

COUNCIL MEETING

OCTOBER 7, 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, Līhu'e, Kaua'i, on Wednesday, October 7, 2020 at 9:06 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 meeting pursuant to Governor Ige's Emergency Proclamations with the most recent relating to the Sunshine Law being his Thirteenth Supplementary Emergency Proclamation dated September 22, 2020.

APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Is there any discussion on the agenda?

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

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 item.

MINUTES of the following meetings of the Council:

September 23, 2020 Council Meeting
September 23, 2020 Public Hearing re: Bill No. 2803

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

Council Chair Kaneshiro: Is there any discussion on the Minutes from the Members?

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

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

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

CONSENT CALENDAR:

C 2020-239 Communication (09/09/2020) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua'i:

- a. Board of Ethics
 - Dean A. Toyofuku – Term ending 12/31/2023
- b. Board of Review
 - Stella Bumacod Fujita – Term ending 12/31/2023
- c. Charter Review Commission
 - Marissa L. Sandblom – Term ending 12/31/2023
- d. Fire Commission
 - Linda K. Kaauwai-Iwamoto – Term ending 12/31/2023
 - Alfred Levinthol – Term ending 12/31/2023
- e. Kaua'i Historic Preservation Review Commission
 - Gerald K. Ida (At-Large) – Term ending 12/31/2023
- f. Police Commission
 - Jonelle L. Jardin – Term ending 12/31/2023
 - Dean A. Pigao – Term ending 12/31/2023
- g. Salary Commission
 - Trinette P. Kauai – Term ending 12/31/2023
 - Kenneth N. Rainforth – Term ending 12/31/2023

C 2020-240 Communication (09/29/2020) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC nomination of Joey Manahan, Honolulu City Council, to serve on the Board of Directors for the National Association of Counties (NACo) until the end of 2020, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc.

Councilmember Kualii moved to receive C 2020-239 and C 2020-240 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there any discussion from the Members on the Consent Calendar?

(No registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2020-239 and C 2020-240 for the record was then put, and carried by a vote of 6:0:1*.

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

COMMUNICATIONS:

C 2020-241 Communication (09/09/2020) from the Deputy Director of Planning, transmitting for Council approval a request to apply for, receive, and expend Transient Oriented Development (TOD) Capital Improvement Program (CIP) Planning Funds in an amount of up to \$500,000.00, for pre-planning, master planning, and infrastructure assessment work that will facilitate coordinated and collaborative design and implementation of TOD projects, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the subject program.

Councilmember Kualii moved to approve C 2020-241, seconded by Councilmember Cowden.

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

Councilmember Cowden: Are they going to present it?

Council Chair Kaneshiro: I do not think they had a presentation prepared.

Councilmember Cowden: Okay. We were sent something yesterday, right?

Council Chair Kaneshiro: Yes.

Councilmember Cowden: I guess we are not going to talk about it now, but I am so excited.

Council Chair Kaneshiro: Okay.

Councilmember Cowden: I thought it was great. Will there be no conversation on it today?

Council Chair Kaneshiro: No, they are not presenting on it. Hopefully we are going to be approving it, so it will be approved.

Councilmember Cowden: Are we going to tell the viewers what it is?

Council Chair Kaneshiro: If you want. Is Ka'āina online? I am not sure if they are there.

Councilmember Cowden: Okay, because we just got this last night, but I think it is really important and it is relevant to our Housing Policy, but if he is not here...

Councilmember Kualii: We have to request their presence.

Council Chair Kaneshiro: Usually, we request for them to be present if we wanted them here.

Councilmember Cowden: Well, we only got it last night.

Council Chair Kaneshiro: Yes, I read the item and was comfortable with it already, based on the agenda item.

There being no objections, the rules were suspended.

LEE STEINMETZ, Transportation Planner (*via remote technology*): Aloha.

Council Chair Kaneshiro: That sounds like Lee.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director (*via remote technology*): I am here to see if there are any questions.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Lee and Jodi.

Councilmember Cowden: I thought this was great and I think that it is relevant to the people who are paying a lot of attention to some of the housing issues. Are you able to give information? I know it is about the TOD, but it feeds into this whole area here and I am thankful about the little skate park for the moment. Can you just say a few things? I think this is a high point. Can you tell us about it Lee?

Mr. Steinmetz: Good morning, Members of the Council. Scott, would it be possible for you to connect Jodi again? She somehow got disconnected. My name is Lee Steinmetz, I am the Transportation Planner with the Planning Department. In response to Councilmember Cowden's questions, for a little bit more information, I just wanted to mention, as you know, working quite a bit in the town core, we have developed this transit hub on 'Eiwa Street. Meanwhile, the State of Hawai'i has done a TOD plan for the State, looking at State properties on all islands that might serve TOD, and the idea of TOD is that you can increase density near transit hubs, like we have on 'Eiwa Street, that allow people to get around without necessarily having to have a car to do that or maybe reduce the number of cars that they have. A couple sites that were identified through that TOD study were the old police station site, where the building was recently demolished and now it is serving as a temporary parking lot, as the State figures out what their building and office needs are, and adjacent to that, the Department of Health site, which while it is very much functioning, offices could potentially be redeveloped as a mixed-use site that would still have offices, but have other possible uses. In addition to these State sites, there has been a lot of interest in increased density and mixed-use projects within the Līhu'e Town Core, so we were looking at the idea of expanding the concept of a transit hub to be what is being called now, a "mobility hub," that includes not just transit use, but also other types of ways of getting around. This could include car share, like zip car, for example, where you can rent a car, not for a day, but for an hour or two (2) if you have to do errands. It could include bike share, it could include other amenities, such as being able to go get your bus pass or whatever community services, and even things like a small coffee shop or something like that. But the idea is that you would cluster all of these uses in a location that is convenient for these other TOD that may be happening, so we wanted to look at the Civic Center site as a possible place to have this mobility hub and really understand what the implications of that would be in relation to parking demand and also look at a parking management plan for the Civic Center that would possibly be done in collaboration with the State to look at all of our parking resources and how can we manage those better. That is basically the idea of this grant opportunity that was provided by the State TOD Council to further develop this concept of TOD. I will just stop there and see if there are any questions.

Councilmember Cowden: That is fine for me. I am happy to hear that and have that be shared, because I have had a lot of concerns since we have raised the density along Rice Street to R-40, forty (40) units per acre, plus and Additional Dwelling Unit (ADU), which is essentially eighty (80) units per acre, when the

Transportation Investment Generating Economic Recovery (TIGER) grant was designed for twenty (20) units per acre. I have been very concerned about parking if we build out the capacity in this area. I also really liked what I read, if I am understanding correctly, and Jodi might be able to speak to that, that it is talking about where there are already some apartment units going up near the Central Pacific Bank (CPB) building, perhaps the bank building itself, that when we are looking for creating housing for people to be able to walk to work, those are places where that can happen, do I have that correct, Jodi?

Ms. Higuchi Sayegusa: We saw this as an opportunity being that there is a threat out there and TOD Council is looking to award at least one (1) project per neighbor island, so it was an opportunity. Then looking at potential TOD sites and the purposes of TOD, the Civic Center area is a very good site for that...there is a lot of mixed-use coming up...there is potential in the area...and developers are also coming, there is already an entitlement for that CPB area to develop mixed-use. Again, it is an opportunity to further look at transportation needs, mobility needs, parking needs, and so that is really what this money is going towards—to plan it out, see what are the needs, see what could be a potential future, and how to implement some of these mobility options going forward.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kualii, then Councilmember Kagawa.

Councilmember Kualii: One quick question regarding the budget. Actually, I thought that the 13-page document you provided us was very thorough and contained a lot of great information. It is exciting to think of the possibilities on how we could potentially improve this County campus here and going after different State and Federal funds. My question is, if this kind of concept, as far as the proposal for the grant that you are talking about going after TOD Capital Improvement Program (CIP) Planning Funds, the amount here is five hundred thousand dollars (\$500,000), but the amount in your document here is only two hundred fifty thousand dollars (\$250,000); what is the difference? Is it not a complete proposal at this point?

Ms. Higuchi Sayegusa: The grant opportunity was up to five hundred thousand dollars (\$500,000) and it was short-fused...the opportunity was presented and there was a call for proposals about a month and a half to two (2) months ago by the TOD Council, that is why it had a short fuse on this, so hearing the opportunity, then brainstorming what potential sites and projects could be out there and right before the proposal, we had to get some “buy-in” and “okays,” then also come up with a proposal. Then in the meantime, we wanted to submit the ask and the request for the approval from you folks to apply for it. We were able to finalize our proposal,

which we submitted over to you folks, and that amount was based on an estimation that we received from various folks who do mobility plans, so that was the gauge of the correct estimation of how much that piece would cost. Again, it is for the mobility plan, not the entire redevelopment, it is just looking at the transportation needs and I am not sure if Lee can jump in a little bit more on that.

Mr. Steinmetz: If I could just add to that, this funding source is for planning only; it is not for construction. As Jodi described, we developed a scope and the amount that we are actually requesting matches the planning scope, so that five hundred thousand dollars (\$500,000) is up to that amount and we can ask for less than that if we want and we just felt that the amount that we are actually requesting is what we need to do what we have scoped out in the proposal.

Councilmember Kuali'i: Thank you.

(Councilmember Kuali'i was noted as not present.)

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I feel like putting more of this money into what we have put in with the TIGER grant with the changes here right in front of us, we have changed it to two (2) lanes, now to one (1) lane, took away two (2) lanes of traffic down Rice Street. Prior to COVID-19, I had a lot of complaints about the traffic on Rice Street and once the tourists come back, like they use to before, I believe that it is going to come back again. So my question is, ever since we have done all of these improvements, have we done any counts to see whether there is an increase in numbers prior to the improvements? Do we have a baseline and after? I live right here, but I do not see too many people riding bikes and walking to work. We have spent tons of money on multi-modal to try and get people...I see a lot of homeless folks and transients with backpacks walking around, riding their bikes, they probably flew to Kaua'i, because now they can ride there bike everywhere. I am just wondering, do we have counts that show that all of these moneys, taking away lanes of traffic was worth it—that Kaua'i should be excited about putting more into multi-modal right now. I do not see it. But if you folks have numbers that back it up that tell me that people have bought-in and people are going to change their modes of getting to and from work, and to and from shopping, and to and from eateries, then maybe I can buy it, but right now, just with my eyes, I do not see it. It is like "Field of Dreams," you build the field in the middle of the corn field and thousands are going to come and watch the game; that is a movie. The reality is, I do not see it, so I am saying, maybe if you folks do it like Kōloa, spread it out. We are putting so much into Līhu'e, took away the lanes for traffic, we made improvements down to Antone Vidinha Stadium, but I do not see much more people going down that road than they used to and I drive there always. It is the same people who are still walking there, whether you made the improvements or not, so what are the numbers prior and what

are the numbers now that tell me that all these changes you folks are making is working, because you are talking about local people going to and from work, going to and from shopping, going to and from eateries, the tourists are not here, we should be able to count that. Are there significant numbers that are utilizing it or let us give other communities some of those benefits. We are throwing so much money into that and if people are not using it, it is a waste. If not now, just wait, maybe when people are ready to truly ride their bikes—even in Honolulu, they do not do it, they do it in the mainland a lot. Even in Honolulu you do not see much bikes on King Street going to Downtown to work. My daughter used to walk to work once in a while, but not always, so it is sporadic. In Kaka‘ako, maybe a lot of them do...I admit, because the parking is so expensive Downtown, but we do not have high parking fees in Līhu‘e, so the incentive is just not there. I am really fearful that we are going to be putting way more waste into being multi-modal in Līhu‘e. Is that what this money is for?

KA‘ĀINA S. HULL, Planning Director (*via remote technology*): If I could jump in, Council Vice Chair. Real quick, a lot of what the moneys for the study for the TOD Council is not only for multi-modal, but how our assets can be used for further infill development and to a certain degree that was what TIGER was about.

(Councilmember Kuali‘i was noted as present.)

Mr. Hull: Well, there was a component of multi-modal transportation in TIGER. TIGER’s primary point was to revitalize the economic development of the Līhu‘e Town Core, so there are some bike arrows and whatnot, but much more importantly, bike lanes on Rice Street was the on-street parking that we put in with the TIGER grant, that further allows more people to park to be able to access those buildings, then some of the sidewalks that we have expanded that allowed for more street-business revenue types of things to happen. We can work on looking at specific numbers of traffic counts right now, but like you alluded to, I think we are not going to get a fair and accurate picture, because right now, there is COVID-19, so we will not have an honest traffic count, but the numbers that we can provide is going back to one of the primary intentions of TIGER, which was to not so much facilitate multi-modal activity or especially bicycles, but to stimulate revitalization and lessen our town cores and what we are looking at from some of those buildings being revitalized and being picked up, as well as the seventeen-unit housing complex and mixed-use development that was recently entitled at CPB. There are specific numbers that are showing it is working to attract the revitalization efforts, so that is just what this TOD package is looking at, not so much multi-modal, but how we further revitalize our town core areas.

Mr. Steinmetz: If I could just add on the technical side to respond to Councilmember Kagawa’s question that, yes, we do have before traffic counts, as well as we did counts of people walking and biking in the town core, and actually one of the requirements of the TIGER grant is that we do after counts so that

we can see exactly what you are saying—what is the difference? We need to do that for three (3) years following construction. We just completed construction and we plan to do that first set of after counts in spring of 2021. As Ka‘āina just mentioned, we want to wait a bit more to start those counts when the construction was just completed, and two, during COVID-19, we do not think the counts are necessarily accurate, but we are happy to share the before counts with Council, if you would like, and we will be happy to share the after counts as they are developed. Thanks.

Councilmember Kagawa: Yes, I want to see it and I hope that we do counts that show what people are doing; exercising or actually going to satisfy a function of their life, because—and it is my opinion, I am not an engineer—I think it is really dangerous to encourage recreational bike riding on major roadways with a lot of traffic. I think if you are going to exercise, there is a lot of safe places where you can do circles, like around Vidinha Stadium, that is much safer than riding alongside cars that are moving at twenty-five (25) or thirty-five (35) miles per hour, and it seems to me that when I see a lot of these homeless folks, they are doing recreation, because I do not think they are fulfilling much function other than nonsense.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call this meeting back to order. Is there any final discussion? Councilmember Evslin.

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

Councilmember Evslin: Just briefly, I want to say I fully support this. I often walk with my children in the evenings and on the weekends here through the Civic Center area and it feels post-apocalyptic. This place has all this buzz during the day and as soon as everyone goes home it is totally dead, you can see how much underutilized space there is everywhere; the old police station parking lot, the parking lots all through here; it is all total dead space. The idea of trying to look at ways of increasing some potential for infill or residential development is vitally important, so I appreciate the Planning Department going after these State funds through this study and what I think can be part of revitalizing Līhu‘e. Thank you.

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 2020-241 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. We are going to skip to C 2020-245 because Mike has a meeting at 10:00 a.m. with Governor Ige.

There being no objections, C 2020-245 was taken out of order.

C 2020-245 Communication (09/25/2020) from Council Chair Kaneshiro, requesting the presence of the Managing Director, to provide a briefing to discuss how the County of Kaua'i has been preparing for the pre-testing arrival process beginning on October 15, 2020, under Governor David Y. Ige's Thirteenth Supplementary Emergency Proclamation related to the COVID-19 pandemic.

Councilmember Kualii moved to receive C 2020-245 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: This is just an informational briefing and an update on where we are at, so I will suspend the rules. Mike, you have the floor. I know you have to leave at 10:00 a.m., so we will be cognizant of that.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Thank you, Chair and Members of the Council, Mike Dahilig, Managing Director, for the record. As all of you know, there has been a lot of activity that has been going on across the State concerning how we are reacting to the Governor's Thirteenth Proclamation relating to the reopening of the transpacific travel using a pre-test regimen where a traveler has to get a negative COVID-19 Polymerase Chain Reaction (PCR) test prior to arrival using arrangements they have made with a certain provider, such as, CVS, Walgreens, and so on, and that would allow them to avoid the fourteen-day quarantine if they are able to prove that as a valid negative test. Even though there was an announcement about that particular directive by the Governor, the actual orders for that particular option was not ordered by the Governor until his Proclamation that was released on September 22nd. As the Mayor has been saying in the lead up to that release of the Thirteenth Proclamation, there had been a desire to do a second level of testing for our island in regards to concerns related to our health capacity and our ability to be able to manage the prevalence of disease on the island. So on September 24th, the Mayor sent a proposed Emergency Rule 18, which would have implemented a program that would require individuals arriving to Kaua'i that have taken a pre-test as part of the transpacific directives by the Governor, and to also stay in quarantine for seventy-two (72) hours, and then test out one (1) more time using a post-test regimen. Our incident management team here at the Emergency Operations Center (EOC) had been able to secure fifteen thousand (15,000) rapid PCR tests to be able to firm up the supply chain in advance of that particular proposal and the thought was to use that supply to "kick-start" and would become an embedded cost as part of the cost of travel for any visitor to Kaua'i to have to go to private providers to actually get that done. So the idea was to not necessarily sustain the program in perpetuity, but to look at it as a

kick-start in anticipation that we would be having to bring in and allow transpacific travelers to come in on the 15th. That Rule, was again, sent on Thursday, September 24th, and it was not until this Monday, October 5th, that the Governor formally denied the Rule, so there was a ten-day lag between our submittal of the Rule until we received formal word by the Governor that we would not be authorized under his authority to do so. Just to be clear, the quarantine authority under the State Statute rests solely with the Governor, so the Mayor does not have any authority under Hawai'i Revised Statutes (HRS) 127(a) to actually go ahead and order a quarantine to individuals coming to Kaua'i, so that did need the Governor's concurrence, along with other proposals, to do so. What surprised us when we got word is that we were all aware of the Governor's offer to do what is called an "opt-out" of the safe travels program. Opting-out is still being discussed, mainly as a result of there not being a great level of detail in what that means, as well as how does that interface with either the pre-testing regimen or our ability to require a post-test or arrival types of layers of security on-island, so those discussions are ongoing and that is probably why I do need to...and I apologize, I do have to run to a call at 10:00 a.m. this morning to assist the Mayor in that discussion, but in a nutshell, right now, that is the current status of where we sit. We cannot legally do anything to force a quarantine again and the seventy-two-hour test without the Governor's approval, so at this point, what we are looking to do is to really ramp up how we can use the testing supplies as a way to provide an additional layer of protection, by strong encouragement, education, partnerships with our private sector, or just general volunteerism and a sense of duty to make sure that people, if they are traveling abroad, either Kaua'i residents or visitors that are coming in, understand that we have a certain standard of expectation about keeping ourselves as disease-free as possible. Currently, we are just trying to work up those plans to get them up and running in anticipation that on the 15th we are going to be seeing transpacific travelers coming into the island. But again, we have not ruled out opting-out as a scenario, but it would be irresponsible for the County Administration to jump into that without having an opportunity to have those discussions with the Governor as to what that exactly means, so those are the calls that will be going on today. Other than that, Chair, we know that the opt-out proposal has created uncertainty on both sides of the equation—those that want to keep Kaua'i at a status quo safety level and those that are making business decisions based off of the transpacific with travel restarting on the 15th—so we want to as soon as possible be able to arrive to a decision to be able to inform the residents of the island about exactly what we are able to do and what we will be doing given the Governor's authority that he is willing to give. We will try to get that resolved as quickly as possible so that there is some lead up to the 15th rather than waiting until the 15th to make some kind of decision.

Council Chair Kaneshiro: Okay, thank you, Mike. Just a clarifying question—when you say "opt-out," what does that mean? Does that mean if we opt-out of the Governor's program, then visitors can come here without getting tested at all or are there other hooks that he has if we opt-out, then we have to do a bunch of other stuff? If you do not have clarity on what the opt-out, you can say that, too.

Mr. Dahilig: As far as we understand right now, opting-out means that the pre-test proposal would not apply to Kaua'i, so we would not participate in allowing individuals to not subject to quarantine if they have a negative pre-test for transpacific travel. Hawai'i Island has already said, "Yes, to opting-out," but we still have many questions that need to be decided, so essentially the only protection that the island would have from a safety standpoint would be the fourteen-day quarantine as required by the Governor at present.

Council Chair Kaneshiro: As far as inter-island travel, I know we received a lot of questions and I am sure it all rests on the Governor, why is he allowing mainland travelers to take a test and be able to come to the islands, but if people travel interisland, they have to quarantine for fourteen (14) days; do you have any clarity on the rationale or reasoning for that?

Mr. Dahilig: From the get-go, it has been an inequity that the Mayor has been concerned about and has not been addressed leading up to the announcement of transpacific travel and it has been something that even in the lead up to the announcement of the Thirteenth Proclamation by the Governor that we, in previous conversations, had raised as a pretty bright concern. We will always strive to ensure that our residents, at a minimum, are treated equitably with how we are treating our visitor industry and we want to ensure that we are not treating our residents any less. That is why the absence of any type of clear resourcing or directive on how to handle interisland travel as compared to transpacific travel is still a primary concern of how we move forward, because on the 15th, the only way to travel interisland is either by fourteen-day quarantine or to receive a critical infrastructure exemption from each of the different neighbor island counties.

Council Chair Kaneshiro: Thank you. Again, I do not understand the rationale for it either; treating residents differently from the visitors. Councilmember Chock.

Councilmember Chock: Thank you, Chair. Mike, if all the counties were to follow suit with Hawai'i Island and opt-out—I know we are trying to understand what that means—would that in a sense put us back in a position to discuss and negotiate a plan that we can all agree upon Statewide?

Mr. Dahilig: It is something that we are following closely with what Mayor Victorino of Maui County is going to do. We heard the decision from Mayor Kim, but we are still not clear on what Mayor Victorino would do. He has given same indication that they are also studying this very carefully. I think the Mayor's perspective has really been doing what is in the best interest of our island and our County even though there may be the potential to have strength in numbers...we simply do not have, based on his statement yesterday...do not have the information necessary to make a truly informed decision, because it is a very important decision on

consequence of whether or not we opt-in or opt-out, so we continue to study it and we continue to be in communication with the other neighbor island counties to understand what the rationale is, how they are analyzing it, to see where we can agree and agree to disagree.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Mike, you mentioned that you have a meeting at 10:00 a.m. with the Governor's Office.

Mr. Dahilig: Yes, there is always a standing meeting throughout the midday on Mondays, Wednesdays, and Fridays with all four (4) counties and the Governor's Office. Today that conversation is going to focus on how to handle this outlying issue regarding opting-in, opting-out, and the issues relating to restarting travel on the 15th.

Councilmember Kualii: It is not just with the County of Kauai. Are you going to be able to, at that 10:00 a.m. meeting, get some of that information that you are saying you do not have now to make the next decision? I am wondering if it might make sense for us to defer this item and hear back from you at the end of our meeting today if this meeting could rise to the level of you folks getting the information you need to give us a more meaningful update.

Mr. Dahilig: What I can do is remain in contact with the Chair on where the discussion is progressing and if the Council Meeting runs into the afternoon and there are updates as it arises, I can certainly jump back on with you folks and be able to bring you folks as timely of an update as I possibly can.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Mike, for the briefing. It has been in the news with a group of doctor's saying that the PCR test omits thirty percent (30%) to forty percent (40%) of positive COVID-19 patients, based on the incidents of COVID-19 in the general population, that we can see two (2) positive COVID-19 people arriving per thousand arrivals. Do you folks have an estimate of how many...and I know this is a "crystal ball" question, but an estimate of daily arrivals without a quarantine and can we handle if it is say one thousand (1,000) or in that range if we are going to have two (2) positive patients per day, do we have the capacity to handle that type of increase?

Mr. Dahilig: Those are good questions. What we have been looking at and have anticipated transpacific and interisland arrivals to the island, we

have been looking at something that is in the range of about twenty-five percent (25%) to thirty-three percent (33%). Again, that mixes in with what our interisland variable have been when we look at general air lift into Līhu'e Airport pre-COVID-19; we were hitting approximately five thousand (5,000) a day. We certainly are discounting the fact that there is going to be a return to pre-COVID-19 levels with any type of air travel into the Līhu'e Airport. That being said, what we have been looking at and why the Mayor's proposal to the Governor in Emergency Rule 18 was meant to dovetail with the pre-testing is that having the two-test regimen reduces that ability to have something slip through...the pre-test has certain misread...as well as given the certainty of testing, either false-positive or false-negatives, and taking those into account, then pairing that with another layer of testing, that drops the possibility of people being able to slip through and that was a science that was really driving the Mayor's request to the Governor to have that specifically, given our particular health capacity here on-island. There has been a lot of discussion about whether we should be adding more Intensive Care Unit (ICU) beds or adding more respirators or those types of things, but a lot of people also need to consider the need to have the technicians and the professionals to be able to operate those things as well. We can buy all the respirators in the world, but if you only have one (1) person that knows how to operate it, then we run into a problem with those types of things and that is just what the nature of what our normal baseline capacity is on-island. We have done things to try to at least be able to reinforce on the Personal Protective Equipment (PPE) and what we are able to provide to our first responders and in a real dire situation our hospitals need to be able to backstock, should we have a surge here on-island. We have been doing things on that end, but we have always emphasized that we do not want the visitors who are coming into the island to try and take away from the capacity that is meant for our residents. That is why the purchase of the fifteen thousand (15,000) tests were really meant to address that particular concern given that we did not want to have the test and capacity meant for our residents, shift over to the economics of trying to make sure that someone transpacific wise comes into our islands, that is why we have made that investment in trying to get that supply in hand.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: Thank you so much for coming to speak with us about this. This is going to be our last opportunity for Council to discuss this prior to the opening, so it is really important for me to understand how the Council can help the Administration create better equity and a better plan. I hope that perhaps you can come back before the end of our meeting...I know it is too late for us to do a resolution, but letters could come from each Councilmember from all the different Counties. I have asked businesses and they say that a false start is worse than a delayed start and while there are people who want the opening and have been really clear for some time, I would say the overwhelming response I am getting is deep concern. Is there any way that the Council can help the Administration with this?

(Councilmember Kagawa was noted as not present.)

Mr. Dahilig: Thank you for that question and offer, Councilmember Cowden. I will say it has been grateful to see those letters that have come from individual Councilmembers that go over to the Governor's Office in support of the two-test plan. That type of community support both from the legislative side and the general community has really been helpful in telling our message that we believe and we know our island best, that the Mayor's Emergency Rule 18 proposal is the best way to protect this particular island. In a nutshell, I think first and foremost would be the continued advocacy ask that we would ask of the Councilmembers regarding the desire to have the Governor look at each of the different neighbor island counties through a unique lens rather than something that is based off of what is best science and capacity for O'ahu. The second thing that we want to convey and agree with you, Councilmember, is that we want to provide as much certainty as possible and as previously mentioned. The opt-out proposal created an unanticipated level of uncertainty that we now have to sort through and create that angst and a lot of our businesses on what exactly is going to happen next. It provides that "false start" situation that you are describing where they resource up, prepare, and then nothing happens, so if there is going to be a delay, then we need to articulate that as clearly as possible; if we are not going to be delaying, we need to articulate that as quickly as possible, too. We certainly understand and hear that. I think the other thing, too, that we have appreciated from all the Councilmembers has been the individual stories and individual heartbeat on the ground types of anecdotal information that we are getting regarding what is going on, just in all facets of our community, things that are going well, things are not going well, people that are hurting and need assistance. We are coming up at the end of our ability to spend the Coronavirus Aid, Relief, and Economic Security (CARES) Act money without any congressional support in sight given a lot of the fight in Washington, D.C., and it is something that we know going into the new year we are going to have to figure out how to re-tool again, because we may not be as resourced as we are right now. We continue to welcome that on the ground information that you folks have on the table and have been providing us, giving us the ears and eyes in the community to be able to respond where we are able to.

(Councilmember Kagawa was noted as present.)

Councilmember Cowden: For clarity to the viewer, our Emergency Rule 18 request was a seventy-two (72) hour resort bubble and we have some identified resorts that are voluntarily doing that. Can we do that somehow?

Mr. Dahilig: The resort bubble that you mentioned would be another way to quarantine.

Councilmember Cowden: For the three (3) days until they get the next test, right?

Mr. Dahilig: Yes, until they get the next test. They would have to be in some form of quarantine for seventy-two (72) hours in order to be eligible for that test. Again, just to clarify, the transpacific seventy-two-hour second test proposal would only be available to those that have taken a pre-test, so we wanted two (2) tests, not just one (1) on the back end. The way that we tried to address the inequity in the current proclamation regarding interisland travel, we want to treat our arriving interisland travelers the same, so that is where they would be able to use the post-test system to be able to take one (1) test to come out of interisland quarantine; That was the way we were trying to address the interisland item. Just to be clear, as you are mentioning regarding specifics, it would have required anyone that had come in with a pre-test to be on some type of seventy-two-hour quarantine before taking another test for those that were traveling transpacific.

Councilmember Cowden: Just to clarify on the false start that businesses are worried about is if we open up and have a resurgence of challenges—maybe in a month from now—then they would have to stop again. You do not have to respond to that, but it is not just if we change our mind about the 15th, but if we open up and there is a surge, then we need to close again, so that was all a very big concern. Thank you.

Mr. Dahilig: We have taken a big lesson from what happened on O‘ahu when they had to shut down again. That is something that we are trying to avoid as much as possible, so at least from a goal alliance standpoint, Councilmember, that is something that we want to, not rule out, but have as an ultimate last resort if we cannot use the other tools in our tool box to be able to maintain the safety while balancing a degree of economic movement around the island.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? We have about ten (10) more minutes before Mike has to go. If not, I will call the meeting back to order and we can have our final discussion. We have no one signed up to testify and we received one (1) written testimony regarding masks. Is there any final discussion from the Members? Councilmember Kagawa.

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

Councilmember Kagawa: I just want to commend Mike, the Mayor, and the team. Kaua‘i’s numbers speak for itself and we are fortunate as a community to have the leadership that we have making decisions regarding COVID-19 and I trust their judgment. There is no “crystal ball” that tells you what you should do in a once in a lifetime pandemic, and I think the Mayor and have team has erred on the side of safety from the beginning. Many have questioned it, including myself at times, because of the business effects, and we are seeing that it is disastrous and many of our friends

are suffering through this pandemic. But at the end of the day, you can replace money, you can replace careers, but you cannot replace lives. Again, I think all-in-all we are very fortunate to have our leaderships making decisions on behalf of the community during this pandemic. Thank you.

Council Chair Kaneshiro:

Councilmember Chock.

Councilmember Chock: Thank you, Chair. Mike, I really appreciate you keeping in touch on this, it has been a moving target as you are well aware of. Two (2) weeks ago, I initiated a resolution for this Council to consider in urging that we look at a two-test process, you folks moved ahead on that, thankfully, and then it has been this long waiting game. I am quite concerned about the lack of...and I do not know what is going on behind the scenes, but sort of collaboration between our State and County and working cohesively towards an outcome, so I appreciate what Councilmember Kualii has requested for, which is if we can get more information by the end of today, after your meeting in a few minutes, I think that would be helpful. As you know, there are many people in our community who will have a huge amount of anxiety either way with whatever decision is being made, but I think it has been clear if we follow what is being proposed by the State, which is the same model as Alaska, we can anticipate up to sixty (60) per month just on Kaua'i based on one thousand (1,000) visitors arriving per day. So I think it behooves us and I just went ahead and wrote a letter to the Governor about the request for reconsideration of the two-tests for Kaua'i, but if the Council was interested in...I know other councils have initiated that process...I think Tommy Waters on O'ahu has...while we might not have...we were a little late to the game, as Councilmember Cowden has mentioned...I think that it is still feasible once we know what the opt-out really means for us, if that is the direction that this Council would like to help support. Thank you.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: Thank you, Mike, for the presentation and thank you to the Mayor for his work on the two-test system. It is so unfortunate and frustrating that the State has backed us into what I feel like is a corner here through terrible options: one, by announcing their proclamation so late, taking ten (10) days to respond to ours, then shutting it down, which leaves us with opting-out to keep the fourteen-day quarantine, or going to the single test which we know is going to let through two (2) per thousand (1,000)...two (2) per day probably, which I think effectively means we are not going to have in person schooling, we could have another business shutdown, et cetera, when we had a viable option. It is just frustrating. From my personal opinion, you folks and the Mayor dig into the details of what opting-out actually means, I support continuing the fourteen-day quarantine as the better of the two (2) bad options, if we cannot get the two-test system up, because the State will not allow it. I also want to express a little bit of frustration with some of the rhetoric the State is saying that this is fear mongering or fear-based, which is not. We can look at

places which have a single test...Alaska and Didi and look at what is happening with the increasing case counts there. So this is not your basis, it is about trying to ensure that we can have in-person schooling, ensure that we can have our businesses continue to stay open, and ensure that we are saving lives here. We know that when we look around the country that economic growth will perfectly lead to the increase in COVID-19 counts. The increase in COVID-19 counts—even without a shutdown—you do not have economic growth, right? So it is not as if we are choosing to get rid of the quarantine so that we can have economic growth, right? If we have an increase in case counts, we cannot have that either. Anyway, it is frustrating all-around. I appreciate all of the work that is been done by our County to explore options to try and figure out the best alternative forward and I really hope that we can convince the Governor to reconsider and let our two-test system move forward. Thank you, again, Mike and the Mayor.

Council Chair Kaneshiro:
Cowden.

Councilmember Kualii, then Councilmember

Councilmember Kualii: I will be really quick because I know that he has to go to his meeting. I just want to say thank you for your folks work. Thank the Mayor for us as well and come right back to us and let us know what we can do to further help.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I will be really quick. I would like to ask Vice Chair Kagawa, when we work with Hawai'i State Association of Counties (HSAC), if there is any kind of vector that we can communicate with them at some point, our other councils on the other islands, If there is some sort of a unified request that the Counties can ask. I understand that O'ahu is exceptional because of how many people arrive there and they might not be able to be in alignment with what the neighbor islands have, but to me, if there was some unity across our three (3) Counties of where we are consistently asking for something, it might really be effective; I am very much wanting and willing to try to create that kind of backend on it. I would think that Maui and Hawai'i Island have not had much worse experiences than Kaua'i would be supportive of this, so I hope we hear from you later today and that is something maybe we could work on at lunch.

Council Chair Kaneshiro: We will just move on to the next item. We will keep this item open and if there are any updates that Mike can share or feels like he can share at that time, we will bring it on, and if not and he is still in his meeting and our meeting is done, then Mike can always update us through an E-mail. Again, I am not sure if they are going to get much clarity after this meeting, they sent in a proposal and received an answer ten (10) days later, I would think it would be hard pressed for them to get any concrete information off this meeting also, but we will leave it open just

in case Mike has any updates for us. Again, I want to say thank you Mike for your proactive approach to this. Again, the State and Governor hold all the cards right now. I do want to encourage any Councilmembers, if they want to send in an individual letter...I know Councilmember Chock and myself have sent letters for the State to reconsider the two-test proposal that the Mayor sent. What that letter will do? Probably not much, but at least we are voicing what we feel is important to us. Ultimately, Kaua'i does know best, I think our Mayor, Mike, and ourselves want to be able to control what is best for Kaua'i and I think we are having a very difficult time doing that. Based on that, is there any final discussion? If not, thank you, Mike. We will leave the item open and stay in touch. If there is any updates, and if not then we will close it.

Mr. Dahilig: I will stay in contact with you folks as things develop, and if you are still in your meeting, I can jump in, I will do so at a moments notice.

Council Chair Kaneshiro: Okay, sounds good. Thank you, Mike. Good luck.

Mr. Dahilig: Thank you.

Council Chair Kaneshiro: Our next item at the top of page 3, C 2020-242.

C 2020-242 Communication (09/14/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$18,124.00, and to indemnify the State Executive Office on Aging, 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 Cowden moved to approve C 2020-242, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions?

Councilmember Cowden: I have a comment.

Council Chair Kaneshiro: You can save that for discussion if it is just a comment.

Councilmember Cowden: If Kealoha is on, I could ask her, if not, I will save it for discussion.

Council Chair Kaneshiro: I will suspend the rules, Councilmember Cowden.

Councilmember Cowden: *Aloha, Kealoha.* I have had a few calls of distress from people who are getting meals-on-wheels; that is our program, right?

There being no objections, the rules were suspended.

LUDVINA "KEALOHA" TAKAHASHI, Executive on Aging (*via remote technology*): Yes.

Councilmember Cowden: Those distress calls are relative to our Rice Street senior housing where there is conflict with the management there. Can we have clarity with management, that if people need to put an ice chest outside to get their food, that it is okay to do it, because it is hard for me to be in the middle of those issues. So it seems like we need clarity between the Meals-on-Wheels people and the management of senior housing of what the process is.

Ms. Takahashi: Okay, I can get that information.

Councilmember Cowden: Okay, thank you. I mean clarity to those managers, right? Get the information to them.

Ms. Takahashi: Yes.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions? If not, I will call this meeting back to order. Is there any final discussion from the Members?

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

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

The motion to approve C 2020-242 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. Next item.

C 2020-243 Communication (09/23/2020) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill to amend Chapter 19, Article 1, Kaua'i County Code 1987, As Amended, Relating To Public Parks And Recreation.

Councilmember Kagawa moved to receive C 2020-243 for the record, seconded by Councilmember Kualii.

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

The motion to receive C 2020-243 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. Next item.

C 2020-244 Communication (09/17/2020) from the Housing Director, requesting Council approval of the indemnification provision contained within the proposed Grant of Easement (pending Executive Order from the State of Hawai'i) to Kaua'i Island Utility Cooperative for the Keaula Supportive Housing Project Electrical Service. A future agreement will be executed incorporating the "Grant of Easement" language by reference once the Executive Order conveying the property to the County is completed.

Councilmember Kualii moved to approve C 2020-244, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this? If not, is there any discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just want to thank all the contributors to this very important property project. Thank you to Kaua'i Island Utility Cooperative (KIUC), thank you to all those organizations.

Council Chair Kaneshiro: Is there any further discussion?

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

The motion to approve C 2020-244 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. Next item.

LEGAL DOCUMENT:

C 2020-246 Communication (09/30/2020) from the County Clerk, requesting Council approval of a Right-of-Entry Agreement between A&B Properties Hawai'i, LLC. (Agent) for ABP Waipouli (DBA) Waipouli Town Center and the Office of the County Clerk, Elections Division, to authorize the placement of a secured ballot box for the General Election at the fence line between the Kapa'a Fire Station and the Waipouli Town Center located at 4-771 Kūhiō Highway in Kapa'a.

- Right-of-Entry Agreement

Councilmember Kualifi moved to approve C 2020-246, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there any 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 2020-246 was then put, and carried by a vote of 6:0:1*.

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

CLAIMS:

C 2020-247 Communication (09/14/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Patricia J. Erickson, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-248 Communication (09/25/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ernest Aiu, for partial reimbursement of his water bill, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualifi moved to refer C 2020-247 and C 2020-248 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the Members on these items? Is there any discussion from the Members?

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

The motion to refer C 2020-247 and C 2020-248 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 REPORT:

PLANNING COMMITTEE:

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

“Bill No. 2796 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-16),”

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

Council Chair Kaneshiro: Is there 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*.

RESOLUTIONS:

Councilmember Cowden was noted as recused from Resolution No. 2020-44.

(Councilmember Cowden was noted as not present.)

Resolution No. 2020-44 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Dean A. Toyofuku*)

Councilmember Kualii moved for adoption of Resolution No. 2020-44, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is Ellen going to speak on each one? These are all reappointments. Are there any questions or comments on the reappointments? Is there any discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-44 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: The motion passes.

Resolution No. 2020-45 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Stella Bumacod Fujita*)

Councilmember Kuali'i moved for adoption of Resolution No. 2020-45, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there any discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-45 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.

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

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

Resolution No. 2020-46 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Marissa L. Sandblom*)

Councilmember Kuali'i moved for adoption of Resolution No. 2020-46, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-46 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.

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

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

Resolution No. 2020-47 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Linda K. Kaauwai-Iwamoto*)

Councilmember Kuali'i moved for adoption of Resolution No. 2020-47, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-47 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.

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

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

(Councilmember Cowden was noted as present.)

Resolution No. 2020-48 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION *(Alfred Levinthol)*

Councilmember Kualii moved for adoption of Resolution No. 2020-48, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? Councilmember Kagawa.

Councilmember Kagawa: I just want to say that due to the situation we are in right now with COVID-19, I would like to see us reach out, there are a lot of ones that are reappointments and a lot of them that are strong reappointments that I do not want to single-out, but during the pandemic, it is very hard to find new people with what is going on, so I am going to support all of the reappointments. But like I said, in the future, I would like to see us broaden the scope and get new blood in and give other people a chance to serve.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-48 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.

Resolution No. 2020-49 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION *(Gerald K. Ida – At-Large)*

Councilmember Kualii moved for adoption of Resolution No. 2020-49, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-49 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.

Resolution No. 2020-50 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Jonelle L. Jardin*)

Councilmember Chock moved for adoption of Resolution No. 2020-50, seconded by Councilmember Kuali'i.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? Councilmember Kagawa.

Councilmember Kagawa: I want to clarify, what I mean is that sometimes by expanding and switching—it could even mean switching from one board where they are serving to somewhere else that they may have a strength. For example, in the Liquor Control Commission, perhaps, maybe the judge might be best in the Police Commission where he could give guidance on police-related matters with the Prosecutor to make sure that we are more efficient and we are using people with knowledge in the system—that is what I am saying. Sometimes positions are not open where they might be best suited, but then we are reappointing them to recurring positions where they have served before. Anyway, those are my thoughts, thanks.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-50 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.

Resolution No. 2020-51 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Dean A. Pigao*)

Councilmember Kualii moved for adoption of Resolution No. 2020-51, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-51 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.

Resolution No. 2020-52 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Trinette P. Kauai*)

Councilmember Kualii moved for adoption of Resolution No. 2020-52, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2020-52 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.

Resolution No. 2020-53 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Kenneth N. Rainforth*)

Councilmember Kualii moved for adoption of Resolution No. 2020-53, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members on this item? Roll call vote.

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

The motion for adoption of Resolution No. 2020-53 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.

Resolution No. 2020-54 – RESOLUTION APPROVING THE NOMINATION OF COUNCILMEMBER JOEY MANAHAN, HONOLULU CITY COUNCIL, TO SERVE ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS FOR FISCAL YEAR 2020-2021

Councilmember Kualii moved for adoption of Resolution No. 2020-54, seconded by Councilmember Chock.

Council Chair Kaneshiro: Councilmember Kagawa, did you want to give a quick briefing on it?

Councilmember Kagawa: I will let Councilmember Chock, who attended and who has sat in a couple of meetings for me in my absence—that is why you like to have a great alternate, so *mahalo* to Councilmember Chock.

Councilmember Chock: Thank you, Chair. I think it is probably known that Councilmember Ikaika Anderson has resigned his position at the Council and also, subsequently his National Association of Counties (NACo) position for Chair, because it is a Honolulu appointment, it was suggested by the Council for Joey

Manahan to complete that term and at the last HSAC meeting it was approved, so it needs to be voted on by the various Councils as well.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Councilmember Kagawa.

Councilmember Kagawa: I want to *mahalo* the group for the decision. Were there any other names that came up?

Councilmember Chock: No.

Councilmember Kagawa: Like myself and Joey, we are kind of like “sitting ducks.” We are just sitting there until December and then we term out, so it will be up to the new HSAC from there to decide who will be the replacement for Joey’s spot and anyone else who is sitting on a spot that will term out.

Council Chair Kaneshiro: That will all come up with the re-election in November and start in December. Every year HSAC goes back through and elect based on who is on Council at that time. Are there any other questions? Are there any final comments 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 for adoption of Resolution No. 2020-54 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.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2805) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION

Councilmember Kuali’i moved for passage of Proposed Draft Bill (No. 2805) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 12, 2020, and referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Chair. I will be quick and ask Councilmember Evslin to discuss the broader vision for this. We have been in discussion with this for years now on ways that one can look at caring for our parks and roads, that is why you see the General Excise Tax (GET) come to light, as it relates specifically to the users and the high user participant—our visitors—so we have been looking at different ways to help support the infrastructure needs at this level. One of the areas that we have looked at is with the Department of Parks & Recreation (DOPR), and over the last year, we have discussed parking fees for visitors. This particular Bill was in discussion with our County Attorney Matthew M. Bracken, where the suggestion was that we enable the DOPR to conduct a feasibility study and ways that we can approach fees for rental cars, then have those fees go to the respective parks at which those fees were collected, so that we can maintain that infrastructure. I will say that for any fee program, DOPR would still need to come back to this body for a Resolution to enact that program. This is merely enabling legislation to allow the study to occur. As I have said, I will let Councilmember Evslin talk about the connecting pieces for the long-range plan on this initiative.

Councilmember Evslin: Thank you, Councilmember Chock. Just briefly, the Bill does two (2) things: one, enables DOPR to charge for parking; and two, directs DOPR to perform the study. The first question that would come up would be why not do the study first; see what they come back with, then authorize the charging of parking. I think our rationale was so that when they do the study it is done with clear legislative intent, that our intent here as a body is to charge visitors for parking and not to charge residents—that should be what the future study is looking at and the study is needed to develop a nexus for the fees, so that is why we are doing it both at once, but as Councilmember Chock said, for any particular fee structure for beach park would have to come back to us in the form of a Resolution in the future. I do just want to add two things: one, this is in the Kaua'i Tourism Strategic Plan. The update recommends user fees for parks as a way to manage overcrowding at beach parks. I think another likely question to come up is, why do this now? We do not have overcrowding now? One, we are going to experience overcrowding in the future; and two, there is almost more need during the time of COVID-19 to ensure we have adequate distancing in our parks, so I think it is just as important to pursue this now. That is all I have here. I can hand it over to Pat or Wally, if there are specific questions.

Councilmember Chock: If I could just add, Chair. When we look at the need for the study, it automatically brings up, how it is we are managing all rental cars on the road, and the discussion we have had previously about establishment of shuttles and also parking issues, so we know that if we do move down this road there

is overflow. We have already experienced that in certain areas of the island, so I think this initiates that discussion about “no-parking zones” as well. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to add one more thing, Chair. When we were working on this Bill, one of our first drafts was five (5) pages long and much more comprehensive, it kind of laid out the specific program for how they would be charging, and how to identify rental cars versus residents, et cetera. We ended up eliminating all of that thinking it was better to give DOPR as much flexibility as possible to determine how to do this on their own. I think DOPR has great internal resources, plus, people like Lee Steinmetz, Michael Moule, and Ben Sullivan, who are in the parking management in the Administration, I think they have a great team of who can come up with a much better parking program than we can as a legislative body. It sort of enables them to do it and let them come up with the details.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to first say, I am glad this is going into discussion. I think it is important to share the burden—our parks are really overburdened. My question would be, if there is going to be inquiry of other communities like Sedona, Arizona, for example, where they will do full day parking passes or comprehensive week parking passes, if we are going to look at other communities that have possibilities, so we do not have repetitive taxing of visitors or also, sometimes what unintended consequences are is that these people will then park in the neighborhood streets or shopping center parking lots to avoid either the burden of the fee or the potential of the ticket, so in this study, are we looking at that and working with the economic recovery team for the visitors?

Councilmember Chock: I might allow Administration to answer that question in terms of the direction they will go for the study, but I will say that yes, absolutely, all those need to be taken into consideration.

Council Chair Kaneshiro: Administration, do you have any comments?

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation (*via remote technology*): Wally Rezentes, Parks & Recreation. We need to really brainstorm and see what we can do internally. What I had heard earlier, there is a model out there that we should look at within the continental United States and within the State of Hawai‘i and how they implement it. Municipal parking in beach parks. There is no one solution, but there are alternatives that we definitely could look at to see what would fit for Kaua‘i. What we do not want to do

is implement something that is going to cost more to run than what we bring in, so we need to make sure we have some business sense as to whatever solution we decide. With respect to having internal expertise that is available that can take it on, to be honest, we have not crossed that bridge yet. I do not want to engage another department's personnel that we do not have a real understanding of what their workload is et cetera, so I am not sure at this time, if we are able to get that resource, but maybe we need some outside resources, but again, we need to look at that as well. That is about it for now—we have some work cut out for us, some studying and research to do.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: Hi, Wally. I have a couple of things, not necessarily for you to answer now, but for you to take back with you. The first one regarding the revenues derived going specifically to the beach parks or the district where they were collected, I just want to make sure we look at both options, the option of having it going into a pot and being used anywhere on the island, for any park that may have more dire needs. I know that the way it goes now with—I am not sure what the fee is called, but with certain development, then the moneys for park maintenance goes into different pots by the districts and some districts are having a lot of development, so they have a lot of money for maintenance, repairs, and upgrades, and others do not, so if we do not have to legally, I would rather us not limit ourselves to be able to fund repairs all over the island. The second one, I do not see anything about a parking permit fee to begin with, but I do see these fines, and for the first offense with the fine being one hundred dollars (\$100). I know you just said you have to see that the program is cost effective, but for a first time offense of parking in the wrong area, which a tourist might very easily do—not necessarily purposefully—one hundred dollars (\$100) fine seems a little high. I just want to see as you develop it, if you have looked at how people are establishing what those fines are in different areas and how that is working. Thank you.

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

Councilmember Cowden: I wondering if there is an application associated with this for a grant that could be done to fund this study, because I think to ask our DOPR to do that, and when we look at what Councilmember Kuali'i just said, there are certain areas like along Weke Road, where it is chocked with bad parking. If that area finances a dilapidated park or a park in need on the other side without helping its own needs, too, that we have challenges. I think it actually is a very big ask of our existing DOPR to have the sophistication to look at all these different good examples, so I am hoping that we can look for funding to get a specialist in there. I am throwing something to Lee Steinmetz, because it is his natural skill set, but we do not necessarily want to burden another area, but I think we have to be

careful. The one hundred dollars (\$100) is a lot, but if someone gets five hundred dollars (\$500) and it is easy in a crowded area to have a parking problem every single day, so we do not want to charge someone one thousand five hundred dollars (\$1,500) if they had five (5) parking mishaps just to come home at night.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call this meeting back to order. Is there any final discussion from the Members? Again, this is only first reading. Roll call vote.

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

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

The motion for passage of Proposed Draft Bill (No. 2805) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 12, 2020, and it be referred to the Parks & Recreation / Transportation Committee was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: We will need to take a ten-minute caption break and we will come back for our final item for Council.

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

The meeting reconvened at 10:45 a.m., and proceeded as follows:

BILL FOR SECOND READING:

Bill No. 2796 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) *(County of Kauai Planning Department, Applicant) (ZA-2020-16)*

Councilmember Kualii moved to approve Bill No. 2796 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the Members?

Councilmember Cowden: My brain is catching up.

Council Chair Kaneshiro: This is on second and final reading already.

Councilmember Cowden: Give me one moment. Okay, I am fine.

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

Councilmember Evslin: Thank you, Chair Kaneshiro. I will just say briefly, I have said it a few times already, I support the Bill with some hesitation, mainly my fear in that giving up...it sounds like approximately three hundred (300) or so, or two hundred fifty (250) Condominium Property Regime (CPR) properties without power of attorney who could be impacted by this, which would ensure that for anyone getting a zoning permit, they need unanimous consent of all other CPR owners. The issues in my mind with that is if they cannot get a hold of one of the CPR owners or if there is a dispute within the CPR and the neighbor does not want to sign-off on it, my fear is creating veto power from one owner could potentially create issues. Obviously, having to weigh that against the cost of the County getting dragged through lawsuits puts me somewhat in a bit of hesitation. Going forward as I have expressed at Committee, it would be good if at some point a year from now or so we could get a report if there is any tracking on it to see how many zoning permits were possibly denied, because there was not unanimous consent of all property owners, so we could sort of see what the impacts are, if any. Again, I will just say that I think I might be the only person concerned about this, we have not received any testimony stating this as a concern, so that is another reason why I am not pushing this; it is just in the back of my head. Anyway, I do support the Bill and would be good to know in the future what the impacts are.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to support your concern, Councilmember Evslin. Having been in a CPR, I think three (3) or four (4) times, those internal challenges are inherent in it and they are problematic and I do think that this is going to escalate the potential for that, I think that there are some right now that are in conflict. I have a very weak level of support for this, because I have a lot of concern. The reason that I will support this is that anytime these CPRs happen, it is a way of circumventing County zoning, so it is a risk that people take. I think people need to have much bigger warnings when they begin in it. I have been the recipient of very difficult situations and people get into them unaware of the risk; they think they are just buying property. But the outcome of us not meddling in those problems is that it is very expensive to get in the middle of all these problems, so when the County does not share in the zoning choices, it is shifting the burden and the risk on to the people that took that risk. If you get cheap land, there is a reason, and that is the only way that we are every really able to get the land in the first place, but it is cheap and a mistake, so now I have a regular residential piece and would not get into another one having had the experience.

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

Councilmember Evslin: Thank you, Chair. Just briefly, I want to acknowledge, I agree with what Councilmember Cowden is saying. People do have to be weary about going into a CPR and there is other potential issues there, too, it is not a normal piece of property and it is not just about vetting your neighbors beforehand, because any of those neighbors could sell to someone in the future, right? So you do not know what you are getting into. Also, I want to finish, as the Planning Department has said this before, the two (2) options we had here really was one hundred percent (100%) as we are doing or fifty percent (50%) plus one (1), that what we had that seventy-five percent (75%) was a discretionary number, which does not really legally, so that is why we had to change it to something and that is why fifty percent (50%) plus one (1) and one hundred percent (100%), I think we are all landing on one hundred percent (100%) is somewhat the better option. In my mind, there is not great alternatives and we are choosing the least bad alternative. Thanks.

Council Chair Kaneshiro: Thank you. Is there anyone else? 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. 2796 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: The motion passes. Clerk, can you read us into Executive Session?

EXECUTIVE SESSION:

ES-1035 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority to pay a claim filed by First Insurance Co. of Hawai'i, as subrogee of Unlimited Construction Services Inc. and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-1035, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions or discussion on this item, Members?

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

The motion to convene in Executive Session for ES-1035 was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: We will keep our item C 2020-245 open to get an update if Mike has an update on the COVID-19 pandemic status with the Governor.

There being no objections, the meeting recessed at 10:52 a.m.

The meeting reconvened at 2:11 p.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Chair Kaneshiro: I got an update from Mike that it is status quo, nothing has been resolved, and they have a bunch of questions at the State that need to be answered so there was not really an update. Is there any final discussion on this item? Councilmember Chock.

Councilmember Chock: Thank you, Chair, for the update. Again, I want to put it on the table for the Council, there has been some request for seeing some alignment occur at the Council-level, if there is an interest in a resolution from the Council, then I am happy to work towards that end, but I do not want to do it just to do it. I was hoping that we could get some clarity on what it is we are actually asking for and I am not really sure we are there yet, but it is something we can work towards, we have two (2) weeks before the next meeting.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a process question. Today is the 7th, so the 15th is eight (8) days away, we are not meeting before then, so is there any way that we can have some alignment? I know that if the Governor's Office gets a handful of miscellaneous letters from different Councilmembers, that is probably not very compelling; is there a way that we can show alignment?

Council Chair Kaneshiro: As of right now, before the 15th, probably not.

Councilmember Kualii: Send your letter.

Council Chair Kaneshiro: But if you send an individual letter, maybe we can have our staff send all of our letters in one (1) E-mail or we could do a press release.

Councilmember Cowden: Okay, because I think we should contemplate that, and then I do not know if Vice Chair Kagawa or the Vice President of HSAC was able to talk to any of the other counties, but I think it would be really nice if we were able to do a press release in alignment with the other councils also. Is that too big of a goal?

Council Chair Kaneshiro: I do not know what the other councils are aiming for or what their intentions are. All I know is my letter and Councilmember Chock's letter just said to relook at the second test. Councilmember Chock.

Councilmember Chock: I have been on an E-mail thread with Sustain Hawai'i, who has been initiating that conversation with individual councilmembers from each island. That is why I asked the question; is this something this Council would even entertain? I could work towards an end of getting clear about what that looks like from each council, whether it be through HSAC or not, but I could expend some energy on that and I am not sure how I will report back—maybe through Council Chair.

Council Chair Kaneshiro: I will be truthful, our individual letter and a resolution together is going to do the same thing.

Councilmember Cowden: Which is nothing.

Councilmember Chock: It is not bearing.

Council Chair Kaneshiro: It allows us to say where we are on that issue, but as far as it probably changing the Governor's mind on the direction he is headed, I do not think it will.

Councilmember Cowden: So there is nothing that we can do for the island?

Councilmember Chock: We can go as far as you folks want with a resolution, I guess what I am hearing from Council Chair is what has power, but they are equally...it is just the message we are trying to send. Is there alignment? Can we create more alignment around the different counties? Perhaps, but that will require a little more work.

Council Chair Kaneshiro: A resolution and a letter holds the same amount of weight, and that is how it goes; the State holds all the cards. Like we said earlier, they are the ones that get to make the decision. All we can do is stay in the loop with our Administration, see what they are trying to work around, and how they

are going to try and address the situation based on what the State wants to do. The mayors are obviously not happy about the direction and they do not have power to change it either.

Councilmember Chock: If I could, Chair. I think in terms of the timing that you are referencing, the individual letters is something to do now.

Councilmember Kualii: Yes.

Councilmember Chock: I can get an update later if you want.

Council Chair Kaneshiro: Is there any further discussion?
Councilmember Evslin.

Councilmember Evslin: I will be sending a letter shortly. As you folks were discussing about trying to do a resolution in two (2) weeks, is not going to be all that effective, especially, since we missed the boat. I want to say from my own personal perspective, as I expressed briefly earlier, I do think the Mayor has two bad options in opting-out or the single test, but I do think as far as the power that we have opting-out is still the better call, and I hope that is being strongly considered here. I do think that is the only real leverage we have over the State to try and push them into allowing us to have a two-test system, because I would think the two-tests are better than opting-out on the State-level. Anyway, it is frustrating all around, but I do appreciate all the work that the Mayor, Mike, and the rest of the team there are putting in to find us the best path forward.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I agree with Councilmember Evslin.

Council Chair Kaneshiro: Period. Is there anyone else? Councilmember Kualii.

Councilmember Kualii: I will just say when we heard from Managing Director Dahilig, I did put a request into to staff, so I will be doing a letter as well. I think it is going to be tough for the Mayor, but I hope he can get some information from the Governor that helps him make the best decision before October 15th, but that is just a matter of eight (8) days, so all we can do is say to the Mayor that we support him.

Council Chair Kaneshiro: You saw in Mike's presentation how many moving parts there are and the Mayor's Office is trying to wrap their head around what are our options based on what we are given from the State? They are working to that. It is difficult to say what next week will look like or even before the 15th, I

am sure there will be a lot of parts still flying around before then. I would say send individual letters. It shows where we are at and the letter is to reconsider the second test option. Is there anyone else?

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

The motion to receive C 2020-245 for the record was then put, and carried by a vote of 6:0:1*.

Council Chair Kaneshiro: The motion passes. That concludes our business on our Council Meeting agenda. 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 2:18 p.m.

Respectfully submitted,

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

JADE K. FOUNTAIN-TANIGAWA
County Clerk

: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).