeks, for I believe sixteen (16) weeks, which will help. They have also reduced the requirement for payroll. Originally, it was supposed to be seventy-five percent (75%) dedicated to payroll, and twenty-five percent (25%) dedicated to insurance, and rent, and mortgage expenses. But this legislation reduces the seventy-five percent (75%) payroll to sixty percent (60%). In fact, that legislation passed the House and is being considered on the Senate floor this week. And there is wide support for it. I expect that to happen. The White House has already said the President will sign it and that will provide some additional relief for a longer period of time, hopefully get them through until the next COVID-19 legislation is enacted. Then in the meantime, I think it is important that we look at these various grant programs, that have already approved by Congress for things like small business and economic development and this economic development grant that Catherine alluded to earlier in the presentation, that she has brought to the County's attention. There is funding available in those programs to support local small business activities, whether it is marketing or what have you. So we hear you. We will keep that at the top of our radar, and work closely with the Office of the Mayor, to make sure the delegation is aware of that.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kualii, then Councilmember Evslin.

Councilmember Kualii: Aloha, thank you both for being here and thank you for all the information. I appreciated your report. Most of my questions have been answered with the questions from my colleagues here. I did not quite get all the figures when you talked about the four (4) Bills. The first Bill on preparedness and response eight billion dollars (\$8,000,000,000). The second Bill, families first, Supplemental Nutrition Assistance Program (SNAP), nutrition, school lunch, I did not get the total on that one.

Ms. Beal: The first Bill was eight billion dollars (\$8,000,000,000), like you said. The second Bill was also eight billion dollars (\$8,000,000,000). The third Bill, which is the CARES Act, is two trillion three hundred billion dollars (\$2,300,000,000,000). Then the fourth Bill that was passed is four hundred eighty-four billion dollars (\$484,000,000,000).

Councilmember Kualii: The HEROES Act, three trillion dollars (\$3,000,000,000,000).

Ms. Beal: Three trillion dollars (\$3,000,000,000,000), that is correct.

Mr. Smith: Including one trillion dollars (\$1,000,000,000,000), in direct state local government assistance.

Councilmember Kualii: Right. That first CARES Act, the first-round of the direct payments of one thousand two hundred dollars (\$1,200) and two thousand four hundred dollars (\$2,400), is that part of the second bill, the eight billion dollars (\$8,000,000,000)? How much of that was for the one thousand two hundred dollars (\$1,200) and two thousand four hundred dollars (\$2,400) direct payment?

Ms. Beal: I would have to double-check. I do not have that number in front of me.

Councilmember Kualii: My question, too, then you said, in the HEROES Act, there would be a second round of that one thousand two hundred dollars (\$1,200) and two thousand four hundred dollars (\$2,400), is that holding it up? What amount is the total amount?

Ms. Beal: The economic stimulus payment to individuals that was the first round of the CARES Act.

Councilmember Kualii: CARES Act.

Ms. Beal: I do not have the exact dollar amount. I will confirm that, and I will make sure that you have that number.

Councilmember Kualii: Also, what is the request, on the second round, in the HEROES Act?

Ms. Beal: For the payments to individuals, it would be the exact same as the first round.

Councilmember Kualii: Okay, so doubling it, if they approved one trillion dollars (\$1,000,000,000,000), in the first-round and looking for another one trillion dollars (\$1,000,000,000,000), in the second round?

Ms. Beal: Correct. Yes, they would be asking for the same amount as the CARES Act for the economic stimulus payments.

Councilmember Kualii: You are talking about the HEROES Act and how it is being held up. But in the meantime, you are also talking about the next round of the CARES Act. So is it that the Congress may not vote on the HEROES Act and vote on something smaller, which is a second CARES Act?

Mr. Smith: Well, I think we are kind of using those terms interchangeably. When we refer to the next round of CARES Act, we are really talking about, in the House, they call it the HEROES Act.

Councilmember Kualii: Okay.

Mr. Smith: But it is one in the same. So the next round of CARES Act, whatever it ends up being, it is what the House passed it would be called the HEROES Act. The Senate has not responded. They have not put together their next round of funding, whether they call it "CARES 3" or "HEROES" or whatever. Ultimately, they will, and it will have to be a major negotiation between Speaker Pelosi and Senator McConnell, in the next round and whatever comes out of it, whether it is called the HEROES Act or whatever it will be the next round of COVID relief funding.

Councilmember Kualii: Did I hear you correctly? Did you say, maybe July, but maybe not, maybe as late as September?

Mr. Smith: Yes. The Republican leadership and the White House have been very slow to react to this. They have taken the position that they do not think they should rush to enact another big spending Bill, until they know how the CARES Act is funding. As I said, the Republicans were initially very opposed to additional funding for state and local governments. They have some things that they want on the next round of legislation, as well. So once they decide that, "Okay, we are going to move," the Senate will put together their own Bill. They will pass their own Bill, and it will require a major negotiation between the House and Senate. That is going to take time. One of the problems is time—because the Congress has been working on an abbreviated schedule, since the middle of March. The House has only been in about three (3) days, over the last ten (10) weeks. They are not in session this week. So it is going to take time. The soonest I could see them enacting a Bill would be July, but it is possible it could take as long as September.

Councilmember Kualii: Thank you. Another thing, my colleague, Councilmember Cowden mentioned funding for Hawaiian homes. I know the State and the Department of Hawaiian Homelands gets funding from the Native American Housing Assistance and Self-Determination Act (NAHASDA). I know there has been problems with that, in the Department of Hawaiian Homelands did not spend the money timely and the allocation was reduced severely. I am hoping and I think Senator Schatz is working on it, that we can start building that back up. I am just curious, if there is any opportunity from the NAHASDA funds to come, not just to the State, but to the County, where our housing agency could potentially work with local housing nonprofits that are working on Hawaiian Homelands directly? And maybe be more efficient and spending the money and getting housing done for our homesteaders. I do not know, if you would know that? Maybe you could follow-up? And see what is possible?

Mr. Smith: Sure, we would be happy to look into that and reach out to Senator Schatz's office.

Councilmember Kualii: Another thing I would say, of course, it that Senator Akaka and Senator Inouye did so much for Native Hawaiian programs in health, education, and housing, as well, so there is a lot of programs in place. I believe our State for sure takes advantage of a lot of that funding, and it would be interesting to see if some of those pots may be available directly to the County? And the one last thing, I am also interested in the designation of new opportunity zones. I am thankful that you will be sharing the legislation.

Mr. Smith: Yes, we will.

Councilmember Kualii: Thank you for your work.

Mr. Smith: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Can you hear me okay?

Mr. Smith: Yes, sir.

Councilmember Evslin: Thank you, Jim and Catherine for coming today and all the work that you do. I have a couple of quick comments and just one question. Thank you. I wish you could have been here to see the TIGER grant project nearing completion. It is amazing to see and it is almost done and I know you were very instrumental in getting that for Kaua'i and revitalizing Rice Street and especially a time of wanting to give people room when you are walking by, it is nice to have wide sidewalks; thank you for all your work there. It is really looking



beautiful. I feel like every other week on our agenda here, we have between five hundred thousand dollars (\$500,000) and one million dollars (\$1,000,000) in grants we are accepting for different County Departments. Thank you for your work there. It is huge. Just to echo briefly, what my colleagues have said as far as opportunity zones. We talked about it last time, but it feels crazy that our opportunity zones are Kukui'ula, Po'ipū, Princeville, and Hanalei, which is our highest income and sort of highest speculation areas and I do not think the opportunity zones benefit will help anybody. Another quick comment already said on the need for more small business help, my own business, we get a PPP loan and we were able to utilize it well, but I feel the businesses most impacted right now and cannot operate, the PPP is not that helpful and if we lose twenty percent (20%) of our businesses, businesses that are totally viable, that two (2) years from now would be thriving and it would be such a shame to lose them. So whatever support we can give to things like another paycheck guarantee act and providing small business support. My quick question, as we sort of ramp-up our effort to try to get every Federal grant possible at a time like this, and sort of combined over the last couple of days with events going on around the Country with more Federal presence and local police offices. I know in the past over the fight for sanctuary cities that is sort of buried in the language of these grants, was requirements for local police departments to detain residents, at the request of the Federal government, and sort of turn over the local detention centers to Federal government. I was wondering are there any...I know this is all kind of rapidly moving situation, but are there things we should be concerned about in the small print of these grants that might hold us to issues that we do not want to be held to or hand over control of our local government in ways we do not want to? Are these things that you folks are trying to scope out for us, so we do not get into something that we do not want to be involved?

Mr. Smith: I understand your question. I have to say that I am not aware of any red flags in any of these grants. For instance, the BUILD program, we went through the guidelines and requirements of that program in great detail and it was pretty straightforward. Even the grant opportunities that are coming out of the CARES legislation appear to be the same way. It is a good point and it is something that we will keep on our radar and be attentive to on any grant opportunities going forward.

Councilmember Evslin: I apologize, my speakers just went out. I did not hear anything that you just said. I will watch the recording so you do not have to repeat it. I need to find new earphones. Thank you.

Council Chair Kaneshiro: Yes, he called you a bunch of names, Councilmember Evslin. Just kidding. Councilmember Cowden, follow-up.

Councilmember Cowden: I have a follow-up. I want to thank Councilmember Evslin for asking that question about the fine print. There are a lot of people who have concerns with Federal grants that can come with surrendering municipal, personal powers, and liberties. There is a House Bill 6666 that is a one hundred billion dollar (\$100,000,000,000) Bill for managing COVID-19, but would probably extend thereafter for any other kinds of contagious disease. I had a lot of constituent concern about that and wanting to keep a close eye on not surrendering municipal, state, or individual authority over their bodies and choices that are made. Have you followed that particular one hundred billion dollar (\$100,000,000,000)... this is less about granted money, but it is a policy to set up something to do contact tracing and medical issues that might be following this?

Mr. Smith: I am not familiar with that particular piece of legislation. Catherine, maybe you would know? However, we will certainly do our research on it.

Ms. Beal: Just to reiterate, when we send available grant opportunities out, we do a quick scan to make sure there are no red flags, or things that would make the grant not attractive. So we are keeping an eye out for any potential red flags like that, and we do keep that in mind. We will take a closer look at that House Bill that you mentioned. I believe that those interviews were with Congressman Rush. We will take a closer look at that and we will track that.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Hi, thank you. I have no Shearwater questions this year, but I am still not happy with the situation. Anyway, my question is, I do not know if you have been watching the Hawai'i news? We have our inter-island shipping carrier company, Young Brothers. What they are doing is asking for a twenty-five million dollar (\$25,000,000) bailout from the State, in order to continue shipping their goods, during normal times to the minor Hawaiian islands. For the City and County of Honolulu, they are fine with Matson bringing goods over. However, from the City and County of Honolulu to get spread out to the other neighbor islands, Young Brothers is I guess, threatening, that if they do not get substantial financial help, they will not be shipping beyond July. I am wondering if you folks can check on the Federal side for whatever help can be made. We are one of the unique states in the United States of America. We rely on having goods shipped, or else we are doomed. They can also be flown, but I guess the price would skyrocket even more to Hawai'i, and we already have the highest costs of living in the nation. I do not know what direction can be given but any help .... The twenty-five million dollars (\$25,000,000) is a temporary solution with a lot of strings attached, which may only help for another month or two. It just seems we need some guidance

federally, whether we can repeal the Jones Act and open it up to competition. I believe being in a monopoly puts us in a bad predicament, as far as when new dates are given and it makes the island panic. We have a pandemic and it may not be the first time we close down tourism and the shipping company will say, they are losing a lot of money being that there is not enough goods being shipped. It is something that we need to address, and either let the free market take care of these problems, or you bail out, but bailout in the way that we bail out banks and you have to give oversight, not just free money and nothing comes back. In a month, maybe two (2) months they say, "I need another twenty-five million dollars (\$25,000,000)." I do not know if the Federal government is better at overlooking the problems that we have with Young Brothers more than the State. I am not sure. If you folks can at least alert our Congressional Delegation that perhaps the solution is at the Federal level, not the State. I do not know.

Mr. Smith: We will look into that and will talk with the delegation.

Councilmember Kagawa: Thank you very much.

Council Chair Kaneshiro: Councilmember Cowden, as a follow-up.

Councilmember Cowden: Yes. I noticed that Representative Ed Case had four (4) amendments on the Jones Act. It seems like it got choked in the COVID-19 time period. Are you all following that? Shipping is deeply important in our infrastructure and we have been looking at rate increases anyway, there has been a lot of new boats being made and I am wondering if we are following the Jones Act amendments.

Mr. Smith: I have not followed the specific amendments. I have followed the Jones Act for many years. It is a kind of a phenomena, the Jones Act, that it has such strong support in the Congress on both sides of the aisle, including the Hawai'i delegation—staunch defenders of the Jones Act. Yet, the areas that are impacted by it, the other area I am familiar with, is I am sure is the same issues as Puerto Rico, they have been trying for years to amend the Jones Act, even to get waivers of the Jones Act. They got a temporary waiver after Hurricane Maria in 2017, but it is a well-ensconced program with broad bipartisan political support in the Congress. We will keep an eye on these amendments, and if we see any opportunity, we will alert the County.

Councilmember Cowden: Okay, thank you. I also support the Jones Act, but I appreciate Representative Ed Case's efforts at fixing some of the nuances that can help us to be able to have less expensive shipping, because it permeates everything aspect, particularly our housing crisis.

Mr. Smith: Absolutely.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Any further questions from the members?  
Councilmember Kagawa.

Councilmember Kagawa: We had tons of testimony come in from the people concerned with feral cats. We have a serious feral cat problem on Kaua'i. The testimony that I really am moved by was the one that, they can spread diseases that affect monk seals. They also are well-known to contribute to harming our endangered birds, such as the Newall Shearwater and Wedge-Tailed Shearwater. They mostly go after their chicks when they are young. I am thinking this is all tied into a lot of the Federal functions, as far as endangered species and what have you. The County of Kaua'i, we are pushed with handling the dogs and the cats, with our Kaua'i Humane Society funding. We do not have these types of professional animal type of professions in the County. We have some at the State Department of Land and Natural Resources and the Department of Agriculture, but I guess they take no interest in trying to help solve this problem of feral cats and the dangers they are doing to the species, which by courts are protected and mandated that governments take care of them. I am thinking, is there any way maybe the Federal government, again, you can talk to our delegation and try to get together to see...I do not know if we are the only island that has the bad feral cat population? I mean, it is scary how much are out there. I once went camping and I woke up to use the restroom and when I flashed the light on our table of food that was covered up, there were eyes, hundreds of eyes, all cats. It is amazing and they are all over the place. I mean, they are all in the mountains, as well. A lot of them are wild and they are not easy to catch. That would benefit both sides, helping the endangered side... A lot of these things that we care about, that we are mandated by the Federal government... yet the County is the one that has to try and deal with it, but we have no expertise, and funding is always the problem to try to cure the problem. We are not talking about tens or hundreds, but talking about thousands of these feral cats, that are not spayed or neutered. It is very concerning and seems to be getting worse. Yet, we have not really done much about it for, I would say, the past ten (10) to fifteen (15) years. It just continues to expand, while everyone complains.

Mr. Smith: We will look into it.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Any further questions from the members? If not, any final discussion from the members? Councilmember Cowden.

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

Councilmember Cowden: I just want to really appreciate the help that you have been giving, and to each of our departments in the County, echoing what Councilmember Evslin said. Almost every Council Meeting we have and again today, five hundred thousand dollars (\$500,000) here, one hundred thousand dollars (\$100,000) there, it adds up. We are really going to be needing it more, as we look at revenue decreases. So I appreciate the discussion on especially the COVID-19 moneys that was in the HEROES Act and CARES Act, to backfill our government. We are in a tough position. We are going to be approving...at least looking at approving our budget today. I believe we are going to need a lot of help, because the visitor industry has grown to be our number one pipeline of cash into this community, and then the secondary benefit of that, even if people do not work in that industry, they might not recognize where their income is coming from, but it is going to be a profound loss, as we slowly come back to welcoming visitors. We are looking forward to also, in this window of time, becoming more resilient and utilizing this window of time to become more locally-based in our economy. We appreciate you backing us up.

There being no objections the rules were suspended.

Mr. Smith: Thank you very much. We appreciate your kind words and the feeling is mutual. As I said at the beginning of our presentation, this has been a very strong partnership for a number of years. Truly, a partnership working together to advance your community needs and priorities. We know and we appreciate the severity of this current economic crisis and know it is not just short-term. Unfortunately, I think everyone is going to be dealing with this for some time. The Federal government is going to have to continue to stand up and support local communities. Obviously, you did not put yourselves into this predicament. This is a Federal predicament and it requires a national response. We will continue to push for those programs and issues that are so important to you and direct state and local government assistance. Let me just say that we really value our relationship with the County. It is been an absolute honor and privilege to represent the County. I can tell you unequivocally that the County has an excellent reputation in Washington, D.C.. And one of the reasons that you continue to be successful in landing these grants is that when you get them, you execute. These program managers that we deal with in these agencies, whether it is the Department of Transportation or the Department of Justice, when you say "Kaua'i," they know who Kaua'i is. They know that you deliver, you expend these moneys prudently, and you do these projects on-time with total transparency and accountability. It is no surprise that success breeds success and the County has done very well in that regard. It is been a pleasure and honor to be part of it.

Councilmember Cowden: Thank you.

The meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Thank you. Anyone else? Councilmember Evslin, I could not really see you. If you want to speak, speak up, because your picture is small. Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I just want to thank you folks, also, for all the work and the funding you have helped us with. We have seen tons of grants come through during my eight (8) years here. I really appreciate your help. In times of the Federal government cutting funding to road-type CIP projects, we have had a really large share of that and contradicted what was said. Just recently, we had funding for Kōloa Road, significant funding for that in matching fund, as well as TIGER grants, which I am not too fond of, but nonetheless, that was a huge gift to the County of Kauaʻi and the taxpayers. I just want to thank you for years and years of success. We are going to need more success, which is why I keep asking for things, like shipping etcetera. The work never ends. That is what we do. The best success of government is when you can maximize the outside funding and you folks are our key leaders to help our County get to that point. Thank you very much for all of those year. I will be gone come December, but who knows, maybe I will back after that, in a couple of years. We will see. Thank you.

Council Chair Kaneshiro: Anyone else? If not, I just want to thank you again, Jim and Catherine. Always a great presentation, as we always know, you are working hard for us. You know, we are very dependent on the types of grants you folks bring in. Any money from the outside helps our County. You know, we are a small County, considering the rest of the counties in the United States. Any money helps us and has a big impact to our community. Thank you for all of your hard work. Thank you for always keeping us up-to-date on the Federal side, and for always looking out for our County. It is a great benefit to have you folks as our consultant, because if not, we would be pretty hard-pressed to get anything all the way in Washington, D.C. Thank you, and know how appreciative I am for all of your efforts.

There being no objections the rules were suspended.

Mr. Smith: Thank you again and we hope the next report is live and in person.

The meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a tiny, it is not actually tiny, but I forgot to say it and I see it is on your list here. I am glad you are working on our criminal justice and our prisons. Kauaʻi Community Correctional Center (KCCC) is absolutely in a floodplain, is in disrepair, and needs support. So just keeping that one open, too. That is State, but all those inmates are County.

Council Chair Kaneshiro: With that, the motion on the floor is to receive.

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

The motion to receive C 2020-151 for the record was then put, and carried by a vote of 6:0:1\*.

Council Chair Kaneshiro: Right now, we are going to recess our Council Meeting and we will actually take our ten (10) minute caption break. When we come back, we will convene with our Committee Meetings. Ten (10) minute caption break. Thank you.

There being no objections, the meeting was recessed at 10:22 a.m.

The meeting reconvened at 1:32 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are back to our Council Meeting agenda. Clerk, can you please start with our Communications?

#### COMMUNICATIONS:

C 2020-148 Communication (05/05/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$730,425.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2020 that began October 1, 2019 and runs through September 30, 2021.

Councilmember Kuali'i moved to approve C 2020-148, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there any discussion from the members? It is just seven hundred thirty thousand dollars (\$730,000) of Federal funds.

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

The motion to receive C 2020-148 for the record was then put, and carried by a vote of 6:0:1\*.

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

C 2020-149 Communication (05/07/2020) from the Chief of Police, requesting Council approval to use \$63,000.00 in unexpended salaries for the unbudgeted equipment purchase of twenty-one (21) Mobile Data Terminals (MDTs) to replace aging equipment for use by patrol officers.

Councilmember Kualii moved to approve C 2020-149, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Kagawa.

Councilmember Kagawa: I want to thank the Chief for updating what we needed to update. Three thousand dollars (\$3,000) per laptop seems pretty reasonable. I do not know what kind of equipment it is, but it costs about three thousand dollars (\$3,000) per mobile data terminal. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Just because it was asked, those are replacing the computers in the cars.

Councilmember Kagawa: Okay, thank you.

Councilmember Cowden: They are durable.

Council Chair Kaneshiro: Is there anyone else?

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

The motion to approve C 2020-149 was then put, and carried by a vote of 6:0:1\*.

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

C 2020-150 Communication (05/08/2020) from the Executive on Aging, requesting Council approval to receive and expend State funds in the amount of \$205,000.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2021.

Councilmember Kualii moved to approve C 2020-150, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Cowden.



Councilmember Cowden: I pretty regularly attend those meetings even if by phone and among the aging people... they do have dementia problems and after a while this helps people who are confused to make sure everyone can get them to the right place. I support it.

Council Chair Kaneshiro: Thank you. Anyone else?

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

The motion to approve C 2020-150 was then put, and carried by a vote of 6:0:1\*.

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

C 2020-152 Communication (05/13/2020) from the Acting Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA) of a Swift Water Rescue Sled, two (2) jet ski rescue sleds, two (2) jet ski wing collars, and a Motorola repeater and accessories, valued at \$39,582.04, which will benefit the Ocean Safety Bureau.

Councilmember Kualii moved to approve C 2020-152 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on this item?

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

The motion to approve C 2020-152 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1\*.

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

C 2020-153 Communication (05/14/2020) from the Executive on Transportation, requesting Council approval to receive and expend the Federal Transit Administration (FTA) Section 5311 Coronavirus Aid, Relief, and Economic Security (CARES) Act grant, in the amount of \$4,453,300.00, and to indemnify the FTA. This Section 5311 grant will be used to fund transit vehicle replacements and operating expenses, to include, but not be limited to, sustaining the increased cleaning protocols on transit vehicles and facilities for the health and safety of the community.

Councilmember Kualii moved to approve C 2020-153, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: This is what I brought up earlier. I was really pleased to see thirteen (13) replacement buses coming in with COVID-19 moneys. That is what I was asking about... it might take a while to get them here... and then three (3) more service trucks. I just wanted to acknowledge that when we are looking at a constrained budget next year, that some of that will be taken care of by the CARES Act, COVID-19 moneys.

Council Chair Kaneshiro: Anyone else? Councilmember Kagawa.

Councilmember Kagawa: I appreciate that fact. I hope we can do a better job with the bus shelters, some of the homeless are living in there and it does not encourage using the bus. If you cannot even keep the bus shelter for bus patrons, then there is no sense in buying new buses, because no one will ride the bus. Let us take care of the daily things and with the new things, we can improve.

Council Chair Kaneshiro: Is there anyone else? My only comment would be as we are receiving this type of money from the CARES Act, if we did have any money budgeted for buses, that the Administration think about moving money back into Roads. I know we did have to cut the general excise tax (GET) budget, which affected roads and transportation, and with this money coming in, I think it is going to make up for the one million dollars (\$1,000,000) that was cut for new buses. They are getting two million six hundred thousand dollars (\$2,600,000), but of course our roads do not get replenished for a portion of the GET that was reduced, so if we could move money around in the GET from Transportation back to Roads with this money being supplanted. That is my only message to the Administration.

Council Chair Kaneshiro: Thank you. Anyone else?

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

The motion to approve C 2020-153 was then put, and carried by a vote of 6:0:1\*.

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

C 2020-154 Communication (05/15/2020) from Bryson M. Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to use \$200,000.00 in unexpended travel and retirement contributions for the unbudgeted purchase of new workstations to assist in creating additional desk space and privacy for employees involved in investigations and to better utilize unused floor space.

Councilmember Kualii moved to approve C 2020-154, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on this item?

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

The motion to approve C 2020-154 was then put, and carried by a vote of 6:0:1\*.

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

C 2020-155 Communication (05/18/2020) from the County Clerk, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and are no longer of use or value:

- Pre-2014 files to include:
  - Accounts payable files;
  - Procurement Contracts;
  - Employee vacation, sick leave, and compensatory time accruals;
  - Separated employee files; and
  - Separated employee working papers.
- Audio and video recordings of meetings that have been archived and for which written minutes have already been transcribed and approved.

Councilmember Kualii moved to approve C 2020-155, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: Is this just County Council records or is this County overall?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The Office of the County Clerk.

Councilmember Cowden: Just us, okay.

Council Chair Kaneshiro: Any further discussion from the members?  
*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve C 2020-155 was then put, and carried by a vote of 6:0:1\*.

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

C 2020-156 Communication (05/21/2020) from the Director of Finance, requesting Council approval to use \$200,000.00 in unexpended funds from the Fiscal Year 2019-2020 budget of the Department of Finance, for the unbudgeted purchase of new workstations for employees in the Kapule Building, comprised of the Real Property Assessment Division, Treasury Division, and Motor Vehicle Registration Division, to create more desk space for employees, maximize the use of the Kapule Building, and to assist with employee spacing/social distancing during COVID-19.

Councilmember Kualii moved to approve C 2020-156, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Kagawa.

Councilmember Kagawa: I do not know how many different renovations I have seen over the past eight (8) years, but this is not my first rodeo. I am just wondering if they have a plan that can show us how it is going to look, because that will help. I have no problem approving this for now, but it seems like the County has not grown that much, yet, there are many different changes that were proposed and scrapped, and proposed again. I am just trying to find out if they have thought about the future, so that when we do spend the money, we make the change...it is not like your bedroom where you are moving around a bookshelf. This is costing us money to buy things and change it and right fit it so we can get efficiency. I am hearing people ask, "What should be better; more efficient, no privacy"... I would like to see an overall plan as to what we are funding, so we have it for the record and we can hold them accountable if we have complaints come in. Also, when we do something, we should look at it long-term so that what we do does not waste. Government is known to waste money on bad decisions and hopefully we can change that direction.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: This is my first rodeo. I did, about a year ago, have a tour around all of the buildings and look at where everyone was working. I really gained a lot of appreciation for the kind of effort that some people make. Some were really at a workstation standing in a hallway with a desk that used to be where a drinking fountain was and they are pretty crowded. I support something you are saying about showing us a plan. I gained a lot of respect for our staff when I realized how much work they do without a window, without a good place to store their things, so I really support the idea of reorganizing, especially when it is unexpended funds.

Council Chair Kaneshiro: Is there anyone else?

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

The motion to approve C 2020-156 was then put, and carried by a vote of 6:0:1\*.

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

CLAIM:

C 2020-157 Communication (05/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by First Insurance Company of Hawai'i as subrogee for Unlimited Construction Services, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2020-157 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any discussion from the members on this item?

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

The motion to refer C 2020-157 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1\*.

Council Chair Kaneshiro: The motion is carried. Next item

COMMITTEE REPORTS:

A report (No. CR-FED 2020-03) submitted by the Finance & Economic Development Committee, recommending that the following be Received for the Record:

"FED 2020-02 – Communication (05/07/2020) from the Director of Economic Development, requesting agenda time to present an update on the Kaua'i Economic Recovery Strategies report,"

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

Council Chair Kaneshiro: Any discussion from the members on this item?  
*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion for approval of the report was then put, and carried by a vote of 6:0:1\*.

A report (No. CR-COW 2020-08) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2791 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND (*G.E. Tax Surcharge Reduction (COVID-19) – (\$2,000,000.00)*),”

A report (No. CR-COW 2020-09) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2020-02 – Communication (05/15/2020) from Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor’s Fiscal Year 2020-2021 Annual Operating and Capital Improvement Projects Budgets,”

A report (No. CR-COW 2020-10) submitted by the Committee of the Whole, recommending that the following be Approved:

“Resolution No. 2020-16 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 FOR THE COUNTY OF KAUAI,”

A report (No. CR-COW 2020-11) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2779 – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 Operating Budget*),”

A report (No. CR-COW 2020-12) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2780 – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 CIP Budget*),”

Councilmember Kagawa moved for approval of the reports, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Any discussion from the members on this item?

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

The motion for approval of the reports was then put, and carried by a vote of 6:0:1\*.

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

RESOLUTION:

Resolution No. 2020-16 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 FOR THE COUNTY OF KAUA'I: Councilmember Kuali'i moved for adoption of Resolution No. 2020-16, seconded by Councilmember Chock.

Council Chair Kaneshiro:                      Any discussion from the members on this item?  
Councilmember Evslin.

Councilmember Evslin:                      I wanted to express my support for the Residential Investor tax increase. I know we talked about it four (4) times already, it is like beating a dead horse, but for anyone who is watching who does not know what the Residential Investor tax rate is, again, it is only homes that are valued over two million dollars (\$2,000,000) that are entirely vacant. Any home with a homestead exemption or has someone living in it or has it long-term rented, as long as the owners file annually to the Real Property Tax Division it will not be included in here. All the money raised goes towards our Affordable Housing Development Fund. The reason why I am supporting this increase is because we have really low property taxes statewide—I think the lowest rates in the country—and that is because we have high income taxes and high excise taxes, yet we have vacant houses, no one contributing any form of tax revenue and the State, and the County still needs to supply all the services to the home, such as road construction, police, fire protection, etcetera. I think it is only fair that they pay more to cover their fair share based on the absence of income and the absence of taxes. Lastly, we are in this devastating housing crisis and one (1) in four (4) homes is either a transient vacation rental (TVR) or sitting entirely vacant and that is because this is a good place for rich investors to park their money and bank on increasing property values and low property taxes and that type of speculative investment is really harmful to Kaua'i. It increases the cost of housing, it encourages vacant homeownership that needs to be discouraged with whatever mechanism we have, including this Residential Investor tax rate. I mentioned when we first had this that there are some inequities in the current structure of the Residential Investor tax rate that I am concerned about. The entire increase goes from...right now if you are at one million nine hundred ninety-nine thousand nine hundred ninety-nine dollars (\$1,999,999) and you go to two million dollars (\$2,000,000), your property tax rate goes up by fifty percent (50%) or sixty

percent (60%). Also if you have two (2) neighbors and their home values are one hundred thousand dollars (\$100,000) apart, in that case, one will be paying sixty percent (60%) more taxes. My hope is that in the future we can work with Real Property to try and smooth that out and only charge the amount on overage and also tier the rates so really high value properties pay more. I just wanted to express my support, again, for the increase in Residential Investor rate and not increasing any other property taxes.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. I would also like to thank the Council for supporting not raising taxes, especially at this time, on the real property investments, other than the Residential Investor tax class. Moving forward with the next Council, whoever that might be—they are going to be stressed with some pretty big decisions. Right now once protected our Homestead is the current cap, an incremental cap. It has a ceiling, but it also has a floor. As we look towards where the market may be going, I can see people asking questions as to why their property taxes are not lowering to the market, if indeed that is the direction we are thinking of going. The future Council will have to make some hard decisions as to how they maneuver in order to continue to be in the same revenue stream.

Council Chair Kaneshiro: Anyone else? If not, roll call vote.

*(No registered speakers requested to testify regarding this agenda item.)*

The motion for adoption of Resolution No. 2020-16 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

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

There being no objections, Bill No. 2780, Draft 1 was taken out of order.



Bill No. 2780, Draft 1 – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 CIP Budget*): Councilmember Kuali'i moved to approve Bill No. 2780, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Any discussion from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: I just wanted to make a simple statement. We really worked over this several times and even though we are not discussing it now, it has been well-discussed.

Council Chair Kaneshiro: It is the Capital Improvement Projects (CIP) Budget.

Councilmember Cowden: Yes, the CIP Budget.

Council Chair Kaneshiro: Roll call vote.

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

The motion to approve Bill No. 2780, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Motion passes. Next item.

Bill No. 2791 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND (*G.E. Tax Surcharge Reduction (COVID-19)* – (\$2,000,000.00)): Councilmember Kuali'i moved to approve Bill No. 2791 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Again, this is a reduction to this fiscal year due to COVID-19 and a reduction to the G.E. Tax Fund. Any discussion from the members? If not, roll call vote.

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

The motion to approve Bill No. 2791 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Kaneshiro: Let us finish our discussion on Bill No. 2779, Draft 1. I will suspend the rules. We received a lot of testimony regarding the feral cat program, which was for fifty thousand dollars (\$50,000) and the Administration is available to answer any questions we have. We do have a lot of the information and the justification for it was in the presentation. With that item, we are stuck in the middle. We did our Habitat Conservation Plan, which allows us to keep lights on at County facilities. The Convention Hall can have lights on at night, the stadiums can have lights on at night for football games, but in order to have that, we need a take permit and we have a requirement in that permit to mitigate predators of these birds. We have that in one hand; if we want lights on and Friday night football, we have to mitigate predators and on the other hand, we have the Kaua'i Humane Society who in moving forward will not be taking in cats. We are in the middle. This line item that is not determined what the plan of action is. We have been receiving testimony saying that it is to shoot, kill, and poison. That is not what this line is. The line item is to try solve that service that at one time the Kaua'i Humane Society once took care of. Right now no one is there to solve it. If someone finds a feral cat in their yard, they have no place to take it, as far as a County facility. Basically, that line item is to address that. Does anyone want to ask the Administration questions? Councilmember Cowden.

There being no objections, the rules were suspended.

Councilmember Cowden: I have a couple questions. Do we have a list of providers that might want to have that contract?

MICHAEL A. DAHILIG, Managing Director: Thank you for that question. As far as a "list," we do not have a list, but we are aware of providers who can meet the need and on top of that, I would say that they would need to go through the normal procurement process. At this point, it would not be appropriate for me to identify who exactly would be doing this work.

Councilmember Cowden: Okay, because I received all these letters and it seemed like the people writing these letters had a specific kind of ruthless way of having these animals killed and none of that is under contract or on a plan for that yet, correct?

Mr. Dahilig: I agree with your statement, but I would also add to that...under Section 5.3(2) of the Incidental Take Permit issued by the United States Fish and Wildlife Service, under Section 3, we have to humanely remove predators. Anything that we do would be up to the standards of humane removal as required under the permit. If we were to do something not humane, it would be in violation of the permit.

Councilmember Cowden: In working with the Kaua'i Humane Society, I know that the problem they had at the beginning was this forty-eight (48) hour time that they had to hold on to a cat that was known to be un-socialized and truly feral, which is not the case. Right now, the Kaua'i Humane Society is very compassionate towards the animals. The problem that they had was this forty-eight (48) hour wait, needing to spay and neuter, give them the shots, and then euthanize them. It is a pretty expensive process and they felt that it was not humane to put them through those forty-eight (48) hours of difficulty. Where is that? Is that in a State or is that in a contract? How does that get changed; the forty-eight (48) hours, because that was the stopping point.

Mr. Dahilig: I believe the hold was an ordinance issue. But to also confirm that through the discussions with the Kaua'i Humane Society over the past year, they have a philosophical concern about euthanizing cats. They are not a government agency, we cannot compel them to do something under a 501(c)(3) nonprofit organization that they do not want to do as consistent with its own governing service. That is why you see a cat control item being pulled out of the list of items in the budget. Their current leadership and their current board of directors also has philosophical issue with conducting it as a service for the County.

Councilmember Cowden: I understand right now that our priorities are the COVID-19 challenges, which actually flows over into this animal situation, because people are not flying to the United States, the cats and dogs are not flying to the United States either. That is one process that the Kaua'i Humane Society uses for live-release rates, but perhaps over the next couple of months, we could do a comparison with the TNR, and then the euthanizing the animals, because that seems to be the big breakdown in the conversation between the two (2) passionate sides of the people who identify with the birds and seals versus the cats. Has the Office of the Mayor looked into that?

Mr. Dahilig: We have looked into trap-neuter-release because that is something that has been impressed on by many in the cat community being a humane option in lieu of the capture and euthanize. The problem with TNR is that you also need to release to somewhere that does not endanger bird species. In certain situations where TNR has been used, what has happened is that the cats are still going to eat birds. There needs to be a containment process of leaving the cats in a sanctuary-type environment, leaving the County to a very high cost to absorb. That is why we have not looked at cat sanctuaries as an option. We investigated a cat sanctuary on Lānaʻi that does similar type of work, but the start of investment and the cost that it would take to absorb the human resource and care costs, would not be in the County's best interest at this time.

Council Chair Kaneshiro:

Councilmember Kagawa.

Councilmember Kagawa: Mike, you touched on the issue about the TNR and that it does not take away from the fact that the wildlife is those endangered birds and monk seals that is negatively affected by any cat that is alive that is feral. I am a former cat owner, so I am sensitive to issues about cats, but at some point we are going to have to find a middle ground—agree to disagree and place what is more important as really the focal point in trying to solve the issue. Again, you have to look at the financial side. If the Kauaʻi Humane Society refuses to do it and we go out with contracts...maybe something we could not afford. Maybe we can work with the Department of Land and Natural Resources (DLNR), because they are in charge of the endangered species, monk seals, shearwaters, and they have forestry animal experts working for them. I know it seems like it is a County's issue, but I would think they would have an interest, too, because the very thing they want protected from the cats, they are in charge of. Can we merge the two (2) and find a partnership where we both can benefit and share in the cost?

Mr. Dahilig: Councilmember Kagawa, I would agree with your statements. I would also add as part of doing the research of providers on our island able to absorb this function that the Kauaʻi Humane Society has philosophical issue with, DLNR has a contracted entity that does this type of work as part of its control efforts to minimize predatory takes, so it does provide an opportunity for synergy and it does provide an opportunity...if that particular contractor were to come the lowest bidder in the procurement process.

Councilmember Kagawa: Thank you. If the Humane Society can play a bigger role, like they used to, I would encourage that idea, but I do not know if they are at the place where they do not want to deal with cats now. We had so many managers there at the Humane Society, it is hard to keep track on who wanted to help with the cat situation or not. They have the expertise and the tools in the most humane way to deal with cats. I know people's perception of rats are bad, but the way they control rats, they just drop rat poison, and what do you think happens to

the rats? They die. There are different levels. Cats are like dogs, man's best friend. I know it is a difficult situation, I do not want to deal with it. It is something that needs to be dealt with if we are trying to protect the endangered wildlife. Thank you for whatever you folks are doing on this, because we have not done much for a while and that is why the population keeps growing.

Council Chair Kaneshiro:                      Councilmember Chock                      and                      then  
Councilmember Evslin.

Councilmember Chock:                      Just a follow-up to Vice Chair's comments. While it might be a philosophical perspective the Kaua'i Humane Society has in dealing with cats in a humane way, it does seem to me that it does fit within their mission to address this concern. In a time where we need leadership and they are the experts, it befuddles me as to why they are not at the table to come up with a solution. My question is, what is it that they want to do? Other than doubling their budget...would they be willing to sit at the table to talk about a solution on how to mitigate this situation. It is definitely their *kuleana*; it is all of our *kuleana*.

Mr. Dahilig:                      I would one hundred percent (100%) agree with what you are raising. A lot of the issues that you are describing are things that rose as a consequence to the Kaua'i Humane Society, as alluded to in the gentleman's testimony this morning, saying they are charging ninety dollars (\$90) per feral cat. I had a disagreement with them concerning whether or not they are allowed to charge that fee as a result of our animal control contract with them. These are discussions that have been going on for many months and having feral cats be an inhibited type of service based on that fee. Philosophically, they believe that TNR is what is within their mission, but again as mentioned, TNR is a very expensive option. It is not unattainable, but given the current fiscal climate and now we are under the federal obligation with the Incidental Take Permit to reduce a predatory element of a cat, it becomes one of the scenarios that Councilmember Kagawa raised—look at it from a value in dollars and cents standpoint. We wholeheartedly would prefer that there not be a fee for the feral cat processing, but they are not a department controlled by the County, so that is as much as we can do. When we renew the contract going into Fiscal Year (FY) 2021, it is something that we rather find a different solution for rather than try and debate philosophical differences.

Council Chair Kaneshiro:                      Councilmember Kagawa.

Councilmember Kagawa:                      You said nine thousand dollars (\$9,000) per  
cat?

Mr. Dahilig:                      Ninety dollars (\$90).

Councilmember Kagawa:                      Ninety dollars (\$90) per cat. Okay. That is  
still a lot.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you Mike for being here. What would be the legal ramifications of us not funding this?

Mr. Dahilig: We would need to find another mechanism to engage in predatory control under the Incidental Take Permit. If we do not have that Incidental Take Permit, that permit is the coverage in the event of our lights or activities cause a "take" of an endangered species. Pursuant to the Migratory Bird Act or the Endangered Species Act, if we were to do a take—and let me be clear, a "take" does not necessarily mean "kill" a bird, it includes "harass" a bird. The definition of harassment is very broad, the County could be in arrears or fines of tens of thousands of dollars per take. Say for instance we have four (4) takes, that could mean hundreds of thousands of dollars that the County could owe should we not have this permit. The cost-benefit of being able to maintain the Incidental Take Permit, along with some of the other types of benefits, such as Friday night football, are things that we could lose as a consequence by not having a predatory control program.

Councilmember Evslin: Just to be clear, if this were not included in the budget then the current Seabird Habitat Conservation Plan would be nullified or invalidated or we would be in violation of it. Therefore, we would not be able to operate night lights and if we did, we would be at-risk...

Mr. Dahilig: I think based on what you are describing, it is a position that we do not want to be called on by the Feds. Ultimately, we are going to do whatever we need to do to try and meet the Federal Incidental Take Permit conditions that we had mutually agreed on with the Fish and Wildlife Service. The problem is that, again, if we do not have the proper resources and the proper ability to meet those obligations either by us doing the work, the Kaua'i Humane Society doing the work, or a third-party doing the work, the Fish and Wildlife Service is going to come to us and ask us, "Who is doing the work?" and that is where we could be held accountable in a situation like that.

Councilmember Evslin: Okay. Along those lines, the fact that there are feral cats living on County properties in proximity to endangered birds outside of the Seabird Conservation Plan, does that put us in legal jeopardy and have there been other places suing for similar reasons?

Mr. Dahilig: At this time what we are required to do from a control standpoint is covered property; is our actions covered property, either for example football games, parks, the Civic Center, and those types of areas. Do those areas pose a take and that is how they calculate the minimization standards of a take. If there are cats outside of County areas, it would be up to the Fish and Wildlife

Service to draw that nexus to determine that action of not controlling the cats are leading to an incidental take. That is why you see the State agencies like the Department of Education folded into the Kaua'i Seabird Habitat Conservation Plan (KSHCP) plan, you also see the Norwegian Cruise Line, St. Regis – Kaua'i, so the County is not only the party that create takes, therefore, the same standards of predatory control at these different locations would apply as part of the overall habitat conservation effort.

Councilmember Evslin: Would it only be covered properties within the plan?

Mr. Dahilig: That is correct.

Councilmember Evslin: You talked briefly about a sanctuary and we heard testimony about placing all the cats in a sanctuary and I understand financially we cannot even take care of our homeless population on Kaua'i. It is hard to make an argument about funding a cat sanctuary, but if a private individual were to fund a sanctuary, there is nothing in this line item that prohibits these cats possibly from getting trapped and going to a sanctuary, right?

Mr. Dahilig: That is why we use the word "control." We are not using the word "euthanization," in the proposed budget. We are not using the word "killing," or "massacring," we are using the word "control." If that is a cost-effective method in meeting the requirements of the incidental take permit, certainly we would be open to taking a look at it. It is not outside the realm of question that should the budget pass by the Council, seeking other methods of control rather than what is being described in testimony as simply using euthanization as an option, but it has to be cost-effective.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Anyone else with questions? If not, thank you Mike. Now is the time we will take public testimony. Scott, you will be playing the voicemail recordings of the testimony and once we have gotten all of the testimony out, then we will have our ten (10) minutes to speak on the budget. Again, this is our last item. There are about thirty (30) recordings.

JESSICA BEHNKE (*via voicemail message*): Hi, my name is Jessica Behnke. I am calling from Kaua'i about Bill No. 2779, Draft 1, Operating Budget, line item for feral cat control. I am calling in support of the thirty thousand dollars (\$30,000) budgeted to help control feral cats. We have an estimated twenty-five thousand (25,000) homeless cats on the island and the damage done by predation to our native birds and by cat poop to our monk seals is devastating. I have been a sea bird biologist for almost two (2) decades, thirteen (13) years of which have been spent on Kaua'i protecting ground nesting endangered sea birds, that are impacted by feral cats, more than any other conservation issue. This is extremely important. That is it. Thanks so much for your time.

HEIDI BORNHORST (*via voicemail message*): Hi, Kaua'i County Council. I am calling to express my support for Bill No. 2779, Draft 1, in the Operating Budget. Please control feral cats. Our native birds are way more important than feral cats. I love cats, but we need to control them in the wild. *Mahalo*.

STEPHEN CANHAM (*via voicemail message*): Hello, my name is Stephen Canham. I am a Hawai'i resident. I am calling in support of Bill No. 2779, Draft 1, Operating Budget, line item for feral cat control. I strongly support that. Thirty thousand dollars (\$30,000) is minimal, but I appreciate that amount. Deprivation and damage that free roaming cats do to native birds is awful. The *toxoplasma gondii*, that their fecal material passes on, is equally terrible. Please help to control feral cats with that thirty thousand dollars (\$30,000). Thank you so much. *Aloha*.

KAYLEIGH CHALKOWSKI (*via voicemail message*): Hi, my name is Kayleigh Chalkowski. I am a wildlife biologist calling to support the line item allocating thirty thousand dollars (\$30,000) for the control of feral cats, on Bill No. 2779, Draft 1. In 2017, my colleagues and I conducted a study to detect the presence of *toxoplasma gondii* at a number of islandwide sites across Kaua'i. We found the presence of this parasite excreted only in cat feces, at nearly every single site, including community centers and public beach parks. This parasite and many other diseases in feral cats is problematic, both for the health of humans and endangered species. *T. gondii*, for example, has been responsible for the death of Monk Seals, Alala, Nēnē, and a number of other native species. Regarding human health, I know of at least one case on the island of Kaua'i where an infant contracted toxoplasmosis with a high probability of significant neurological impacts. For the health of wildlife in our community, I stress the importance of feral cat control. Thank you.

LINDA CHERKASSKY (*via voicemail message*): Hello, my name is Linda Cherkassky. My number is . I am calling to voice my support for the thirty thousand dollars (\$30,000), budgeted to help control the feral cats. I am calling regarding Bill No. 2779, Draft 1, line item for feral cat control. The next time I visit Hawai'i, I want to go to visit to see endemic wildlife. I love cats, but they do not belong on the landscape. Thank you.

JOANNA CHIN (*via voicemail message*): Hi, my name is Joanna Chin. I am calling to express my support for Bill No. 2779, Draft 1, the Operating Budget, line item for feral cat control, because I strongly believe that it is critically important to control the feral cat population. There are about twenty-five thousand (25,000) feral cats on the island of Kaua'i and they depredate native birds, including Albatross chicks and harm the monk seal population by the toxoplasmosis in their poop, so I am calling to support the approval of those funds to be spent to support the feral cats. Thank you, very much.



THOMAS DAUBERT (*via voicemail message*): Aloha, my name is Thomas Daubert. I am calling to leave my voice in support of the thirty thousand dollars (\$30,000), to control feral cats, which is included in Bill No 2779, Draft 1 of the Operating Budget, the line item for feral cat control. I am registering in support of it. Thank you so much. Aloha.

SUSAN DIERKER (*via voicemail message*): Hello, my name is Susan Dierker. I am calling in support of the thirty thousand dollars (\$30,000) budgeted for feral cat control, Bill No. 2779, Draft 1, of the Operating Budget. Please, please, please. We need that money. We need to do something about the feral cat problem. Mahalo.

CATHY GRANHOLM (*via voicemail message*): Hello, I live in Princeville and I am calling to voice my support for Bill No. 2779, Draft 1, Operating Budget, line item for feral cat control. They do terrible damage to our native birds and monk seals. Also, they live pretty miserable lives. I think the situation needs to be helped. Thank you.

JOHN HARDER (*via voicemail message*): Hi. This is John Harder from Anahola, Hawai'i calling in support of Bill No. 2779, Draft 1, feral cat control, supporting thirty thousand dollars (\$30,000). I am sure a tight budget for supporting the control of feral cats. I am a Buddhist. I believe in supporting all life. However, life is out of balance and the native birds and the monk seals are threatened. I think it is important to control feral cats. The population is out of control and out of balance. I think this is an important thing for Hawai'i. People come here for our natural beauty as well as our wildlife. That is what I think. Supporting feral cat control, thirty thousand dollars (\$30,000) in the budget for next year. Thank you very much.

MARCIA HARDER (*via voicemail message*): Hello, this is Marsha Harder from Anahola. I wanted to ask and plead that in the budget, the line item for the feral cat control in Bill No. 2779, Draft 1, that thirty thousand dollars (\$30,000) be left in the budget. It is so critical to the wildlife on this island. We have twenty-seven thousand (27,000) cats here and they are just devastating our local bird population. We have nesting Albatross on our property, as well as Kōlea and Nēnē, and the feral cats are just devastating everything. If we do not have some money to at least try to control them, then we just have to give up and we are just going to lose all of our native birds. Please keep the money in the budget. We actually could take much more action on free roaming cats, but at least do this much. Thank you so much.

ANGELA HUNTEMER (*via voicemail message*): Hi. I am calling about the hearing regarding the feral cat control budget item Bill No. 2779. I wanted to call and voice my support for that. Cats are really devastating to our native and sea birds. I have had numerous personal experiences with Albatross, Iwi, Shearwaters, and of course the monk seal problem with toxoplasmosis. Please pass the budget for the thirty thousand dollars (\$30,000), which is a minimal amount of money. It is very important that the population is maintained. Thank you. My name is Angela Huntemer, thank you.

GINGER JOHNSON (*via voicemail message*): Aloha, this is Ginger Johnson. I am calling about Bill No. 2779, Draft 1, which is the Operating Budget line item for feral cat control. I am definitely in support of this and I think that we have a terrible feral cat problem. I would love to keep our indigenous birds alive. Thank you very much. This is Ginger Johnson. *Mahalo*.

MAKA'ALA KA'AUMOANA (*via voicemail message*): Aloha, my name is Maka'ala Ka'aumoana. I am a *kupuna* from Kaua'i. My husband and I had a fishing family and we have over thirty (30) *mo'opuna* and eighteen (18) great-*mo'opuna*. We go to the beach often—we fish for our food, our children and *mo'opuna* play on the beach, in the sand, and in the nearshore waters. Feral cats defecate on our County park lands, they defecate on the beach sand, and their feces contains toxoplasmosis, which is a poisonous substance that poisons monk seals and can cause spontaneous abortions in pregnant women, which is why they are guided not to empty cat litter boxes. I am aware that you are hearing a bill tomorrow about spending thirty thousand dollars (\$30,000) to begin the compliance with the Habitat Conservation Plan for the County. You are spending my tax dollars on doing something good for my *mo'opuna* and for my family, and for protecting those things we care about. Please support the thirty thousand dollar (\$30,000) beginning expenditure of my tax money to clean up our County land, parks, and beaches. *Mahalo*.

CYNTHIA LIBERT (*via voicemail message*): Hi. This is Cynthia Libert, I am calling in regards to Bill No. 2779, Draft 1, Operating Budget. I am in favor of this. If you need someone, I will do the job. I hope this will go through. I am fully in support of this, I have the book, I am reading it, and I love these animals. Thank you. I am wanting to make a difference here on Kaua'i. *Aloha*.

CAREN LOEBEL-FRIED (*via voicemail message*): Hello, my name is Caren Lobel-Fried. I am calling in support of Bill No. 2779, Draft 1 of the Operating Budget. I am calling in support of line item for feral cat control, thirty thousand dollars (\$30,000) budgeted to control the feral cats. Please, please include this. This is so important for the wildlife that we have and the endemic species that we have here in Hawai'i. Thank you.

CHRISTA MCLEOD (*via voicemail message*): Aloha, my name is Christa McLeod. I am a resident of Kilauea. I am calling in regards to the draft budget bill that will be discussed in regards to the line item regarding feral cats. I am support of the County looking into measures to control the feral cat population. I support that. Thank you.

CATHERINE NEAL (*via voicemail message*): I am calling to express my support for the proposition Bill No. 2779, Draft 1. My name is Catherine Neal, thank you.

ANGELA NERRITT (*via voicemail message*): Hello. My name is Angela Nerritt. I am calling about Bill No. 2779, Draft 1, Operating Budget, the line item on feral cat control. I am really hoping that we can support the thirty thousand dollars (\$30,000) to help control the feral cats. I do not believe that they have an appropriate place in the wild on Kaua'i. I am really hoping that all of Kaua'i is able to protect the native habitat and the species themselves. Thank you very much, *mahalo*.

SUSAN OSETH (*via voicemail message*): My name is Susan Oseth and I am calling in support of the Operating Budget relating to feral cats. I am calling in favor of the thirty thousand dollars (\$30,000). Feral cats have a devastating impact on the environment, native birds, we have witnessed them in the field. Therefore, once again, I am in support of the thirty thousand dollars (\$30,000) for Bill No. 2779, Draft 1, Operating Budget. Thank you.

HOB OSTERLUND (*via voicemail message*): Aloha, this is Hob Osterlund calling from the Hawai'i Albatross Network and I am calling in support of the thirty thousand dollars (\$30,000) that has been budgeted in Bill No. 2779, Draft 1, Operating Budget, the line for feral cat control. We have twenty-five thousand (25,000) estimated homeless cats on the island and they are killing off our native birds and the feces is killing the monk seals; this is a big problem here. Thirty thousand dollars (\$30,000) is nowhere near enough, but it is a dent...especially since the Kaua'i Humane Society no longer accepts drop-offs from citizens. We very much need your support on this. Thank you so much for your time. Aloha.

NICKI PIGNOLI (*via voicemail message*): Aloha. I am calling today in support of Bill No. 2779, Draft 1, Operating Budget, the line item for feral cat control, in the amount of thirty thousand dollars (\$30,000). I am definitely in favor of this and would be in favor of an even larger amount set aside to protect our native birds and control our feral cat population. We have too many animals that are at-risk with that many feral cats running wild and free. Thank you so much. Aloha.

SHELDON PLENTOVICH (*via voicemail message*): Hi, this is Sheldon Plentovich and I am calling in support of the Draft Bill that includes thirty thousand dollars (\$30,000) to help control feral cats. Feral cats are extremely destructive to our wildlife and toxoplasmosis is the leading cause of death of monk seals in the main Hawaiian Islands. Toxoplasmosis is secreted by feral cats. It boggles my mind why we have not done more as a State to remove feral cats. Although thirty thousand dollars (\$30,000) is only enough to get started, it is something. I want to voice my support for Bill No. 2779, Draft 1, Operating Budget, line item for feral cat control. Please, please, please help that pass. Aloha.

DEBBIE SHENKER (*via voicemail message*): This is Debbie Shenker and I live in the Plantations at Princeville. I just want to show my support for the thirty thousand dollars (\$30,000) and hopefully that will be spent to control the feral cats. It is just horrible the number of cats that are on-island and the damage that they do to the indigenous birds particularly the Albatross. Please, there are many of us at our complex who are very much in support of this. Thank you.

PONO SHIM (*via voicemail message*): Aloha, my name is Pono Shim and I am calling to submit my support for Bill No. 2779, Draft 1. That is for the line item of thirty thousand dollars (\$30,000) to help control feral cats. I am calling in support. My number is (808) 232-6284. Mahalo.

GRANT SIZEMORE (*via voicemail message*): Aloha, my name is Grant Sizemore and I am calling on behalf of American Bird Conservancy and our supporters. I am calling to lend our support to the line item of the thirty thousand dollars (\$30,000) that is currently budgeted for the control of feral cats in the County. This is Bill No. 2779, Draft 1, Operating Budget. As I am sure you are probably aware feral cats are wreaking havoc on Kaua'i's native wildlife—many of those species are already at a threat of extinction. Feral cats are instinctive and pervasive predators that are every year killing huge numbers of seabirds, water birds, and actually polluting the environment through their feces, which has been known to kill endangered Hawaiian Monk Seals and is a major public health threat. On behalf of the American Bird Conservancy, we just want to notify you of our support for the thirty thousand dollars (\$30,000) budgeted to control feral cats. If you have any questions, please feel free to contact me. My phone number is (202) 888-7480. Thank you.

LUCAS SPIKEY (*via voicemail message*): Aloha, my name is Lucas Spikey and I am calling to support Bill No. 2779, Draft 1, Operating Budget, line item for feral cat control. I think it is only worth thirty thousand dollars (\$30,000). This seems like a weird time to be spending thirty thousand dollars (\$30,000) for conservation, but I feel like it is the most important thing I can do. I have been on Hawai'i Island and Kaua'i for almost twenty years and I have been from Mauna Kea to Waialeale and I have seen cats and the damages that they can do in all those places when they are just left to roam free. I just wanted to support this particular line item. Thank you for hearing me out. Aloha.

LOUISE STEENBLIK (*via voicemail message*): Aloha. I am calling in support of Bill No. 2779, Draft 1, the Operating Budget for feral cat control. Please, please vote to budget the thirty thousand dollars (\$30,000) to control feral cats. It is such a problem on the island. It is getting worse and worse. There is damage done by predation to the birds, the seal damage is devastating, and we are losing Albatross chicks. It is really important. There are so many feral cats there. It has gotten bad and out of control. Please do your best to pass that. If you have any questions, my name is Louise Steenblik. My number is (808) 651-6776. Thank you.

JANE STERN (*via voicemail message*): Hi, my name is Jane Stern and I live in Anahola. I am calling regarding Bill No. 2779, Draft 1, the Operating Budget, specifically the line item for feral cat control. I just wanted to say that I am calling in support of the thirty thousand dollars (\$30,000) to help control feral cats. In particular, we are concerned because we have Albatross that nested on our property and now we have a chick who is almost about to fledge. We are so concerned about the safety of this chick before it fledges, and all Albatrosses, as well as native birds, monk seals being devastated by cat feces. I am just hoping that we can stay with the thirty thousand dollars (\$30,000) to help control feral cats. Thank you so much. I really appreciate it.

PAGE WILLIAMS (*via voicemail message*): My name is Page Williams and I am calling from Houston, Texas. My cell phone number is (713) 898 5973. I am calling in frantic support for Bill No. 2779, Draft 1, Operating Budget, the line item for feral cat control. I have been in distress for a long time about what the cats are doing to the monk seals and the birds, too, on Kaua'i. I call to support the Bill. Thank you.

The meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: We had our live testimony earlier today, we just had prerecorded testimony, and we actually received one hundred ninety-five (195) written testimony regarding feral cat control. Of those written testimony received, thirty (30) was in support and one hundred sixty-five (165) opposed. Seeing no further testimony, I will give everyone ten (10) minutes to speak on the budget, whether it was too fast, too slow...each Councilmember will have ten (10) minutes, this is the final budget, no more changes to it. Who would like to go first? Councilmember Kagawa.

Councilmember Kagawa: I wanted to go first because I wanted Councilmember Evslin to disagree with me at the end. I want to thank the staff and thank you, Chair. You have always done a great job. We went a lot faster this time due to COVID-19. I do not even know how accurate the budget is, really. We are not even sure how bad the economic picture will be down the line, much to say the rest of the year. Maybe even when I am gone, some drastic changes may have to be made. It is really, really a big question mark going forward. I want to thank Jade, Scott, and all of the staff at our Council. This is my eighth budget, my final budget. There has never been more question and worry from me as this budget. I am really concerned as I step out of office and it is not anyone's personal fault, COVID-19 hit us and we are in a very bad recession. My fear is that government is putting trillions into trying to avoid going into a deeper recession. They are trying their best. We are already seven trillion dollars (\$7,000,000,000,000) in a hole in commitments made, maybe even more as we go forward. There are going to be ramifications for doing that so quickly, but nonetheless, as a government, I am hearing Governor Ige to the Hawai'i Government Employees Association (HGEA) as a possible 2-days furlough per week, and that is a very scary thought. How many people will continue to be working? How many will retire? It is a very scary time.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. On the break, I went down to my office and found a note. It does not say who it is from. When I read the first couple lines, I thought that reading this might be appropriate. It says, "2020 will be the true test of Hawai'i's political, religious, and business leadership. The coronavirus' global pandemic impact is testing Hawai'i's executive and legislative branch in each county in the exercise of sound judgment, critical out-of-the-box thinking, creative innovative solutions, and strategic movement going forward." It has certainly proven an unprecedented time for us, COVID-19 circumstances. On Kaua'i, we are no stranger to crisis and even in the midst of COVID-19, we are trying to address flood mitigation and our bridges that are closed because of the rising of water. I think that if anywhere, Kaua'i needed to be flexible and adaptable and I am grateful for the leadership expressed during this time and really the quick response has helped us,

the initial five million dollars (\$5,000,000) that was appropriated, then followed by the budget that was quickly submitted. I think all of our CIP, TAT, and GET budgets are lessened and affected. In order to meet the budget that we had, we had to streamline it. Despite approaching COVID-19 rapidly, I thank our previous Councils in their foresight for what is called "the rainy day fund" or our budget reserve and retaining the budget reserve. It puts this County in a better position in order to handle what I feel is forthcoming challenges as Council Vice Chair has mentioned. In addition to that, I think we have responded properly by not raising fees. There were fees proposed here at the Council by the Administration and only looking at one area of real property and that is Residential Investor, which will support housing needs that will affect Kaua'i's most needed families. I think what it really takes is for our leaders to really work together and if you look around at every municipality is going to be affected in this next couple years, I think we need to shift responsibilities to see how we can help people more, which has always been done in the most respectful way on Kaua'i with *aloha*. In this last day of budget, we got bombarded...and thank you Chair for sharing how many testimonies we received for one (1) budget item only. Regarding that specific budget item, at this stage of the budget, we cannot even amend the budget. We can vote against the budget, which means we would vote against the two hundred fifty million dollar (\$250,000,000) budget for a fifty thousand dollar (\$50,000) budget line item. What has not been said is the exposure that this County has been put in to and has to face. This has driven us to put together the Kaua'i Seabird Habitat Conservation Plan. There are other counties around the country that have been attacked, sued, and fined; Florida, New York, for not having the mechanisms and ways to address these habitats and we are no different. We, on Kaua'i, have experienced these fines for takings. It behooves us to not put the fifty thousand dollars (\$50,000) and be subjected to hundreds of thousands of dollars of fines if we do not do so. Of course I support this and I also believe that all lives matter, but we cannot come up with any solutions if leaders do not come to the table, such as the Kaua'i Humane Society, but we need a budget item to have that in order to start that conversation. My hope is that the fifty thousand dollars (\$50,000) is the beginning as we address that within our conservation plan. I want to thank the delegation, because they have been fighting for us, especially on Kaua'i. I want to thank our Mayor, our Chairman, who has done a great job over the years at getting our budget together. Hopefully we will continue to pull together as a community to recover our community. Thank you.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: Thank you Chair Kaneshiro. Councilmember Chock and Councilmember Kagawa, I echo what you both has said. Councilmember Kagawa, I do not disagree with anything you have said there. It has been an extremely challenging last few months and obviously, this is only my second budget, but I do not think there was ever a time when a budget was submitted and then basically abandoned, because of collapsing revenue. And to have it happen at a time

when one hundred fifty percent (150%) of the Administration's focus was on this ensuing potential pandemic for our island, for the unprecedented global pandemic. Also, in-person meetings were impossible. Given those really extreme challenges, I think this process went as well as possible. I think the Administration really did develop the best possible budget, given the negative circumstances. From my own personal perspective, the major challenge in a recession is to try and maintain social services, especially housing and other forms of subsidies, along with other construction projects and hopefully maintaining salaries, so we do not tank the economy even more. Even with the ten million dollar (\$10,000,000) revenue shortfall that we are faced with now, this budget largely accomplishes that without any significant reductions of services. For me, that means that we are doing everything we can to keep our local economy going through these infrastructure projects, while ensuring that the residents who need help have access to that, so we can bounce out of this recession as fast as possible. In addition to that, the CARES Act moneys that I believe we just got news that the Governor signed and released, will go a long way to ensure that we can continue to respond to the COVID-19 crisis and to ensure that residents have a roof over their head and food in their refrigerator. There are certainly major challenges here and I do not want to pretend that the cuts that were made will not come with some costs. While we are focusing most of our expenses into our local economy, those huge cuts to travel, training, dollar-funding vacant positions, cuts to equipment, and some cuts to Wastewater will end up taking a toll in the long run, especially in the likely event that we will have to take these cuts into the next budget and even the budget after that. Given that, I fully recognize that those were vital. We had no other options and it is vital that we save our reserve as much as we can for next year's budget when we have much more severe loss in revenue due to declining real property taxes. I think we do have really good employees here at the County and I am sure in dealing with aging equipment and less training that we are going to make it through as we tighten our belts here. I said this in Committee, but the single line item in the entire budget that I am concerned about is the Waste-to-Energy study. We briefly spoke about it. I am concerned that we are sending money overseas to a consultant, I am concerned that this may be not suitable for Kaua'i and that we might waste a year or two to wait for a magic solution to our solid waste crisis that will probably not be materialized, but as I said in Committee, we need the data. If we are going to be spending over one hundred million dollars for a new landfill, it is important that we really flesh out all of the other possible alternatives, even this one. While I personally think that waste-to-energy is not a viable solution, I am not willing to bet taxpayer money that it is not going to be a solution, because I do not have the data to back that up. Personally I do not support the idea, but I do support the Administration in pursuing every alternative that they need to pursue to try and find a decision when it comes to our future. I got reassurances that they will continue to explore other alternatives for waste reduction. I want to talk a little about the line item for feral cats. To rehash a little about what has been said, this line item was a function that the Kaua'i Humane Society used to perform, but no longer willing to do. I think it was approximately

three (3) weeks ago that the Habitat Conservation Plan was put in place, which allows us to have lights on at night, including the stadiums, if we comply with the with the bird habitat rehabilitation measures. I think that this is a win for the County as it lowers the risks of hefty fines and lawsuits, it allows us to have lights on at night, it is a win for the endangered seabirds, and I appreciate all of the effort that was put into this. But the principal element of the plan, which is mandated by the federal government, is removal or control of feral cats from County property covered by the plan. As we talked about today, if we are not budgeting for or addressing feral cats and not able to comply with this fresh agreement, we will be back at risk of violating the Endangered Species Act. Not only would we be allowing our endangered bird species at-risk to be killed, but also put us at risk of federal fines. New York was sued and lost in federal court under the Endangered Species Act for allowing feral cats to live on land near seabirds, which is the same situation we are facing. We cannot take that risk for our financial bottomline nor can we risk losing our native seabirds forever. As we discussed earlier with Mike, the budget line item for feral cat control just gives the County the financial flexibility to fund a "to be determined" predator control effort on County property to be in compliance with the Seabird Conservation Act and Endangered Species Act. I support it, it is legally necessary, and I think it is our moral responsibility for us to do. Thank you to the Administration for putting together a high-quality budget, thank you for Administration for working so well with the Council and answering our questions, thank you to our staff and their work efforts during this challenging time, thank you to Chair Kaneshiro and the rest of my colleagues for their deliberation, and certainly as Councilmember Chock said a huge *mahalo* to the previous Councils to ensure we have a fully-funded reserve here for the coming hard times. We have some serious challenges facing us, including the difficult task of diversifying our economy, but I believe this budget will help the residents of Kaua'i and hopefully minimizing or shortening the length of the recession, while putting us in a good fiscal position in the next budget cycle. That is all.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: Thank you to all of my colleagues who have spoken very eloquently and discussed most of the points that I would be addressing. This budget was created at unprecedented times and I want to say we really do not know where the world is going to go in terms of what kind of funding they have. I have missed the opportunity to have the open discussion with each of the Departments to examine the details, but I have faith that they have done a good job. I know the Fire Department was unhappy with where it was at. Each group has taken cut and losses in areas that I hope they do not go too far if we do not somehow we do not put the money in. I have gratitude for the federal funding. It was nice to hear from the consultants from Washington D.C. I think a number of these financial packages coming through will be helping us to backfill our shortfalls, such as the buses and some of the new equipment. I think that COVID-19 response funding has revealed a number of our system's weaknesses and how valuable are different



segments and I think in looking at some of the weaknesses, maybe we will come out stronger in a number of ways. The entire time and for a number of years, I wished we had the video conferencing capacity and maybe we will find a way to get that so that we can have experts from O'ahu or Washington D.C. to testify for us. It might help us to have a more robust element. It is nice that we have been working so hard to have systems working online for our County. We have a lot of elements that will help us come out of this stronger, better, and more efficient. I think if we do more remote work or even find some part-time remote attendance for kids in school, that we might not need more expansion or road improvement, so it is opening doors that is important. Many times I worry about our community, just looking down our revenue chart of where we take our taxes, each one of them is an indicator of where we show our vulnerability, so we need to do all we can to make sure businesses are able to continue. It is really important to me that our people stay in their homes. Maybe we might be able to, with this money coming in, address some of the housing problems that we have. I am really happy for the two million dollars (\$2,000,000) for the tiny houses. We might be able to explore new ways. Right now the visitor industry is taking a huge smack, maybe a little bit under appreciation. I think I would like to see how important that industry is. I would like to see that we do not ruin any of our hotels or resorts, that we are conscious enough as we open with our economic revitalization to keep all of that healthy. It is important for that. I am thankful for the way we have been able to make it work and I look forward to where we are, more open, and see each other in all our different departments routinely and working together comfortably. I appreciate that we pulled this off in this time of remote working and I appreciate all of my colleagues.

Council Chair Kaneshiro:

Councilmember Kualii.

Councilmember Kualii: *Mahalo nui loa*, thank you very much to the Mayor, to the Administration, to his budget team for all the important information they provided during our back and forth. Thank you to you, Chair and to my fellow colleagues and to our staff. I know that compiling and sending the many questions that I sent to them was a lot of work. Because of the challenges of COVID-19, I found...and this is my sixth budget, this was the hardest budget to work on. Part of it was we had to do our work alone and there was no back-and-forth dialogue with the Administration. Yet, I also found that with the leadership of our Mayor and Chair that it was the smoothest. I appreciate that. As usual our budget is balanced and we have a reserve fund, according to our policy, which is especially important because we have already learned about our reductions in TAT revenues for FY 2020 and we should anticipate more reductions in the coming year. In hopes to stimulate our economy, I strongly support the use of our fund balance for projects, including the one million seven hundred thousand dollars (\$1,700,000) for capital improvements, the two million two hundred thousand dollars (\$2,200,000) deferred maintenance to our park facilities, and the two million one hundred thousand dollars (\$2,100,000) to Highways for our roads. Also being sensitive to the hardship that everyone is facing

due to COVID-19 pandemic, I strongly support the Mayor's cancellation of the proposed user fee increases. The fees such as solid waste fees, tipping fees, park fees, and golf fees. As for real property tax, as it was said already, we did not increase any taxes other than the Residential Investor tax. Increasing that classification, as Councilmember Evslin described earlier, was very important because the four million five hundred thousand dollars (\$4,500,000) that the Administration originally was going to put into our Housing Development Revolving Fund was disappearing with all of our cuts, so at least we maintained the two million three hundred thousand dollars (\$2,300,000) to invest in our housing programs and homeownership. As for budget savings or cuts, it always starts with labor costs, our biggest expense for our County. I find that as usual the Vacancy Report from Human Resources (HR) is our strongest tool in finding savings. I know I have used it extensively. I was more than happy to see the Administration short-fund seventeen (17) vacant positions for six (6) months, netting the savings of six hundred thousand dollars (\$600,000). I also supported the hiring freeze on new positions, but I thought it was important to support and fight for the Senior Clerk position at the Housing Agency after learning that position can help us go after an additional one million five hundred thousand dollars (\$1,500,000) in rental assistance funding or the Section 8 program funding, which would not only greatly increase helping more people, but it would also pay for the position going forward. It is worth the investment. Of course the reduction in training and travel by fifty percent (50%), except for mandatory and safety trainings that need to happen. I supported the purchasing of critical solid waste equipment operations and the deferral of replacing vehicles. The small thing that I thought was important was asking for and getting the twenty-five thousand dollars (\$25,000) to the Transportation Agency's advertising line item where they promote free bus passes. The funds will help provide discounts to nonprofits, such as Catholic Charities and Easter Seals, which will allow them to serve more of their clients. For me the biggest success of this budget session is that we were able to balance the budget without any furloughs or layoffs and without raising property taxes to our residents and the Homestead tax class. My hope in the coming years is that for everyone in the County who is in the position to do so will look for budget savings and efficiencies in order to help with next year's budget, which will surely be more difficult as our GET and TAT revenues are further diminished. The one item I was happy to see is the homeless rapid response initiative survived the cuts. I am hopeful to see how we can help with that and be successful. The last thing...the one person who came to testify about the County converting to electric vehicles and shared the comparisons, I found it interesting that the purchase price was basically equal, but when you look at the cost of maintenance and fuel, the cost of the electric car over time was one-third, so economically it is a good deal in the long run. I am hoping we can move the County to electric vehicles one hundred percent (100%). We need to address climate change and be an example for the rest of the island. Thank you to our Hawai'i Delegation in Congress for all the work that they are doing getting us COVID-19 support, thank you to our Kaua'i Delegation and their support, and thank you to all of you and to our staff, the Administration and the Mayor.

Council Chair Kaneshiro: This was definitely the most unique budget we have ever had. People have asked me, "We barely see you on television, what are you folks doing?" and to tell you the truth we had to work harder on this budget than we ever had to do. We had to do all of our work, E-mail it off, and analyze all of the information all on our own. In the past, we had everyone here, you would have people asking questions, everyone would be able to absorb the information, they think of new questions, and we were able to move forward. In this case, we were at home looking at the budget, writing all of our questions down, sending our questions over, and fortunately for us it went smoothly because the Administration was very receptive to us, too. The Administration got our answers back to us on time, answered our questions, and I think that relationship and that communication made the process a lot smoother than it was in the past. They were very open when they submitted the initial budget, they were very transparent with us about the changes they made to the budget. As we were going through the budget process, they were very open to the changes and concerns we had, which is why you did not see a lot of things come through or fighting with the Administration, trying to cut certain things in the budget and it is because we had the opportunity and the openness to talk to them about it. Obviously we saw a huge reduction in the budget due to COVID-19, which was unexpected. I remember Councilmember Kuali'i and I went up to NACo at the end of February and all of the counties were there at Washington D.C. for a big conference. I have a friend from Texas and he asked, "How is Kaua'i doing?" I responded, "Kaua'i is booming. Our unemployment rate is low, people are talking about over-tourism, too many people on-island," and in just a matter of two (2) weeks, we were on lockdown, you could see how many rental cars were returned, we were on a 9:00 p.m. curfew, and saw how many jobs had to shut down for a number of months. Who would have ever thought we would be in that situation? I am glad that over the years we have been disciplined with our budget and having that reserve and we saw the benefit in that. We have seen the benefit of that over the years. We saw how it helped with the major flooding on the North Shore, we saw how it helped out with COVID-19, we saw how it happened with a major flooding during COVID-19 again. We were able to put resources to it in a reasonable way. We were not drying our resources out, spending the money wherever, and then searching for the money when we had an emergency. We were prepared and I am happy to say we are still prepared for emergencies. We took this budget conservatively. We are getting prepared for the next few years and the next few years is new territory. The entire planet does not know what they are going to do. Our main focus is protecting our residents, which has always been our main focus. We are going to protect our residents at all cost. Also, sustaining and recover. How do we recover from this? We went from over-tourism, too many people, to no one. I do not know. I do not think anyone knows what industry will look in the future. We are writing a new book right here. We do not know how travel is going to look like. We do not know what our restaurants will look like or a gym is going to look like. I am happy that the past Councils and this Council have been very fiscally responsible in knowing that we need

to be prepared for regarding these types of emergencies. Things like TAT, which was a very difficult decision for Councilmembers to vote on, increasing tax on the entire island, but if we did not pass that, roads like Kōloa...

Councilmember Cowden: GET.

Council Chair Kaneshiro: GET, I meant. I am sorry. If we did not pass GET, roads like Kōloa and Maluhia would never get touched. We were only saving one million dollars (\$1,000,000) every year. Kōloa and Maluhia are going to cost over twenty million dollars (\$20,000,000). These are the big steps we had to take to ensure that we will be okay. Roads have been a big problem, can you imagine if we did not receive twenty-six million dollars (\$26,000,000) for roads? We would not know what to do. We could barely fix potholes. I am very happy with the budget. Again, we have to be conservative of how we move. We are in a good position. We have CARES Act money that is going to be coming in and it is only going to add to what we have. We are all in this together. We are going to get through it. We got through this budget. It is a balanced budget, a fair budget. It takes care of the needs that we have. Next year will probably be a little tougher. We will probably get TAT money taken away from the State because the State will not have that much TAT money, but I think Kaua'i is set up in a very good position. I am confident that the future Council will see the position that we are in and try to maintain that, because ultimately if we are in a good position, the island will be in a good position. If we spent endlessly and look at furloughs, we are going to mess up everyone, which we are not trying to do. With that, I want to thank everyone who worked hard on the budget. Again, the open communication, the good relationships we have had I think has helped this budget get through very smoothly. It is probably the biggest changes we have seen in a budget. Staff worked hard, the Councilmembers worked hard, and the Administration worked hard and the budget is a good representation of that. Thank you to everyone for their hard work. We are going to move forward, we are going to get through this, and we are all together as an island. With that, any further discussion or comments from the members? Roll call vote.

The motion to approve Bill No. 2779, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

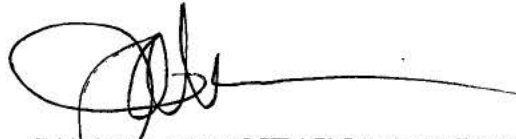
Ms. Fountain-Tanigawa: Six (6) ayes.

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

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 3:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal flourish extending to the right.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:ss:dmc:ks:jy

\*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).