

COUNCIL MEETING

DECEMBER 1, 2021

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, December 1, 2021 at 9:08 a.m., after which the following Members answered the call of the roll:

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

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's COVID-19 Emergency Proclamation, with the most recent relating to the Sunshine Law dated November 29, 2021. Please note that we have registered speakers for some of our agenda items this morning. I will read the agenda and take public testimony. Staff will appropriately incorporate the testimony into the record. After public testimony, we will proceed with our Council Meeting, followed by our Committee Meetings, and conclude with our Executive Session.

APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Are there any questions or 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 for approval of the agenda, as circulated, was then put, and unanimously carried.

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

MINUTES of the following meetings of the Council:

November 17, 2021 Council Meeting

November 17, 2021 Public Hearing re: Bill No. 2839 and Bill No. 2840

Councilmember Kualii moved to approve the Minutes, as circulated, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or is there any discussion on this item 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 unanimously carried.

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

CONSENT CALENDAR:

C 2021-255 Communication (11/16/2021) from the Director of Finance and the Managing Director, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 26, 2021.

C 2021-256 Communication (11/17/2021) from the Housing Director, transmitting for Council consideration, A Resolution Amending Resolution No. 49 (1986), As Amended By Resolution No. 12-91 (1991), and Resolution No. 2008-39 (2008), Relating To Records Disposal Policy, to amend the County Records Disposal Policy to permit the disposal of Section 8 program records after three (3) years in accordance with the United States Department of Housing and Urban Development laws. The current County Records Policy requires the Housing Agency to store these records for seven (7) years.

C 2021-257 Communication (11/19/2021) from Council Chair Kaneshiro, transmitting for Council consideration, a proposed Resolution amending Resolution No. 2021-45, confirming the Mayoral reappointment of Donna A. Apisa (Business) to the Planning Commission – Term ending 12/31/2024, due to an inadvertent error.

Councilmember Kualii moved to receive C 2021-255, C 2021-256, and C 2021-257 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or 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 receive C 2021-255, C 2021-256, and C 2021-257 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2021-258 Communication (10/07/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of a Right-of-Entry Permit allowing the Kaua'i Police Department to enter Grove Farm Company lands to safely detonate a suspected improvised explosive device should the need arise, and to indemnify Grove Farm Company, Incorporated.

Councilmember Kualifi moved to approve C 2021-258, seconded by Councilmember Carvalho.

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

Councilmember Cowden: Is Chief Raybuck or Assistant Chief Ponce with us? Can you provide a quick explanation of what this training exercise location is?

There being no objections, the rules were suspended.

BRYSON PONCE, Assistant Chief of Police, Investigative Services Bureau (*via remote technology*): Good morning. This is actually in the event that we experience an Improvised Explosive Device (IED).

Councilmember Cowden: Okay.

Mr. Ponce: It provides the explosive device that...if it is safe enough to transport to a location, we would be able to detonate it in a safe area, away from any streets, buildings, or the public, in general.

Councilmember Cowden: Grove Farm Company, Incorporated is supporting the community by setting out an area where this can happen?

Mr. Ponce: Yes.

Councilmember Cowden: Is there training underway on how to be doing it as well? There must be, I would imagine.

Mr. Ponce: Yes, our bomb technicians train every week and are very honed-in on their skills. Ideally, there is the quarry on the grove area, which is based on by Grove Farm that we would use, but there are other locations also with the amount of property that Grove Farm has that might be convenient to transport if it is safe, then we can render an IED safe and collect the evidence after that.

Councilmember Cowden: Okay. Have we ever had an IED?

Mr. Ponce: Yes, we have.

Councilmember Cowden: Okay, thank you.

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

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

Councilmember Cowden: I think we should send a letter of gratitude to Grove Farm, that is actually a good gift to the community. Can we do that?

Council Chair Kaneshiro: Yes. Is there any further final discussion?

Councilmember Kualii'i: Do we need to change the motion?

Council Chair Kaneshiro: No. Is there any further discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: Hi, Chief Raybuck and Assistant Chief Ponce. I just wanted to know if Grove Farm was the only landowner that we...

Council Chair Kaneshiro: I will suspend the rules. Councilmember DeCosta.

There being no objections, the rules were suspended.

Councilmember DeCosta: Thank you, Council Chair. I am sorry. I just wanted to know if there were any other landowners asked to participate in giving some kind of community give-back? I noticed that you have quite a bit of ranchers and farmers in that quarry area, and there might have been other landowners with pieces of property in the mountains that do not have anyone around. Have any other landowners thought of looking into this besides Grove Farm?

Mr. Ponce: Not any individual landowners. We do also have access to the Pacific Missile Range Facility (PMRF) for things such as phosphorus flares or marine markers, which we can work with the Navy in safely transporting and rendering a device safe, but as far as any individual landowners, no.

Councilmember DeCosta: Okay, thank you.

Mr. Ponce: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? 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 2021-258 was then put, and unanimously carried.

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

C 2021-259 Communication (11/09/2021) from Mason K. Chock, Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2022 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2021:

- A Bill For An Act Relating To Unlawful Chop Shop Activity (*County of Maui*)
- A Bill For An Act Relating To The Coastal Zone Management Act (*County of Maui*)
- A Bill For An Act Relating To Climate Change Mitigation (*County of Maui*)
- A Bill For An Act Relating To Lifeguards (*HSAC Executive Committee*)
- A Bill For An Act Relating To Traffic Fines (*City & County of Honolulu*)
- A Bill For An Act Relating To Juneteenth Day (*HSAC Executive Committee*)
- A Bill For An Act Relating To County Transient Accommodations Tax (*HSAC Executive Committee*)
- A Bill For An Act Relating To Motor Vehicle Registration (*County of Hawai'i*)

Councilmember Kualii moved to receive C 2021-259 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Do we have any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: The Motor Vehicle Registration, it says County of Hawai'i, but that also overlaps with our needs on Kaua'i?

Councilmember Chock: Yes.

Councilmember Cowden: Can you give us a quick review of that?

Councilmember Chock: Sure. I would say that the process this year has been such that, there have been a few bills that were generated internally, for instance our lobbyist Jon Okudara put some time and effort into continuing the efforts that we have initiated on Kaua'i with the abandoned and derelict vehicles. This is one of those that sort of emerged from it and because it had come around in that direction, from the Executive Committee, I asked that it be presented to a specific Council for introduction.

That is why I went to Hawai'i County. The reason is that they had other items that they were entertaining. As you noticed on the list, Kaua'i does not have; however, our list of abandoned and derelict vehicle items did make it far and we believe it will continue to be heard, so they are on a second tiered list to move forward, so I hope that answers your question. This particular bill is about registration and lifting the cap of the ten dollars (\$10) towards the beautification fund. The intent is directed at being able to have the counties have a means to increase their beautification fund, but specifically for the abandoned and derelict vehicle program.

Councilmember Cowden: Okay. Somewhat related to the Unlawful Chop Shop Activity...

Council Chair Kaneshiro: I have a follow-up question. In the past we had one that was trying to make the U-drive vehicles the same as regular residential vehicles. Is that no longer in the Hawai'i State Association of Counties (HSAC) package?

Councilmember Chock: It is in the HSAC package. It is one of those continuous ones, so we believe that it will be heard again, but I know there were some challenges. This was Jon's new iteration, he was running into some challenges with the U-drive, and this seemed more palatable, that is why he wanted to introduce one that was broader to the registration of vehicles and the counties could determine where they wanted to go with it, so that was his reason for introducing it from that perspective. I think that both measures will continually be heard.

Council Chair Kaneshiro: Because it has already been proposed, it is still out there, we are not putting it back on the HSAC package?

Councilmember Chock: Correct. There is a list, so what you see here today is just...we have revised the way that we are looking at the HSAC package, which is to focus on new bills that have not been introduced in the past or will not be reintroduced, but some of these other bills are a continuation that we anticipate moving forward—those are not within this package, but still a high priority list.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have two (2) questions. When we say, "Sort of on our priority list," does that mean that they are on our priority list?

Councilmember Chock: Yes, thank you for the question. There is a priority list that has been generated and should be forwarded to you folks. We have been receiving some of them, but this is a new list and we have been trying to figure out a process for it. There is a list already that we can share with you, but the priority list will be open to additional submissions as the session opens. I anticipate all of those items will go through the Executive Committee, be approved, and get to the priority list that we will track. I will add that we are working on a new tracking system, specific to HSAC-related bills, so that we can share it with all of you to see its progress and when you folks can input testimony and so forth.

Councilmember Cowden: Okay. If you are ready for my Chop Shop question.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just have a comment to add before we move on to the next item. As I have been participating in some of the HSAC meetings as well; I will add that whether it is in this package of bills or on the priority list, we have heard from our lobbyist Jon that it is critically important that we participate, so as individual Councilmembers, we have to send our letters of testimony and make the calls, because HSAC will do their part, and he made it very clear that it becomes more powerful if we, as individuals, engage and maybe as individual Councils, too, when the time comes, if something is critically important to pass an additional resolution, but also to write our individual letters of testimony.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a follow-up on this. One of the things that I had brought to HSAC was the importance of more open government and pulling more capacity back to the Council. It seems like some of this stuff under this Emergency Proclamation, in my opinion, has been stifling for a long time. I appreciate that the Governor lifted his mandate starting just yesterday, so that is a big "yay." Are we going to have an opening of the legislature where we get to over there this time? Do we get to go talk to them physically?

Councilmember Chock: That is a good question. We do not know yet.

Councilmember Cowden: Okay.

Councilmember Chock: Maybe someone has more information, but I have been told that we are not clear yet.

Councilmember Cowden: Okay. I want to make a statement for the record, number one, I have appreciated our ability to be testifying. Last year, I testified quite a bit in the legislative elements virtually—a lot cheaper and a lot easier than flying over. There is a lot of surrounding work that happens, but I am eager to have more face-to-face opportunities, because you get your three (3) minutes, but we all know there is a lot more work that happens when we are physically present, than what we get in those minutes. I hope HSAC is able to at least put some word in there that it would be nice to be able to have greater direct access to the various groups. We can see our own legislative team here, but it is not the same as talking to the committee chairs.

Councilmember Chock: Noted.

Council Chair Kaneshiro: Are there any other questions? Did you have a question on the Chop Shop?

Councilmember Cowden: Yes, I had a question.

Council Chair Kaneshiro: Go ahead.

Councilmember Cowden: I see Chop Shop and abandoned vehicles as closely related, and we just talked about recycling, and we are going to be talking about it some more, so when you see all this wrenching going on, in many ways is that chop Shop recycling parts of cars that have been left all over the place. We used to have a place where we put cars, I do not remember how long ago it was, but I remember you could go and look for a spare part for your car, right? I actually used to do that, and we do not have that anymore. It seems like there is an informal version of it. Near me, there is repurposing of these vehicles, so how do we determine the difference between recycling an unutilized vehicle as opposed to a stolen vehicle? To me, the key piece in criminalizing chop shop activity should be the theft—the unwilling use of the pieces of these cars. So, I do not know if it would be you or if it would be Chief Raybuck, or someone to say, how do we differentiate between cannibalizing something that is not working, whether it is a lawnmower, bicycle, or anything else and making something useful? How do we differentiate that?

Councilmember Chock: I think the illegal enterprise focus is what the bill is targeting, so I would agree to recycling or repurposing needs to be there, as long as it is done through a legal business through legal means, I think that is clear in terms of what it is trying to achieve our focus on, but I will say that these bills, as all of you know, get introduced and get torn apart and put back to pieces...

Councilmember Cowden: Just like a car.

Councilmember Chock: All the comments that you are making, for sure, I will take back as they are introduced, so that Jon can follow up and ensure that specific language is addressed.

Councilmember Cowden: Okay.

Councilmember Chock: Supporting the recycling aspect.

Councilmember Cowden: When we support the recycling, then how do we not have those pieces that are taken out from the rest of the vehicles that are left sitting for three (3) years? It is a problem, but there is also talent in making something working out of three (3) or four (4) things that do not work, so where the edge of the criminality is, the creativity and then the responsibility of disposing of what is not used.

Council Chair Kaneshiro: Based on the definition of “chop shop,” it is only related to items that have been stolen. So, if someone has a vehicle or if someone lets someone do whatever they need to take parts from a vehicle it is okay, but I think this bill is related directly to stolen items that people are taking, stealing them, then chopping them up to sell for parts. It has stolen in both of those sections.

Councilmember Cowden: I see that, but I know that a lot of these parts come off a car that is sitting on the side of the road. Maybe it was in good shape when

it first was there. There is just a fine line on that continuing, so I think if we can figure out a way to encourage good behavior and stop bad behavior and punish illegal behavior.

Council Chair Kaneshiro: What was the nexus for this item? I would think it is illegal to steal a vehicle or any equipment.

Councilmember Chock: My understanding is, this is an item from Maui and it had an intention to focus on the abandoned and derelict vehicle aspect, but what they had noted was that it was an emerging issue on Maui that through Maui Police, they were finding this loophole of not being able to enforce on it, and that was in partnership with the police department, which is where this bill was generated—that is what I know.

Council Chair Kaneshiro: So, they were saying if there was a vehicle abandoned on the side of the road and people were taking parts off of it, they were having a difficult time prosecuting people from taking the parts off of those vehicles and reselling?

Councilmember Chock: Yes.

Councilmember Cowden: Okay.

Councilmember Chock: I think even locally here we are having that issue. When you talk to our coordinators, they are having cars that are totally taken apart.

Councilmember Cowden: One last question on that. I wonder how many stolen vehicles do we have chop-shopped in the true way that we are thinking about it, it might be happening here, and I do not know about it. It is one thing when your car is left.

Councilmember Chock: I can tell you, when we talked about putting the task force together and having a discussion with Chief Raybuck, that this was one of the main pieces that had come forth was that there was a recognition that was almost encouraging and these abandoned vehicles on the side of the road were happening on purpose in order to actually take these parts, so I heard there was a belief that there was some of that activity occurring on the island. I have not seen any in ours.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions on the Chop Shop Activity item? If not, are there any further questions on any of the other bills?
Councilmember DeCosta.

Councilmember DeCosta: I wanted more clarification on Coastal Zone Management Act from the County of Maui.

Councilmember Chock: Sure. I believe that is the size of the definition of development on the size of the home being built when it goes through the permitting

process. I think the State limit is seven thousand five hundred (7,500) and the intent here is to lower that threshold for it to be reviewed under a different permit process.

Councilmember DeCosta: Are you saying seven thousand five hundred (7,500) square feet home?

Councilmember Chock: Correct.

Councilmember DeCosta: That is almost like a hotel.

Councilmember Chock: Correct, that is why I think it is under that framework of development. They are saying that threshold is getting pass the more scrutinous process, so it is recommended to lower the threshold.

Councilmember DeCosta: Perfect. Thank you.

Councilmember Cowden: I have a follow-up.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: It is unclear when they are calling it "transient accommodation," is that what it is talking about? No, coastal zone management. So on the coastal zone management, to my knowledge, in my area, seven thousand (7,000) square foot guest houses, so would that fall under this?

Councilmember Chock: As a technical "guest house," I am not sure.

Councilmember Cowden: I was told that by people who live right next to them. I have looked at the houses, whether they are technically a guest house or not, but when people have extra houses and they are putting on seven thousand (7,000) square feet that is right above the water, is that...

Councilmember Chock: I would assume so. I need to look at the specifics in the bill on guest house. I am not sure if it covers that additional unit, but I will make note of it. So, you are saying that is an issue?

Councilmember Cowden: It is an issue to the neighbors for sure because I am not sure if they are paying for the guest houses when they come to stay. The houses are really large.

Councilmember Chock: I would think the square footage threshold would kick in here.

Council Chair Kaneshiro: It seems like it would fall on the Planning Department's shoulders.

Councilmember Chock: I think it would.

Council Chair Kaneshiro: Is the Planning Department in support of this?

Councilmember Chock: I have not received any feedback from our Planning Department. I know that Maui's Planning Department had gone through it and supported it.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Sorry, just to clarify. I do not think it would be possible for anyone to have a seven thousand (7,000) square foot guest house, potentially as an ADU. I think the confusion could be someone building an ADU or a second density and they are calling it their guest house because it is for guests, but technically based on Planning's definition, it needs to be five hundred (500) square feet.

Councilmember Cowden: Right.

Councilmember Chock: Right, five hundred (500) square feet.

Councilmember Cowden: Right, that is what I thought. It is a situation where the lights are in the next house—I went and looked, it is very close and very large.

Councilmember Evslin: I am not too familiar with the Special Management Area (SMA) process, but I think there is SMA major and SMA minor, even smaller structures go through an SMA process, so it is not as if they fly through easily.

Council Chair Kaneshiro: Are there any further question on the Coastal Management Act item? If not, are there any further questions from the Members? For the lifeguards, I know we had a bill regarding lifeguard immunity for years and I know it has not gotten anywhere. Is this a different version of it that might pass?

Councilmember Chock: I believe so. I know this is in coordination with Jon and Maui Council, but I think it tries to achieve the same outcome. It was not something that was going to be relooked at again, so that is why it became a new bill.

Council Chair Kaneshiro: Okay. Councilmember DeCosta.

Councilmember DeCosta: The Climate Change—I want reclarification on that. It seems like we were talking quite a bit about that this morning with the Solid Waste management group and greenhouse gasses and solar power and burning trash.

Councilmember Chock: This intends to, like many of our current and others that were seeing emerging around the State, trying to create a nexus to create revenue out of our rental car usage—that is what this is. So, it goes to climate change mitigation account through a feed, so it allows counties to impose this fee on rental cars on tourism-related rentals.

Councilmember DeCosta: Okay. We talked a lot about burning with the large diesel generators in the H-POWER plant and the green waste-to-energy, but you also use a lot of those diesel-powered vehicles to harvest the trees that we put in there,

so this Climate Change Mitigation would not touch on those vehicles or equipment. Basically, for rental cars.

Councilmember Chock: It is tourism-related vehicles. I guess it is a trend.

Councilmember DeCosta: I know we all want to save the earth. We save the earth in one aspect and then we do not save the earth in another aspect, so I just wanted to be clear.

Councilmember Kualii: Saving ourselves.

Councilmember DeCosta: Then we go to Costco and buy beef that is in a styrofoam tray, and we allow that to happen, but we plant trees on agricultural land and we do not raise cows.

Council Chair Kaneshiro: I will go with Councilmember Cowden first, then Councilmember Kualii.

Councilmember Cowden: I was going to ask about the next item, which is the Traffic Fines.

Council Chair Kaneshiro: Yes.

Councilmember Cowden: When I am looking at the Traffic Fines, this to me, is doing something similar to what we are doing with the General Excise Tax (GET) and the Transient Accommodations Tax (TAT). What happens right now when we pull people over, this all goes to the State to pay for the court fees and that process, and none of it stays on-island.

Councilmember Chock: Correct.

Councilmember Cowden: This is saying we can have an additional amount that stays on-island, so if there was this additional fee, is this something that the County has to have a separate way of getting the payment like the way the TAT is, or would it be more like the GET?

Councilmember Chock: Yes, I think it would.

Councilmember Cowden: Like the TAT?

Councilmember Chock: Yes, it would be set up by an individual county.

Councilmember Cowden: So, we would have the say. The State does not. We would be able to make that decision, because it seems like there are people who disproportionately deserve the traffic fines, but then we also have more people who do not have any money who get pulled over more because they look...it is easy to spot a car that is looking aged—those are the people who cannot afford that, they lose their

driver's license and everything else because they cannot pay the fine. But it would be up to us as a county?

Councilmember Chock: This is what I would call enabling legislation, so the State allows the county the means to create our own ordinance to administer.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Vice Chair Chock, you said earlier, process-wise, why are some of these listed as HSAC Executive Committee? Is it because it is coming back around again? Is that what you were saying?

Councilmember Chock: Yes.

Councilmember Kualii: Was Juneteenth here before?

Councilmember Chock: It was a bit of a messy process for us this year. I will say the dynamics of HSAC are all new members and new HSAC staff, so due to the legal interpretations that we were getting from those in attendance, there are bylaws that allow for the Assistant Chief (AC) to introduce. I would say that half of these that EC introduced were interest from an individual county, case in point, the Juneteenth Resolution and Bill was something that was an interest from Honolulu, but they did not think that they could get it out in time to us, so it was presented to the Executive Committee (EC) for us to introduce it as such. In addition to that, we are the second county to look at the HSAC package as it is being introduced to you folks—Maui has passed all of them and Honolulu will be today.

Councilmember Kualii: I will just say from my personal standpoint, I am happy to see this, so I am glad that was able to come through in that manner. At my other job, at the YWCA of Kauai, everyone knows they are about women's empowerment, but their second important goal is combating racism. Everyone is working further now with diversity, equity, and inclusion, and I am really happy to see this included.

Councilmember Chock: Thank you. If I could make a comment on the process. We tried to be as flexible in order to see as many of these items, there were about thirteen (13) bills that were introduced, not all of them made it. Because of our process, it typically needs to go to Council, then EC, and back to everyone again, then finalizing things—it is about four (4) reviews of it. The timing of introducing these are really important and getting them done and I think that is the learning curve that this board is on—that is ensuring that they can get it done on time, so I hope for a better process next time.

Councilmember Kualii: Process-wise, there is also the priorities?

Councilmember Chock: Correct.

Councilmember Kualii: Is that another way to bring things forward?

Councilmember Chock: Correct.

Council Chair Kaneshiro: Councilmember Carvalho, then
Councilmember Cowden.

Councilmember Carvalho: More of a process, I have been listening in on some of the meetings, but I have to say, Vice Chair Chock who is the President, now has pulled everyone together and looking at the agenda items and these bills were all united statewide, so everyone is talking about it obviously, so it is a good thing. Interesting with all the similar questions, but my point is that by his leadership of pulling it together, we are all talking the same and everyone is sharing the same in these particular bills, which is a good thing. We just need to continue working together overall, I just wanted to mention that. Some of the discussions here came out already too, so it is very interesting.

Councilmember Chock: Thank you. It is more like herding cats.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: My acronym disability, "UCEC."

Councilmember Chock: Executive Committee. It is each
representative from each county.

Councilmember Cowden: Is there a "UC" or is it just "EC?"

Councilmember Chock: Just "EC."

Councilmember Cowden: Okay.

Councilmember Kualii: HSAC Executive Committee.

Councilmember Cowden: Okay, Executive Committee, I have that one
right.

Councilmember DeCosta: We are pointing out flaws with our personal
looks now.

Councilmember Cowden: I thought he said, "UCEC." I was trying to figure out what it was. I just have a comment on this Juneteenth proposal, because I put a lot of energy into it. For people who do not know, it is another day that recognizes and commemorates the end of slavery and the significant roles and contributions of African Americans and the history of the United States and Hawai'i. I see that the big change here is, Juneteenth is not and shall not be construed to be a State holiday. So what we are doing here is not about honoring the significance in Juneteenth, it is saying, we are going to give everyone a paid day off. Since our County is putting our stamp of approval on this or not, did we ask the Finance Department or the Managing Director

how they feel about us saying we will do one more paid holiday? I know that we have not discussed it, so it seems significant to me and when we are looking at do we want to squeeze the rental car companies or squeeze the people getting a traffic ticket, is someone on the computer here that we can ask from...Managing Director Mike Dahilig? Can we ask him? Where they asked?

Councilmember Chock: This is a measure that was introduced by the City and County of Honolulu. I am not clear if they have had that discussion with their finance team, we certainly have not. I do not know who is available, I would say the challenge with a lot of these bills is understanding the process that happens at the State level and I think that is why I value your feedback now, because so much of that is where I think the energy needs to go to, if it passes us. I do not agree with all of them, by the way. I think that they all have great intentions, but "the devil is the details." Unfortunately, we do not get into the details; however, the process allows for it at the State level and that is why I think it is important to get your feedback and input at this point. My point is, if you generally agree with the bill, I will say, you want something to be introduced, so that you can have that discussion—that is how I am viewing it.

Councilmember Cowden: What I view HSAC being...because I know I had things that were of interest to me in different years, especially, the overwhelming influence of the Sunshine Law, which the State Legislature does not impose on themselves. For example, Sunshine Law deeply disempowers counties and county legislators. It basically shackles and cuffs us when we cannot talk about things and have a holistic conversation—that does not cost the taxpayer anything, it does not cost the government anything, that I have been told that cannot go on in different years, it is too big. I was trying to get at that again this time. Here, when we all support something, it is not that I do not in any way completely support recognition of the tragedy and the contributions that have been experienced by our African American community or black community; however, it was the most respectful and correct way to reference that community. What we are saying then, if we give everyone a paid day off here, that is a big deal. I do not know what the dollar amount is. If there is someone like Mike Dahilig or Reiko...I am curious because it might be that our Finance Director knows what the cost of a paid day off is, because we are squeezing money out of every other place, so when we put this on our group piece, we are saying we are getting behind that. I think there are more important ones that really affect the function of government like the Sunshine Law that is debilitating, in my opinion, for Council effectiveness. Reiko, you are there, how much does it cost to get a paid day off like Memorial Day or Veterans Day? Loosely.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Finance Director (*via remote technology*): Good morning, folks. Reiko Matsuyama, for the record. I will have to look into this further. I am not quite sure how much a one-day holiday costs us. This is the first time I am hearing about this, so I will have to go in and dig through the details.

Councilmember Cowden: With both of you, Vice Chair Chock, if we pass this today, is it a done deal? So, we have not fleshed any of this by our own government for...

Councilmember Chock: Correct. It is a done deal. In order to get the package submitted on time, it has to be today.

Councilmember Cowden: If Mike is there too, or someone else that...because I do not want to lay this all on you. How do you feel about this one (1) extra day? It is finance, it is important, this might be a lot of money.

Councilmember Chock: We know it is going to be a lot of money, so the question is how do you feel about it and voting for it?

Councilmember Kualii: Is it as important to you?

Councilmember Cowden: As some of these other things...

Councilmember Kualii: It is a real stretch to compare this with car rental companies, in my humble opinion.

Councilmember Cowden: When we have the car rental companies, I would have to look at how much...we are not being presented with any economics in this. We do not have any kind of idea of how much. I would think when we are looking at adding a tax to people for getting pulled over in their car, I would think we would do some sort of percentage piece. I do not know how much that would be comparatively. How many more taxes do we have to lay on? It seems very significant to me. I feel like part of Council's job is to ask the Administration for their input, for the numbers, or for the facts.

Councilmember Chock: I agree.

Councilmember Cowden: This should have been asked a couple of weeks ago or something like that. I had almost a week. Did anyone else want to know that information? Is it irrelevant information about what the costs are on one of these things?

Council Chair Kaneshiro: We can vote ad seriatim if we wanted to vote on each item individually to send back to HSAC. If we vote "no" on an item, then it will go back without our approval on a certain item. When I think about an extra holiday, I am in agreement with you, we should not be loose on adding a holiday in an HSAC package, I think that is a critical thing that is a huge ask. If I think about what kind of cost it is going to be, it is not going to cost us more in salaries, because we have to pay employees no matter what, whether it is a holiday or not, it will be one (1) less day of production at the County, it is going to be overtime for people who have to work, so that is the added cost to us. I am under the same impression as you regarding asking for another holiday for County and State employees—it is quite a big ask. Do I think it is something HSAC should asking? Probably not. Again, this is the HSAC package that they brought to us. We can vote on each item individually if we want.

Councilmember Cowden: It is a really rough one because of course I care about honoring that community—that is a really important thing. Of course, it is nice to give everyone an extra day off. I think about when people are waiting in line to get

their permit for whatever they are getting built, as you were saying, Council Chair, it is not just the economic cost, it is the timeline cost of what happens. I respectfully say, what I think what I was expecting a whole presentation on what these things mean. I was expecting to see the numbers. I was expecting to see the implications of what it is, so when I am asking loose questions like chop shop that is simple, yes, we do not want cars stolen, yes, we want to do these things, but has the rubber hit the road? And if I write a letter later that says, "I do not think this is a good thing..." I am feeling, when we do an HSAC package, we are supposed to have unification and excitement for what we are doing.

Councilmember Chock: The process is difficult in terms of timing. We started this process in June to get it through. It is difficult because people have not been able to stick to some of the timeframes. We received this bill package together at the end of November in order to get it to you folks, so we were up against the deadline.

Councilmember Cowden: Okay.

Councilmember Chock: So that is part of it, and of course, again, not only herding cats at the HSAC level, we are talking about four (4) counties, and everyone's input these individual items come from each one. I will mention that I completely agree with you, and I think this is in no way advocating for any of the bills, because I see challenges, always, whenever an HSAC package comes forth—it is about the details that we can all get done. The truth is, if you pay attention to the process that happens at the State level, the question is whether or not the discussion happens. So from that perspective, how I have been looking at this is, do I want to support this so that it gets to the table to discuss it and then I can provide some guidance and input. We have to weigh that with the responsibility of what it is you are submitting, so I would completely honor if you voted against it in this case or in any other ones.

Councilmember Cowden: I have a comment on the process. I want to be able to say that I feel that we have had...we are approaching twenty-one (21) months of not having the public be a part of the conversation and us not being able to have all this informal conversation that happens in the background, so it makes a lot of our decisions rough rather than finest—that is a challenge. I remember my first year coming to Council, I made the point to go over for at least a couple of the HSAC conversations on O'ahu, because as a citizen, I used to go regularly and I was very frustrated, I felt that HSAC was largely ignored by the legislators on O'ahu and it did not feel like they did anything we asked for. I was very frustrated with it, so to me the credibility of the group is high, the credibility of the package. It is just a little uncomfortable for me, but I want to say thank you for the work that you have done, and I think each of us have had some time that we have joined some of the meetings. Okay, that is my comment on that particular one.

Council Chair Kaneshiro: Councilmember Evslin, Councilmember DeCosta. We are still on questions. Councilmember DeCosta.

Councilmember DeCosta: I have a simple question. Why did you not do a proclamation on this holiday instead of a paid holiday? We always need to put our community taxpayers' dollars towards something. Why do we not do something like

Councilmember Carvalho has done when he was the Mayor or you said we should do for Grove Farm for donating the land? Maybe just a proclamation saying we recognize the African American community during this certain time of the era and that is it. We do not need a paid holiday. We get paid enough.

Councilmember Cowden: We did that last year.

Councilmember DeCosta: Well, we are giving them one more.

Councilmember Cowden: We recognized Juneteenth as a non-paid State holiday, so it was a very big statement, but then it is saying, we will do a paid day off for it. We have done what you are saying. It is a big deal what we did.

Councilmember DeCosta: Do you know what group really needs to be recognized? The groups that made all the plantations very wealthy—all the large landowners who sat on one hundred (100) years of productivity of sugar and all of our ancestors did not get recognized either.

Councilmember Cowden: Thank you to the Portuguese people.

Councilmember DeCosta: All of the nationalities: Chinese, Hawaiians, Filipinos, everyone, but thank you for that.

Council Chair Kaneshiro: I guess that is the slippery slope we head down when we want to add a holiday. I think we need to be cognizant of what it is, the effects on the County, financial effects on the County, and what that holiday is honoring. If you asked someone, I am sure we can get at least ten (10) different holidays that people would want that are precious to them. Again, we have to be cognizant of the financial impact on the County and we need to take it very seriously. I think every Councilmember would love to give everyone holidays—it would make us look good in front of everyone. Say we are giving a holiday for these folks and those folks, but I think we need to be responsible too, financially responsible and responsible to the public on what we are doing. We cannot just be giving away holidays. Councilmember Carvalho.

Councilmember Carvalho: Again, I want to say that the four (4) counties are pulling this whole thing together and I think at that time when we are open for discussion, we can have opportunity to look at this and change and add or whatever. I know the timing, I am saying one more time, I think it is a total effort statewide that we all look at this and more options will come once it is at the table at that level from my understanding and hearing on the discussions that have happened. Just my *mana'o*.

Ms. Matsuyama: Council Chair, if I may add?

Council Chair Kaneshiro: Yes.

Ms. Matsuyama: I did get the number.

Council Chair Kaneshiro: Okay.

Ms. Matsuyama: Let us say for Veterans Day, it costs the County approximately three hundred eighty thousand dollars (\$380,000).

Council Chair Kaneshiro: Is that number comprised of additional overtime due to the holiday pay?

Ms. Matsuyama: Yes, I believe so.

Council Chair Kaneshiro: Okay.

Councilmember Cowden: Thank you. I would say that is like if we tripled the tax for the car rental companies, it would maybe come up with something of that amount.

Council Chair Kaneshiro: Are there any other questions on the items? We will have final discussion on it. My suggestion is that we receive this item and then when we get to the Resolution, we can vote on it individually or if you want to state where you stand on some of them, then we can have staff start preparing if that needs to be. Councilmember Kualii.

Councilmember Kualii: I have a question for Vice Chair Chock.

Councilmember Chock: Yes.

Councilmember Kualii: The process is a package.

Councilmember Chock: Yes.

Councilmember Kualii: Are all the other counties voting on the entire package?

Councilmember Chock: Correct.

Councilmember Kualii: If the other counties, say all three (3) of them, pass it in full and we vote ad seriatim and pass most of it, but not this one, what does that do to the rest of the counties? I feel like to a certain degree, and we do not necessarily have one in here with our name on it (County of Kaua'i), but typically, it is like Councilmember Carvalho was saying, we come to the place where we just all support each other and get it to the table, because we are not going to create a holiday, this is not a County holiday, we do not have the legal right to create a holiday, this is to put it before the Legislature for them to consider. HSAC, by the Executive Committee, has already considered that and approved that, putting it forward as part of the package. Do we agree to put it forward as part of the package? To me, that is what we are voting on.

Councilmember Chock: I believe if it does not pass any one of the Councils, then it does not move forward or get included into the package.

Councilmember Kualii: But it can be just that one (1) item, it does not ruin the whole package?

Councilmember Chock: Correct.

Councilmember Kualii: Okay.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: For the TAT, I am sorry if you had already explained it, but the intent there is to have the State administer it and to remove the three percent (3%) cap, so there would be...

Councilmember Chock: No limit.

Councilmember Evslin: No limit?

Councilmember Chock: Yes.

Councilmember Evslin: Sorry, one (1) more question. Just a process question. For the rental car surcharge, it does not have a monetary figure for the daily fee, so process-wise this proposal in some capacity adds that figure as an amendment?

Councilmember Chock: Correct.

Councilmember Evslin: Okay.

Councilmember Chock: There is a big question of whether you should put something in or not and that goes to the larger question on some of the vagueness on how this is introduced and how much work is put into it.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have a question on that one, too. Actually, this one was the one that I had the deepest questions on, so if our Finance Director is able to weigh in on this a little bit, too. Just so I understand it correctly, on page 3 of this piece on the Transient Accommodation Tax, I noticed it crosses out applicable County Director to become Director of Taxation. To my knowledge, we do not have a County Director of Taxation, so does that mean the State Director of Taxation, is that right?

Councilmember Chock: I believe so, yes.

Councilmember Cowden: So this is saying, the State Director of Taxation shall have all the rights and powers of the Director of Taxation provided under this Chapter? I do not quite get where our own County Finance Director...and if we look on page 5 of this, it says, "All County Transient Accommodation Tax is collected by the Director of Taxation, shall be paid into the State Treasury quarterly within ten (10) working days after collection it shall be placed by the Director of Finance and especial

apart of each County.” When I read that, it means we are taking away the burden from the counties, we are taking away the burden from the Finance Director, but giving the Council opportunity or actually, Administration, as well, to up that three percent (3%) rate. Do I understand that correctly? I am looking on page 5. Page 43, it is double printed.

Councilmember Chock: If I am understanding your question, I think the answer is “yes,” but I am trying to look at the specifics.

Councilmember Cowden: I am hoping that the Finance Director can also look at this, because this is also impacting you heavily, so your opinion on this matters a lot to me. At surface value, it looks like Christmas, we can ask for as much as we want and you do not have to do the work, is what it is looking like to me. I was hoping that we were going to get an analysis of this.

Ms. Matsuyama: I think what they are trying to do is make it to be like the GET surcharge.

Councilmember Cowden: Okay.

Ms. Matsuyama: So, the State does all the collections and remits payment to the counties quarterly. Ideally, this is what the bill would have looked like last year or when they started doing this in the spring. Now that we are in it, I would prefer if we had the option to have those taxes collected for us, but not forced to do it. Right now, the four (4) counties are all reviewing proposals that were submitted by tax collection software companies, so I do not know at what point we will be ready to pull that trigger, but I would like the option as we go forward. They have also left out in here what the State’s cut would be. Right now, they could take more than one percent (1%), so we would have to look at what our cost would be as compared to that and then make a decision. My preference would be that as an option the Department of Taxation (DOTAX) could do it for us, but not necessarily.

Councilmember Cowden: Okay, thank you for that. While I have your mind on this for a moment, because I think we opened “pandora’s box” when the State decided not to give us the Transient Accommodation Tax and leave it up to us and if it is then we will need more. How is that working? We had distress from the Hawai’i Lodging and Tourism Association that came to us that morning—I wished they had contacted us or at least come on the screen to tell us they will not be able to do it. Have they been able to make these payments and vacation rentals?

Ms. Matsuyama: Yes.

Councilmember Cowden: They have pulled it together?

Ms. Matsuyama: Yes.

Councilmember Cowden: Okay, I really want to recognize that success for those hotels and accommodations—thanking them for that. How has it been for the County? Have we hired those positions?

Ms. Matsuyama: No. We are hearing the money bill at the Committee Meeting later today and that would provide us with the three (3) additional full-time positions.

Councilmember Cowden: How have we been doing it without the three (3) additional full-time positions? Are you and Michelle staying up late at night doing it? At least that is what has been the case in some things in the past. How is it happening now? How are we pulling it off?

Ms. Matsuyama: Luckily, we have one (1) 89-day hire who has been fantastic and he is carrying a heavy load in processing those collections. We have not yet received the first "dump" of data from the State, and we are going to use that to compare against our collections, so between he and I, we are staying up late.

Councilmember Cowden: Okay, thank you for staying up late. And thank you to your new child for allowing you to do that, as well. I just want to honor that it is a burden on our individuals or team members, so thank you for taking that extra effort. If we hire our 89-day hire and someone else full-time or a few people, if this passes and goes back to the State, do we have a lot of places we can reapply those people that we hired or do we then have a new position that we created more cost on?

Ms. Matsuyama: Yes, that would require a reorganization and to try and figure out where to place...if we did have full-time staff on at that time, Civil Service employees, we would have to figure that out at that time.

Councilmember Cowden: Okay, so they would be permanent in the budget. Thank you. Vice Chair Chock, I have a process question and I think you have answered it a handful of times, but I am just going to ask again.

Councilmember Chock: Sure.

Councilmember Cowden: We cannot make an amendment on this today, right? We do not amend it. We either approve it or it fails, because then we cannot.

Councilmember Chock: Yes, correct.

Councilmember Cowden: Alright.

Council Chair Kaneshiro: Are there any further questions? I have a question. As far as HSAC goes, what do you think is the best approach? For me, when we send an HSAC package to the State, I know sometimes they barely look at it, but the more solid proposals we have, the more legitimacy will get when we send things to the State, so when we have items like this TAT or Juneteenth where Councilmembers are hesitant on it, I am a little hesitant on it, there are financial ramifications to it, we heard Reiko regarding wanting the option, because they have already geared up for the TAT, what do you think is the best route for us on these types of items where we are still juggling them? For me, I do not want to send things saying "Look at all of them, but I am not that passionate about these, and our County does not really agree with it, but we want to agree with the package," because it lessens the impact of the package,

especially if we start testifying saying, "Only look at these ones, because these ones are important to our County." I would like a package that we say, this is what all the counties voted on, this is what we are passionate about, these are the few items that we as counties of HSAC in the State have agreed are our priorities. I think if we start putting in certain things where everyone is altering it, I think it lessens the impact of our HSAC package.

Councilmember Chock: Yes. That is a great question. I think it is something that HSAC, at least in my mind, is trying to achieve, because if you look at the history with our legislative packages, we have not passed anything, basically. So, we have not been successful. Councilmember Cowden made the comment that they sort of do not pay attention to it. That was one of the reasons for getting a lobbyist in place to help usher, meet with our legislator, have them introduce, so we can work on culminating the bills, because oftentimes this one issue may have up to six (6) bills introduced around it, so it can become a little bit confusing. To answer your question, I would completely agree. I think there could be some narrowing of priorities moving forward. The bylaws are open, as long as it is home rule, it affects all counties, and that is what we wanted to introduce—well, that is broad, right? So like how we did before with the Council at the front of a term, say, these are some priorities and we would like to present that to HSAC and say these are the things we would like to help get on the same page. The other piece of it, as I have mentioned, Jon's approach to these bills have been, as soon as it is passed by HSAC...he has free reign with the bill in mitigating it in any way. The other way I think we could do it, if we are on the fence on things as what was mentioned. If we wanted to move forward, but we see that there are some significant amendments that we want to make in it that we take note of them, introduce them, pass the package, get them to the Executive Committee and to Jon Okudara to ensure that those changes are our input. Take off the pay, make sure that it is just the taking off the cap and not the treasury piece of it—those are things I think we can do. So those are options, I just want to put it out there. At this point, we just need to vote on it right now.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: He had something he wanted to say to me, I want to hear that first. I was bringing up the TAT fix and not being able to make an amendment here, so we cannot make an amendment at this level, and you were about to say something on that.

Councilmember Chock: I know, I forget, I am sorry.

Councilmember Cowden: Just to throw it out there one more time. Help me understand, just as a matter of process, in three (3) years of not feeling good about...

Councilmember Chock: Here is an option. I understand what your question is.

Councilmember Cowden: What is it?

Councilmember Chock: This option for moving forward, every County and every Council processes their HSAC legislative package differently. We do it through one (1) resolution and one (1) hearing. That does not happen in other counties. It is all different. Some do it our way, some run it through like a bill where you have a couple of readings, and you work on it and understand it more in depth. Perhaps, that is something you want to consider moving forward. That is not how we have done it traditionally here.

Councilmember Cowden: Okay. My question was going to be a different question.

Councilmember Chock: Yes.

Councilmember Cowden: My question was, in three (3) years of feeling painfully constrained by the Sunshine Law that does not allow us to have holistic and productive conversations, why is that something that is not allowed to go on this when we can do these kinds of...

Councilmember Chock: I do not know what you mean, Councilmember. Like everyone else who is an HSAC member has had the opportunity to submit a bill for consideration. When talking to you about Bill No. 103, the continuation of it, there was strong suggestion that this would be heard again and we could put it on the HSAC priorities list, so that it would be followed and supported by HSAC.

Councilmember Cowden: So that means it is in there somehow?

Councilmember Chock: That means it can be part of the legislative priorities, along with others. At one point, I had asked this body, what are your priorities that you would like to see forward, you submitted interest in that, so have others, and my intention is to have those as legislative priorities not a new bill.

Councilmember Cowden: Okay.

Councilmember Chock: Nothing stops you from putting in a new bill.

Councilmember Cowden: I am not trying to put a new bill. I am just trying to understand the system, because some of these things seem like outliers, so I am just trying to understand. It seems to me that some things are so core and important for how the government functions. Thank you.

(Councilmember DeCosta was noted as not present.)

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

Councilmember Evslin: Just to clarify that one in questioning. Any Councilmember can work with staff to draft a bill, right?

Councilmember Chock: Correct.

Councilmember Evslin: Did you draft a bill regarding the Sunshine Law? I am a little confused.

(Councilmember DeCosta was noted as present.)

Councilmember Cowden: I brought it up a handful of times and my perception of what is being explained to me is why it is not right. So, this is over three (3) years. It has come up and come up and I find it incredibly confining, and it cannot be in the HSAC. Maybe I am not able to receive the guidance in the right way, but I am feeling that consistently hearing that is not the place for it—it seems like it should be. Also, the other thing I asked for and that might be Bill No. 103, is that to me, it was very important that when we have this Emergency Proclamation that there would be a 60-day sundown, that it goes before Legislature, whether it is County Council, or before the State. We have had twenty-one (21) months of an Emergency Proclamation without being asked our opinion on it and that, to me, is too long. When there is a 60-day sundown, the government just keeps putting it out and putting it out, and it had catastrophic impacts on portions of our community economically and in many other ways it would be good for us to be able to participate in the conversation. Bill No. 103, was something that...why could that not happen? I was told it could not.

Councilmember Chock: I might need Aida's assistance on the evolution of it, but my understanding of it was a bill that went far in the last session that almost passed and it might be in continuance. That means it would be reintroduced.

Councilmember Cowden: But it could not get on that priority, right?

Councilmember Chock: It can be. Like I said, our priority list is open through the session, so we can add anything this body agrees to or if you agree to and it goes to the Executive Committee to support. It gets on the list. HSAC will track it and provide guidance and so forth. I mentioned there were about thirteen (13) bills that were introduced. The lion's share of the ones that did not get introduced were for that specific reason, because we have come to understand that they were already being introduced and/or being reheard, so they were taken and put onto the legislative priority list rather than a new bill. Does that make sense? It is not a new bill.

Councilmember Cowden: It makes sense. I think both of those issues are so important to healthy functioning of government. I hope that somehow—and I can work with staff to find out how I can, if I have to as an individual, really push those, because I will say, both of them violate the separation of powers and violate healthy functioning of government, and when we get people who are very frustrated that we do next to nothing, that Sunshine Law problem is a big piece of it, and I would say that right now, this relentless Emergency Proclamation without any referral to either the State or county legislative branches have been very difficult for our County for certain parts of the population. I know other parts are thriving under the Emergency Proclamation, but not everyone is. I have said enough, but I think that is important that we look at the function of government. TAT, function of government, too.

Council Chair Kaneshiro: Are there any other questions? I believe we have had a Sunshine Law item, and I think that what you are saying, Council Vice Chair, that it is up and a bill for it, so that is why it is not added in this package.

Councilmember Chock: The package is for new items.

Council Chair Kaneshiro: Yes.

Councilmember Chock: The continuance items are still on the priority list.

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

Councilmember Kualii: There is someone here from Finance, but not the Managing Director, right?

Council Chair Kaneshiro: Reiko.

Councilmember Kualii: Reiko, I have been looking online and I see that Juneteenth is a Federal holiday and that on June 16, 2021, this past June, Governor Ige signed a bill to recognize that it is a Federal holiday; however, it is not a State holiday.

(Councilmember Carvalho was noted as not present.)

Councilmember Kualii: So it is likely that in this next legislative session it is going to come up anyway, whether HSAC supports it or not, to take it that one final step as a recognized State holiday. But what this brings to my mind is, there are Federal holidays that the State chooses not to recognize. Are there State holidays that the County chooses not to recognize and does the County have the ability to not give a paid holiday on a day that the State recognizes as a State holiday?

Ms. Matsuyama: I am not sure. I will have to look into that further. I think there are six (6) states right now that offer paid holidays for Juneteenth, so they are already celebrating that holiday and giving their employees time off, so we would have to look into that further, whether or not we can and would participate.

Councilmember Kualii: When Governor Ige signed the Bill this past June, Hawai'i was the 49th State to do that, kind of late, but at least get to the point of recognizing Juneteenth and honoring that it is a Federal holiday. But there is nothing right now, any State holidays that the County does not honor and participate in and pay employees for, or are there?

Ms. Matsuyama: I am not sure. I know we do not celebrate Columbus Day or Discoverers' Day, but that is a Federal holiday. I am not sure.

(Councilmember Carvalho was noted as present.)

Councilmember Kualii: Federal, not necessarily State. Okay, thank you. I wonder if there is any way you can get a quick answer to that one. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Just a small piece of follow-up on it. Again, I care very much about our black community. I know when I was pushing and trying to pitch it, it does not cost us anything, so that was part of a whole pitch, so I come back to that point of integrity and credibility, so if one year we say, "We are not going to do that," then the next year we change our mind. I am hearing what you, Councilmember DeCosta, were saying about our different plantation history people, huge amounts of people that have contributed a great amount to our community and many of them went through a lot. I think the African American or black community has had an exceptionally, extraordinarily rough situation. I do not know, if you combine all the days together, does that give us enough for us to discuss here, but does that somehow minimize, but I just want to recognize the slippery slope, because we have an underrepresented population, a very small population, from what would be benefiting on Juneteenth, and probably forty percent (40%) or more of our population would be on the date that you gave as an example. In a final comment, I acknowledge that slippery slope.

Council Chair Kaneshiro: We are still on questions. Are there any final questions on the HSAC package? Are there any final comments?

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

Council Chair Kaneshiro: For me, I am not comfortable with all the items. I know we are at a deadline. I do not want to be a roadblock to our HSAC package. My only comment would be with moving forward with the Resolution that our representatives, Council Vice Chair Chock and Councilmember Carvalho, express our concerns on some of these items, and move the package forward as-is. I do not want it to be said that each County passed it unanimously, I want it to go back to HSAC and say there are serious concerns on these items, so let us try to reevaluate what we do with them. I know it is scary to have that, because you are voting to approve it. For me, the best way forward based on the timing of everything is if we want to approve it as a whole package and make it clear to our HSAC representatives that these are the concerns that we want to be brought up at HSAC, and from there we have to put our trust in HSAC and our representatives to decide how they move forward on some of these bills. I think this would be the best way moving forward, considering the time constraints and where we are at now and hearing all the concerns from the Members. I have the same concerns too, but once we start pushing things out and changing the Resolution, we pretty much kill the conversation at HSAC, those items are going to come up next year with more information. Moving forward passing as-is still puts the conversation at HSAC. Those are my comments on it. Are there any other comments from the Members? Council Vice Chair Chock.

Councilmember Chock: Thank you. I completely agree. Again, being a new HSAC board member, my intention as President is to begin the process much

earlier. I felt that we were doing it early this year, but that will offer us more opportunity for insight. As long as every Council can be active on the front-end to get these bills onto the table early, then we can have these kinds of discussions. I would recommend we can prereview them, offer suggestions, then take it back, so that is my suggestion. Like I said, I moved them forward because I knew that we need all four (4) votes at HSAC to move anything forward, and I felt there were aspects of each one that I felt had merit for us to continue the discussion, while I did not agree with all of the aspects, just as you folks have mentioned. That is where I was too. Thank you.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: I basically agree with everything that has been said. First off, I want to express appreciation to Vice Chair Chock for guiding us through this process and his work with HSAC. I think recognizing that hopefully in the future we can have more engagement earlier in the process as a body to provide input, but as the process is currently structured, to me, I look at it as if it is first reading. We are passing all these on for discussion purposes. My guess is, we all support the basic intent of all of these bills, but work needs to get done on most, if not all of it still, so we do not have the capacity to be or the ability to do that work here, so we are passing it on to the State Legislature. They are important and hopefully you folks can make it work. Just a small note on the Juneteenth proposal, I do think it is important to include and to recognize, and my hope would be that the State Legislature could look at Juneteenth and the whole list of State holidays and possibly take another holiday away. We should probably keep the number of holidays steady and not add one, and I think that was a valuable conversation we had on the floor here. But Juneteenth is incredibly important. I think it was said here that there is a small population and a slippery slope, but I think it is recognizing that we have a country that was built on the backs of slaves and that vast inequities exist until this day because of it, so it is not necessarily recognizing a small percentage of a population, it is recognizing inequities that exist system-wide here. So, I think it is important. Climate change and taxes for vehicles would also be great and are incredibly important. The TAT is something that we have all discussed for a while and our frustrations with the County having to run it. Reiko's comments were good and hopefully there is that option there, but I think it is also that we recognize it as important. I think as a package these are mostly really good.

Council Chair Kaneshiro:
DeCosta, then Councilmember Cowden.

Councilmember Carvalho, Councilmember

Councilmember Carvalho: Again, summing everything up and being at the table and listening to Vice Chair Chock, even reorganizing HSAC, that was a good thing, there are a lot of good things happening there. But again, we may agree to disagree, but a lot of the package has to go, and once it gets there, we all surround the package at that level. I have gone through that before and I think that is where we can decide or decipher each bill, then look at how to enhance it or however it is done, but I think at this point, it would be good for us to look at it that way. Good, healthy discussion today, nothing bad, but at the same time, the package is important in the discussion that I have heard, and then we go from there. That is my own *mana'o* on that.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: HSAC is a smaller entity of the National Association of Counties (NACo) and when we went to NACo...Councilmember Carvalho, Councilmember Kualii, Councilmember Chock, Council Chair Kaneshiro, Councilmember Evslin, and Councilmember Cowden, know that certain counties have a lot more influence over their State representatives than other counties. I believe each of our voices are very important. I know sitting in the NACo room when we voted on a gun law and Hawai'i was anti-guns, I believe I was one of the few men who was pro-gun and my republican friends, the cowboys from Nevada, Colorado, and Wyoming, they like my input, because I stood by myself outside of Hawai'i. I think it is important when we speak like this, to have a voice, and if our voice does not support this holiday because we have taken away funding from our taxpayers that could go to another entity or another avenue of government, then I think we should voice our opinion strongly, and if the other counties do not agree with us, that is okay, because that is who the County of Kaua'i is. I just wanted to say that. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I will be working in unison with everyone, and I do thank you, Vice Chair Chock, for your role with being the HSAC President. I also want to acknowledge Aida, our staff member, who does so much through the whole season not just with the HSAC, but you get these fast urgent letters out going there, so I appreciate you. I want acknowledge the impacts of the term limits when we have...like we are going to be losing our Vice Chair and our Chair in this next election season; we are not in there long enough, so what I want to acknowledge to our staff is how difficult it probably is in the role when you are bringing in new Councilmembers who do not have years of experience to understand the way the pathway goes. I have a couple of asks, Vice Chair Chock.

Councilmember Chock: Yes.

Councilmember Cowden: HSAC President. In this coming spring, I guess this would also be Chair Kaneshiro, we have an agenda item in the spring, around April or May that brings this up before us, so that we can prepare ourselves and we can have a conversation, and maybe we will be able to be putting it in, because this year we received a letter, and I acknowledge that I was late in responding to that letter, I think we got that letter in the end of the summer. Having a letter on your desk is not nearly the same thing as having an opportunity to discuss the impacts of what we want. I just want it down for the record that I think it would be good if we would open our own County of Kaua'i participation earlier in the cycle. The other ask that I would have, is that when we do this approval because supporting what Councilmember Carvalho is saying, unity is really a value, and our other counties are working really well together with us, but I would like a comment summary to be shared with all of us, also with the press a little bit, so that it does not go in inaccurately. I think as we have discussed the Juneteenth, it is not that there is not complete respect, and thank you, Councilmember Evslin, for pointing out that even if it is just a small number of people on our island, it was a devastating impact over four and a half (4½) centuries that did benefit the rest of us. So, I would like to see a summary of what goes in, so that it is not just a unanimous

vote or whatever the vote is, but there is a note that says where we have a little bit of concerns. Is that possible?

Councilmember Chock: I am sorry, I am not clear. Are you asking to provide feedback to HSAC Executive Committee?

Councilmember Cowden: Yes.

Councilmember Chock: I have listed four (4) potential amendments based on the conversation that was brought up here, is that what you are referring to?

Councilmember Cowden: Yes, I want to get a copy of it and see it, so it does not just go, and I have to chase it down. I would like to be able to see what they are getting, not that I do not trust you, but I just want to be able to...it becomes a part of our record, because very often when we do a vote, it is done, and because of the Sunshine Law, and the lack of conversation, we do not get enough back, and it can be in a stack of papers. I would like that.

Councilmember Chock: I am not clear. I am sorry. We have minutes for our meeting here, that everything is on record, and we have minutes for all of our meetings at HSAC as well. Are you are saying you want a written summary of the proposed amendments that you are making.

Councilmember Cowden: Yes, I would like to have that.

Councilmember Chock: My only suggestion is when we get to the Resolution, depending on the outcome of the Resolution, that we can agree as a Council that the suggestions that were made here in conversation is something that you would like me to advocate for at the EC, that is all, because I think what you have been able to express your concerns and everyone else has as well, we have agreed that is what we are going to be presenting to EC.

Councilmember Cowden: Correct, whatever would be the case.

Councilmember Chock: Okay.

Councilmember Cowden: I just want a written document.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: No, I am good.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: First and foremost, I want to thank Vice Chair Chock and Councilmember Carvalho for their leadership roles with HSAC and for all your efforts with this process, as difficult as it is. We heard back from Reiko on the County recognizing the State holidays. Basically, our bargaining units with the American Federation of State County and Municipal Employees (AFSCME, Hawai'i

Government Employees Association (HGEA), and United Public Workers (UPW) collectively bargain for those holidays, so it is in the contracts and because they both represent State and County workers, it makes sense that it all ends up being the same, so it is part of collective bargaining. I think Councilmember Evslin comments...the only thing I would add on Juneteenth, I think more and more I have to remind myself too that I am not just a Hawaiian part of the County of Kaua'i and the State of Hawai'i, but that I am an American, I am part of the United States of America and that there are things that have happened in our great country that we have to play a role and speak up about, and I learned that all the time at the YWCA and their work on combating racism and pushing for diversity, equity, and inclusion. Yes, there are cost items, no one is more adamant about looking for ways to cut our budget and bring down our expenditures, but there is a matter of values, too, and what is right is right. The fact that this is about commemorating the end of slavery in the United States and honoring and recognizing there are significant roles and contributions of African Americans, not just Hawaiians, but Americans, and we are Americans too, in the United States and Hawai'i. I appreciate Councilmember DeCosta's comments about our plantation workers, that is where I come from. My dad worked for the plantation, prior to that in the salt ponds, and the taro fields with only a third-grade education, so way at the bottom of the totem pole as far as income and all of that. A lot of our plantation workers way back in the day were not much better than slaves, to a certain degree. So, when we think about people in general, I think it is more inclusive to, but for me, I think it is important. I really appreciate the comments about honoring the process and recognizing the package and us supporting the other Counties who in turn, support us. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Councilmember Kualii, you always put a light bulb in my head again, and you too, Councilmember Cowden. Aida, thank you for working hard with us, and the rest of our Council staff is unbelievable. I almost feel like that holiday should go towards the staff in this office, no one else, and if you are talking about being a part of an American citizen let us not forget the most important native people of America, it is Native American Indians that we always forget and leave behind. I just wanted to put that out there. Thank you.

Council Chair Kaneshiro: Is there any other discussion? The motion on the floor is to receive the communication. We will have the Resolution up later in the agenda.

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

The motion to receive C 2021-259 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. We are past 10:30 a.m., so we need to take a ten-minute caption break.

There being no objections, the meeting recessed at 10:44 a.m.

The meeting reconvened at 10:54 a.m., and proceeded as follows:

C 2021-260 Communication (11/09/2021) from the Fire Chief and the Managing Director, requesting agenda time for a presentation from Emergency Services Consulting International on the Kaua'i Fire Department Operational and Utilization Study.

Councilmember Kualii moved to receive C 2021-260 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We have a presentation by the Fire Department. Chief, you have the floor.

There being no objections, the rules were suspended.

STEVEN R. GOBLE, Fire Chief (*via remote technology*): Good morning. Thank you, Chair and Members of the Council. We have before you a presentation from Emergency Services Consulting International (ESCI) that conducted an Operational and Utilization Study for the Fire Department. This has been a couple of years in the making, compelled by some general interests in whether we are providing the right kind of service to our community, born out of a look behind the scenes during the audit process, our overtime, our staffing levels, and those kinds of things. We took it a step further and did a much more comprehensive look at our overall operations and are very pleased with the product that was produced by this consultant. It really is a good representation of where we stand today, and it ultimately gives us a roadmap for the future of our planning for Fire Department activities. With that, we have Bill Boyd with us today from Emergency Services Consulting International, who was our Project Manager. He is a former Fire Chief from Washington State, well-versed in fire department operations all across the Country, not only in his role as the Fire Chief in Washington, but also in his role with ESCI in touring around the entire country and looking at fire departments—some like ours, some not like ours, so I will turn it over to Bill Boyd for his presentation on the study.

There being no objections, the rules were suspended.

BILL BOYD (*via remote technology*): Thank you, Chief. Can everyone hear me, okay?

Council Chair Kaneshiro: Yes, we can hear you, Bill. We will let you do your presentation and will hold any questions until the very end of your presentation.

Mr. Boyd: That is perfect. I was going to suggest that. I am going to power through this. I am guessing it is going to take about twenty (20) minutes. I know you folks have had a very long day so far, so I appreciate your patience in having me cover this material. Let me get my presentation up and running here. Can you folks see my presentation?

Councilmember Cowden: Yes.

Council Chair Kaneshiro: Yes. Can you make it as a slideshow?

Mr. Boyd: Yes, I will get right to it. I have to get this thing out of the way. There we go.

Council Chair Kaneshiro: Okay.

Mr. Boyd: Thank you, Chief Goble, for that introduction. Yes, I was a Project Manager for ESCI, but I will update my status at this point, I actually retired from ESCI as of July of this year, so this is my last hurrah. Stepping back, I retired in 2012 from the Bellingham, Washington Fire Department and this has been my encore career, if you will, and I retired in Arizona. This was a fun project to work on, including the site visit. Myself and a colleague on our team came out in May, if I remember right, and spent three (3) days working with the Fire Department and the County staff in gathering information and following up on the reams of data and information that was graciously provided by County staff and the Fire Department staff. To begin with, I just want to say thank you to all who assisted on this project, because as the Chief mentioned, it was a detailed and large project. What did we do? What did we evaluate? We evaluated the Fire Department administration, staffing levels, operations, personnel management, how operations personnel were scheduled and deployed, operational performance in respect to response times, types of incidents that the Fire Department and the Ocean Safety Bureau (OSB) respond to, did a somewhat small evaluation of emergency management practices, Fire Department and OSB training support services infrastructure air operations, the Air 1 operations, provision of first response Emergency Medical Services (EMS), and then life safety fire prevention public education programs, then all of the Fire Department facilities, large-scale capital equipment and capital apparatus.

I want to start off first by saying, obviously you folks live in a fairly unique environment. You have urban and suburban areas that essentially run around most of the island, then the rest is rural tropical wilderness area, which poses some very unique response challenges. You do not have many interconnected road networks with cross streets and that is a challenge for the Fire Department in deploying resources in a timely manner. In one area in particular, you can see by the location between these two (2) stations, and we will get into this in a little bit, there was a significant response gap in the northeast portion of the County. Just very briefly talking about population history, the data I am sharing here is based on 2010-2020 estimated census information, so these numbers are somewhat dated now because the new census figures are out, but the population growth over the past decade has increased about ten percent (10%), adding about six thousand three hundred (6,300) to six thousand nine hundred (6,900) residents in the County, and that population has fluctuated somewhat.

When we talk about what the Fire Department responds to as far as emergency incidents, what has been interesting here is COVID-19 obviously had a significant impact on emergency responses as well as some of significant flooding and landslide events that happened that contributed to a decrease between 2017 and 2018 of almost five percent (5%), then an increase of emergency incidents the following year of one point eight percent (1.8%), which is interesting and we believe that it is related to the isolation of Hanalei in the North Shore for about two (2) months. Then in 2019-2020,

there was a significant decrease of fifteen point eight percent (15.8%) of emergency incidents. Now, as you have noticed in this slide, this pie chart, that is probably due to the fact that seventy percent (70%) of the overall call volume for the Fire Department is meant for medical incidents and similar to what we have seen in other fire department organizations that we have studied over the past year, almost all of them have seen upwards of a twenty-five percent (25%) decline in emergency responses, mostly because people did not call 9-1-1 to go to the hospital—they did not want to go to the hospital, they wanted to stay isolated because of COVID-19. We expect that trend to change once COVID-19 finally disappears or gets down to a manageable level and people get vaccinated, we expect that EMS call volume to go back up.

The other thing we looked at, and we call this a temporal analysis, is we looked at when do the emergency responses happen? When is the highest and the lowest service demand? We look at three (3) aspects. We look at month of the year, day of the week, and time of day. In the study document, the month and day of the week charts are in there and you will see that the trends are fairly consistent for month-to-month and day-a-week, but the biggest change which is similar to what we see in other departments' studies, and it makes sense, is the call volumes tend to go up during the day, fairly significantly, starting about 5:00 a.m. and they are peaking in Kaua'i between 10:00 a.m. to 1:00 p.m.—that is not unusual.

The other thing we looked at is, we plotted three (3) or four (4) years of address data and we used Geographic Information System (GIS) tools to plot the incident density for fire incidents, which is shown in the yellow chart on the left and EMS incidents on the right. On the fire incidents on the yellow-highlighted map, we noted, obviously with the higher population density, there is a higher number of calls with the exception of some increased service demand just to the west of Stations 8 and 2, Kapa'a. In discussing those findings with Fire Department staff, the feeling was that was due to a large number of unhoused populations, which resulted in improperly disposed of trash, hazardous waste, significant crime, substance abuse, and a large number of suspicious fires. That is something we took a look at as you will see, as we are talking about changes to station locations potentially in the future.

The other thing we did is, we took GIS information and plotted it out using your existing road network and speed limits, how far can each station theoretically cover or travel to within five (5) miles. In the shaded areas here, it indicates for each of the stations the five-mile travel distance on the existing road network. Again, as you can see in the corner there is a gap and that was well-known to the Fire Department prior to our starting this study. We confirmed their suspicions as we did our analysis.

The other thing we looked at is, what was the actual travel time performance for the incidents that we plotted for 2020? Year-to-date 2020, we went in and plotted every incident and looked at the time and the way the unit went en route until they arrived on scene. As you can see, the green dots are less than four-minute travel time and the red dots are greater than twelve-minute travel time to get that first unit on scene. You can see up on the hill here at Station 2 in Kapa'a, there is a lot of orange there, which is an eight- to twelve-minute travel response time. Then up in this gap area that I previously identified, you see a lot greater than twelve-minute response times. Then of course, less of Station 1 in Princeville, there are several incidents that took longer than

twelve (12) minutes to get a unit on scene. Now with that said, when we did our benchmarking against National Fire Protection Association (NFPA) standards, because Kaua'i is an all-career fire department, NFPA Standard 1710 for career departments is the one that we benchmark against. But because of the rural nature and the unique nature with the roadway systems and the rural and wilderness construct of your island and the demographics, we also benchmark against another NFPA standard, which is NFPA 1720, which pertains to volunteer fire departments, which is essentially departments that have low population density and/or other demographic considerations that lend themselves to rural and wilderness environments. When we benchmarked that data, the data showed that under 1720 standards, the Department performs very well against that standard.

The other aspect, just to briefly mention, that we looked at, frankly, it is a large portion of the Fire Department's operations and not something that we see everywhere, is the Ocean Safety Bureau Division, and the large role they play in interacting with Kaua'i citizens. We took all of their data that they have provided to us related to their demographics and their activities and the population they serve on a daily basis and summarized that data as well. They take head counts and do a census twice a day on the number of people who are swimming, recreating, sunbathing, surfing, and so forth, and they also create reports based on the services they provide, which included first aid rescue, public assist, drowning response—those types of things—all that data is summarized in the document as well. It is interesting on this chart, you can see that in Fiscal Year 2019 and 2020 the numbers are all down, right? That is because you did not have much tourist population. Frankly, we thought the numbers would have been even lower, by the way this slide is showing swimmers, the number of people who were swimming on an annual basis at each of these beach locations, and there is a dramatic drop off. We thought it would have been a little bit more, but the feeling during the interviews is that the beaches were wide open, so the residents ended up taking advantage, spending more time at the beach and recreating more down there. The last thing that I would note on that is, out of all of the Fire Departments services provided, we believe that OSB has the most face-to-face public interaction of all the Fire Department operations.

We also looked at the drowning demographics. We counted forty-six (46) drowning incidents between 2016 through June 2020, which does not include swimmers who were not recovered and are still missing. What is interesting to know here is seventy-six percent (76%) of them were male, eighty-three percent (83%) were visitors, and the majority of those fatalities were at Po'ipū Beach, fifty-four percent (54%).

Here is a chart showing the rescue events and as you can see, Po'ipū is way down on that, but Nukumoi had a significant number of incidents in 2018 and 2019, not sure why that is—we just do not know. Obviously, it went down significantly after that.

That was just a brief overview of the Department's activities and responses from an emergency response standpoint. As I have mentioned, we also, on that first or second slide talked about the different aspects of the Department that we have evaluated. These following slides are a highlight to key findings for each of those areas. We feel that the ratio of administrative staff to operation staff is adequate. They are not overstaffed and they are not understaffed. We are concerned about the significant

turnover in the Fire Prevention and Training Administrative positions—those positions are not deemed to be necessarily desirable, and when there are promotions and changes made at the operations level, the officers retire or leave the Department, the people in those positions tend to go back on the floor into operations and leave after short periods of time, a year or less. The Department, theoretically, when we did our staffing analysis based on the amount of leave usage, sick leave, vacation leaves, and so forth taken by firefighters, using a typical staffing or relief factor model, we have identified a shortage of firefighter positions and five (5) Ocean Safety positions to cover the leaves. Specific to the Fire Bureau side of the house, collective bargaining agreement (CBA) rules statewide include what is called a rank-for-rank clause, prohibit moving unassigned personnel between shifts or between stations to cover for anticipated an unanticipated vacancies, which really hamstrings the Department in deploying personnel in a cost-effective manner. With that said, we evaluated about two hundred fifty (250) shift reports from January through September of last year and looked at the number of staff, and this is all detailed in the report, and identified several inconsistencies in the application of the CBA and the rank-for-rank work rules by the Battalion Chiefs, and also probably some errors in documentation. We have identified that it is very challenging for those Battalion Chiefs to set up, manage, and monitor the crew scheduling, and that is partly because of the complex work rules, but also the fact that it is done by hand, manually.

Capital facilities findings. In general, we toured each of the stations when we came out on our site visit and identified that number one, three (3) stations were located in tsunami inundation zones, which should be concerning by itself, but overall, the stations are small, they are inefficient, and they are not configured for long-term use. We identified the lack of an adequate fleet maintenance facility, the mechanics travel around in equipment trucks and mechanic trucks, and try to work on the apparatus in each of the stations. I toured the Air 1 hangar at the airport and in my mind, that should be decommissioned and the aircraft moved out of there as soon as possible. I believe it is a safety issue. There are issues that have happened with that hangar where if the helicopter had been in that hangar when something happened, it could have been significantly damaged or totaled. The fact that the Fire Department does not have an adequate fire training facility—that is an issue. They do ad hoc training around town in various parking lots and get permission from businesses to train in or on the buildings—that is a concern.

Then, we have identified as we went around to all of the stations that fire operations personnel spend, in some cases, significant amount of time maintaining the station grounds doing landscaping.

(Councilmember Chock was noted as not present.)

Mr. Boyd: To their credit, they have done some significant remodel projects at a couple of the stations, which is outstanding as far as saving money for the taxpayers and so forth, but as the Fire Department continues to get busy and more training requirements come down the pike and other things need to be done including potentially doing building inspections or things like that—that is probably not sustainable.

Under capital equipment, the fire and lease purchase program, the Department uses in the current replacement schedule for apparatus, we think is a current approach; however, with that said, the Department at the time of doing our assessment does not do required annual pump testing or ladder testing for your ladder truck, and that is required and needs to be done. Last, I have mentioned before, the fleet mechanics do not have a dedicated facility or place to repair and service the apparatus.

In this program findings, obviously, the Kaua'i Fire Department does not do ambulance transport, they do the medical first response, the first responder is EMTs. One of the things we have identified in looking at the demographics of the island, when we were there, in reviewing Wilcox Medical healthcare plan that they are required to put out, the studies and the demographics in the community and what the priorities are, typically used in a collaborative approach of various social services and medical providers, and so forth, identified that you have a fairly large unhoused population, mental health challenges, issues with potential suicide—those types of things—and in today's EMS world, Mobile Integrated Healthcare Community Paramedic programs are being implemented and/or considered to help meet the needs of these special populations who have chronic or could be...abuse history that would lend themselves to more nontraditional EMS fire response approach. In the study we outlined those programs in detail on what needs to be considered.

Air operations findings. As I have mentioned, that current air hangar is inadequate and unsafe. In fact, when I was there and toured it, one of the inoperable doors on the front of the hangar was hanging somewhat loose and flapping in the breeze, and that is a very heavy door. Hopefully, that issue has been resolved by now, but if not, it should be.

(Councilmember Chock was noted as present.)

Mr. Boyd: The size and the power of the aircraft is limited. It has a very limited mission as far as what it can do and as far as the carrying capacity and the ability to transport patients. In fact, most of the times the patients are, what we call "short hauled." If they were moved from a wilderness environment that is inaccessible, they will be lifted by a short haul rope underneath the helicopter and taken to the closest landing site for transferring to an ambulance. The Rescue 3 personnel from Station 3 respond out to that aircraft on their apparatus code red, lights and sirens, to staff Air 1, which is sometimes delayed by the security requirements and the need to gain access to the hangar in a timely manner to respond.

Training program findings, as I have mentioned, similar to the Fire Prevention Bureau, there is significant turnover in this bureau as well. Both the Fire Prevention Bureau and the Training Bureau Captains who are performing the administrative job duties, in ESCI's experience and in my experience a lot of those duties are Chief-level officer duties and not traditional duties performed at the Captains level or Lieutenants level. As I have mentioned, lack of fire drill ground and drill props is problematic for the Department. The Department has a robust technical rescue program. They provide a wide range of technical rescue including extrication, water rescue, wilderness search and rescue, and the helicopter operations search and rescue. However, Kaua'i has a number of petroleum tanks, you have underground cisterns, underground tanks, and

situations and spaces where someone can become incapacitated and/or die in these spaces. The Department does not have a confined space awareness or confined space operations rescue program, and we feel that is a deficit that the Department needs to address by either having agreements with any other on-island rescue resources...because by Occupational Safety and Health Administration (OSHA) law and Hawai'i State Law, before anyone enters a permit required confined space that may have a dangerous atmosphere inside, there has to be a rescue team standing by. We saw that as a significant gap.

Under life safety education program for the Department, I already mentioned the high turnover. Again, the Captain's duties are more in line with the Chief's Office duties. We have identified that there is no comprehensive fire safety inspection program for commercial buildings on-island—we see that as a significant gap. In our interviews and site visit, there were some issues that were identified with the payment and distribution of building permit fees, where Fire Department representatives are involved with installation of sprinkler systems, their approval of building plans, complex building plans from a Fire Code safety standpoint, but when we were there, we identified that there is improving coordination in that aspect and those issues are being resolved.

The other area we identified, which was very good, was that the OSB education program is robust. The Lifeguard Association and OSB personnel have been doing Yeoman's jobs trying to consistently educate the public and visitors in particular. While those efforts have not necessarily resulted in a downward trend in the number of drownings that have taken place over the years, because of the fact you have so many visitors coming in, that training needs to continue and needs to be a constant focus because of the amount of visitors the island sees.

We made recommendations and broke them down into three (3) categories: short-, mid-, and long-term. Short being zero (0) to one (1) year, next being two (2) to three (3) years, then three (3) to five (5) years or longer for long-term. These are the key recommendations and there are others that are in the report as well, but these are the key ones.

Number one was discontinuing the use of the Air 1 hangar. Need to lease the hangar or do something different there. The Department should do the pump testing and aerial testing as soon as possible to make sure that both are able to reliably and safely function in an emergency situation. When we did our station tours, we identified there are fire life safety equipment gaps in some of the stations. For instance, some of the stations do not have smoke detectors, which is a Code requirement. Lastly, ensure all Fire operations personnel are confined space awareness safety trained.

Key mid-term recommendations are to do a commercial occupancy inspection for all large commercial buildings on-island. Along with that is an opportunity for the Fire Department to build and maintain a pre-fire plan program, which basically makes firefighters aware of what any special hazards or fire protection features are in each of the buildings. We think the firefighter candidate physical agility testing process needs to be examined. A third party should be brought in to assess, evaluate, and create a valid, from a civil service human resources standpoint, a defensible physical agility test

that, as much as possible, mimics the physical challenges and job tasks the firefighters are required to perform in emergency situations on a fire ground. We think a third party should be brought in to do a comprehensive capital facilities assessment for each station and develop a capital facilities maintenance plan. When we were out there, we understand efforts were underway to secure land and build a Fire Department services facility by the airport—we think that is absolutely needed and applaud that effort. Last but not least, for mid-term recommendations, we think Kapa'a Station 2 needs to be moved inland and by inland we mean up to the west up the hill, because Station 2 and Station 8 are close together, they are about two (2) miles apart. Station 2 needs to get out of the inundation zone and it has significant building envelope issues that need to be addressed.

As part of that, what we did is GIS analysis. Each of those red lines in those starburst patterns indicate an incident at the ends of each line. I cannot remember the travel distance criteria we used on this, but we identified where would the most optimum theoretical future station location be for moving Station 2, and as you can see, moving it up the hill a little bit appears to make a lot of sense. Again, I have also pointed out this gap up here. With that said, pointed out that gap, our long-term recommendation is that a future fire station should be located up here. The Chief had previously identified they had done rudimentary work and some thumbnail analysis and estimates of where a future station could be located, and with our GIS theoretical analysis and their analysis using the tools and their local knowledge and experience, turned out to be very close to the same.

I guess I will close out my brief presentation by number one, thanking the County for the opportunity to have us come out and assist you folks. Again, I would also like to say thank you to Chief Goble and especially, Chief Gibson who was the project coordinator from the Fire Department side of the house. He was very engaging, responsive, and “birddog” in getting us all the information that we needed to do this analysis. With that, I will open it up for any questions you may have.

Council Chair Kaneshiro: Thank you for that presentation.
Councilmember Evslin.

Councilmember Evslin: Thank you for the presentation and the report, it is really comprehensive. I think you put out a lot of great information and clear to follow recommendations. Two (2) questions. One, you mentioned rank-for-rank and the difficulty that it makes ensuring filling vacancies is hard, at least with on-staff firefighters and how it makes it more expensive to do so. Looks like you mentioned that it was rare. You said, “the exception of rank-for-rank the staffing methodology is very common.” Quick question, how rare is it? Is Hawai'i one of the only places that does this or the only place in your experience?

Mr. Boyd: In my experience, this is the only place that has done it, but I have probably participated in about twenty (20) or thirty (30) comprehensive operational assessment studies and none of them had clauses that required personnel to be hired back on overtime when there were available qualified personnel that could be moved over and shifted to fill those vacancies without incurring overtime. This is basically a clause of guaranteed overtime pay for every Firefighter II

and above on an annual basis and the rules that are in that clause, it is not just one (1) clause, I call it rank-for-rank clause, it is a series of work rules that are included in the contract, and based on those rules the Department has rules as well, to further implement those to make sure it is consistent with the rank-for-rank State requirements through the CBA. Chief Goble comes from Henderson, Nevada and in our exit interview discussion we identified, and you will see it in the report, that there are computer web-based tools that can help consistently and accurately schedule employees and also document and take the redundancy out of having issues of payroll and inaccurate tracking—those types of things. We mention a couple of those web-based tools in our report. He is very familiar with those and used them in his previous department.

Councilmember Evslin: Can those web-based tools work with rank-for-rank? Rank-for-rank seems like an awkward...you can have some efficiency tool, but it is hard to plug in, so do those work with rank-for-rank?

Mr. Boyd: Yes, they are flexible. With that said, it is still complex, so when those programs are being looked at from a purchasing standpoint, all of those things need to come to the table as far as, "Can the program do this? Here are our work rules." Some of these companies can be "snake oil" salespeople and you have to do your due diligence in selecting the right tool.

Councilmember Evslin: Okay, thank you. Rank-for-rank is probably one of the only things in here that we do not have any control over as a County. Obviously, we have heard over and over that it is problematic, in terms of leading to high spiking costs. I was not aware that Hawai'i is unique in our use of rank-for-rank in the collective bargaining agreement. My other question was regarding the capital improvements projects, it seems like there is a huge need going forward. You have mentioned the age of the existing stations, the poor state of many of our existing stations, cramped living quarters, the need to move the Wailua station *mauka*, potentially the need for a new station in Kilauea, the need for a dedicated training facility, and all of those seem important, but I was wondering, do you have some way to prioritize those needs or can Chief Goble chime in? As far as prioritizing, are we going to refurbish or rebuild the existing stations before building new ones, or how do we determine that? Is it just a future Capital Improvement Project (CIP) study that we need to do?

Mr. Boyd: I do not know if the Chief wants to weigh in. My thought on this is the recommendation we make is to bring in an outside...because we are not experts in assessing building envelopes, but I am an expert in identifying when there is a huge hole in the back of the station and the asphalt is heaved up with cones around it and no one can park there—those types of things, it does not take rocket science to figure out you have needs there. As far as prioritizing and identifying what the true issues are and the potential costs for improvements versus relocating or building new, we feel bringing in an outside expert who is familiar with fire department facilities and building envelope construction aging of the stations. Then, it is equally important, the ability to work collaboratively and facilitate a collaborative planning process with the various stakeholders to come up with what the priorities are—I think that would be extremely important to do. Does that make sense?

Councilmember Evslin: Yes, it does. One final follow-up for that. I know I said two (2), but I meant four (4) questions. Regarding that aircraft hangar, this is a question for Chief Goble, it mentioned that there is an existing material for a new hangar on-site, but not enough funds to build it, what is going on in the near-term and the long-term for that?

Mr. Goble: Thank you for the question. The solution is in hand, we are currently pursuing a contract to construct the tension fabric structure off-site of the airport, potentially, to serve as the hangar for the helicopter. That will do a couple of things for us, it will also provide us additional space to create apparatus maintenance area as well. We think that is the ultimate solution. We have been scouring the countryside looking for space to temporarily house the helicopter in the interim and frankly, there just is not anything available that we have come across yet. We continue to work with the folks at the airport asking if there is any leasable space that becomes available, we would certainly like to jump in and grab it. We have looked at other private areas or commercial areas to try to find a solution for that. We recognized the state of the current facility is not suitable for our needs, so that helicopter sits outside a lot more than it should at this point while we work through trying to find temporary while we also work on this longer-term solution.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Do you have a follow-up on that?
Councilmember Cowden.

Councilmember Cowden: Chief Goble, I imagine that you have looked at Burns Field or Princeville at the hangars there. I do not know if there is as much visitor use of those helicopters. Is it possible to put it in a place like that, in a commercial facility?

Mr. Goble: We did look at Burns Field specifically, and the challenge for us with either of those locations is logistical. It separates our response crews from the response apparatus, in a nutshell. It extends our response to what we thought was an acceptable timeframe. We talked to a company at Burns Field that potentially had a space for us for a short-term versus a long-term period and it just did not make response sense for us to take advantage of that.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin, do you have any further questions?

Councilmember Evslin: No, that is all.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I had a follow-up to the Burns Field. Did you do a time analysis between the Hanapēpē Station and the Burns Field station that we could get our men to the hangar?

Mr. Goble: It was not the Hanapēpē Station that creates the problem. The Rescue 3 team is the primary response crew for that apparatus and are housed in Līhu'e. Partly because of the proximity to the airport and the current helicopter asset, that team would have to transition out to Burns Field from Līhu'e in order to make it happen and that was the problem. There just is no space in the Hanapēpē Station to house that additional crew.

Councilmember DeCosta: Chief, is that crew on call or working every day of the week? Do we have a rotation of that crew?

Mr. Goble: They are a permanent full-time rescue asset that is staffed twenty-four hours, seven days a week (24/7), three hundred sixty-five (365) days at the Līhu'e Station.

Councilmember DeCosta: Chief, follow-up question to that, did you provide statistical data that shows how many times they were called throughout the three hundred sixty-five (365) days a year and how much of it was downtime? Can we get some data on that?

Mr. Goble: I can put those numbers together. The wilderness search and rescue is only one (1) of the components of that crew. They also provide supplemental emergency medical response to the busiest district, which is here in Līhu'e. They also do the rope rescue, and also the additional asset for brush fires and wildfires, so they are a busy company, but we can get you those numbers.

Councilmember DeCosta: I understand that. I am curious about the callout statistical data on that crew assigned to the helicopter and what is the downtime when we do not use them. That is what I want.

Mr. Goble: Yes, we can.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta, do you have new questions?

Councilmember DeCosta: Yes. Thank you. I was excited. The first question I wanted to ask was, Mr. Boyd, what is your past relationship with our Chief prior to being hired to do this analysis?

Mr. Boyd: None. When I was engaged on this project Chief Goble had been hired.

Councilmember DeCosta: Do you not know Chief Goble from Nevada?

Mr. Boyd: When he was on Kaua'i.

Councilmember DeCosta: Is that where you met him?

Mr. Boyd:

Yes.

Councilmember DeCosta: I am curious. You mentioned the unique deep terrain of Kaua'i and the rural roads that are unfamiliar to people who are not from Kaua'i, and I noticed in your application process you have a high school diploma, two-year work experience, and a valid driver's license, but I do not see anything in here that states that a local person from the island of Kaua'i might have a better opportunity knowing the terrain because he or she was raised on the island versus bringing in someone from the mainland who might academically fill the responsibilities of this application process, but not know the deep terrain. You made it clear that the deep terrain was a problem here on the island.

Mr. Boyd: Yes. The nature of those comments related to the topography and the geography of the island simply did not have anything to do with the quality, the human resources, or the hiring practices. It had to do with identifying the unique response challenges from timely response and special rescue procedures, equipment, and training required to extract people from those environments.

Councilmember DeCosta: Correct, but if you had a female or male who was born and raised on the island who knew the trails or terrain that had spent some time prior to them becoming a firefighter, would that pose an asset to the Fire Department?

Mr. Boyd:

Absolutely.

Councilmember DeCosta:

Thank you.

Mr. Boyd: One of the things we identified was, we looked at the number of people from OSB, for instance, who then become firefighters. In discussions with Fire Department staff administration, that experience is invaluable from a local knowledge standpoint, a physical fitness standpoint, and just an experience standpoint—as an example of that.

Councilmember DeCosta: Another question I had for you was, you mentioned some of the fire stations were too small, inefficient, and misconfigured. The Fire Department and the Police Department are our two (2) largest budget items, so it scares me as a Councilmember to think how much of our funding has to go into repairing these two (2) small, insufficient, and misconfigured fire stations. It is always nice to have a luxurious place to rest and work, but during this certain time of COVID-19 and different budget, and shortfall of revenue, it troubles me.

Mr. Boyd: Understandably so, it is not cheap. You will see that we came up with a benchmark or examples of what it would take to replace the station, build a new station, or replace the Kapa'a station, and those are "ballpark," rough estimates that factor in a four percent (4%) per year inflation factor, and we include the equipment cost, the onboarding cost for hiring new personnel—all of that just to help put context to what the potential cost to help guide your discussions and figure out what priorities are and just to give examples.

Councilmember DeCosta: My last two (2) questions. You mentioned a third party coming in to assist with the Fire agility test, can you explain more? I did not fully understand that. Why do we need a third party to come in to assist with the Fire agility test?

Mr. Boyd: Excellent question. There are fire departments in the United States that are large ones like Los Angeles (L.A.) City, and Philadelphia being another one, that were sued for an adverse impact on minority candidates—female candidates—related to their hiring processes. Some of those lawsuits have been based on challenging the physical agility portion of the hiring examinations and the basis of those in some cases were not accurate job-related physical examination. In 1999, the International Association of Fire Chiefs and the International Association of Firefighters did a complex study analysis of physical tasks typically performed on the fire ground for a structure fire and developed a validated scientific, physical agility test called Candidate Physical Agility Test (CPAT) and deployed that program around the United States—we describe that in detail in the study. It is a very comprehensive process that looks at not only the application of the test itself in putting candidates through it, but how the proctors are trained to consistently and accurately assess the candidates performance and document it. It provides the opportunity for candidates to practice ahead of time. It has all these requirements to help ensure a fair test. So, if you are doing a physical agility test, from a liability protection standpoint, if you could bring in an expert from outside to come in and assess your current program, physical agility test and/or either validate it saying, “Yes, it is a valid test.” By looking at the specific job tasks that Kauaʻi firefighters perform, that may include the current firefighters own physical condition to help benchmark or set up a floor for what the minimum qualifications need to be for physical fitness, all of those factors come into play and potentially developing a more valid test. I can tell you that this is the first time I had seen a physical agility test where individual components were given over a two- or three-day time period as opposed to a physical agility test where a candidate goes from one (1) job task to another to another to another and those job tasks simulate typical fire ground tasks. Examples might be, throwing a fifty-pound hose bundle over your shoulder going up and down four (4) flights of stairs, pulling a charged hose line one hundred fifty (150) feet, climbing a one hundred-fifty-foot aerial up and down—those types of things, very job-specific, fire ground specific tasks.

Councilmember DeCosta: Okay. With that being said, I only have one (1) more question, but I will clarify what you just told me. The people from L.A. or in an inner city like San Francisco, their terrain is more of a concrete type of jungle. When you come here and you fight forest fires in the mountain, it is totally different, so bringing a third party who is experienced in the concrete jungle of L.A. might not do us any justice being on this physical agility test. I might not agree with you on that. I wanted to clarify, you mentioned a fire station at the airport, are we looking at putting a County fire station at the airport or did I mishear that?

Mr. Boyd: Chief Goble might want to weigh in on this, too. During our interviews, discussions, and tours, there is a site located down close to the airport’s fire station to the southwest end. There is property potentially available that we understood and that was being discussed and talked about actively at the time we

did our site visit back in May. I do not know if there is any updated status on that. Chief, do you want to weigh in on that.

Mr. Goble: I can. That site is currently a place where we do some of our training evolutions and those kinds of things. It is not a fire station. It is more of a support site for us with potentially building our modular training facility, so that would be the purpose of that site.

Councilmember DeCosta: Thank you for that clarification. I am done.
Thank you.

Council Chair Kaneshiro: Councilmember Cowden, do you have a follow-up?

Councilmember Cowden: No, it is not a follow-up.

Council Chair Kaneshiro: Councilmember Kualii, you then.

Councilmember Kualii: My questions have to do with the theoretical coverage map on slide 24 and slide 25, the key long-term recommendation in both of those slides. I think you said at the end of each of the red lines there is an incident, so the data being used here to create these red lines are past incidents?

(Councilmember Euslin was noted as not present.)

Mr. Boyd: I believe so.

Councilmember Kualii: And only that?

Mr. Boyd: Yes.

Councilmember Kualii: When we talked about the potential with the recommendations, future facilities, and the required investment and potential costs is enormous and in order for us to maximize our investment or CIP dollars going forward, we need to base those decisions on data, so this data is helpful, but could there also be additional data not just based on past incidents, but on the number of structures in the geographical area that potentially would need assistance putting out a fire, the population in that area and maybe the expected future growth in that area.

(Councilmember Euslin was noted as present.)

Councilmember Kualii: Now having said all of that, I also think that we need to look at the data in two (2) separate ways: one being how we respond to fires, and two, how we respond to emergencies, because in your earlier slide you showed us that seventy percent (70%) of the response is emergency. We do not necessarily need a fire truck to get to our neighborhoods as quick, but we do need that emergency vehicle. So, if we do not have enough money to have the top of the line huge facilities with fire trucks, maybe we should be looking at the data to tell us where we need fire trucks and where we need emergency vehicles. Then, maybe our investment could be smaller in

some places and bigger in others. Based on the data you already have, can we determine that or do we need to find more data?

Mr. Boyd: Those are excellent questions. I would tell you, if you go through the report, we analyze, and as you have seen on that pie chart and the seventy percent (70%) that you are referring to is emergency medical incidents. Overwhelmingly, the highest demand for Fire Department services is in responding to medical emergencies, trauma, rescues—those kinds of things, not structure fires, which is consistent with most fire departments across the United States that provide EMS. The highest use of their services is for emergency medical. Emergency medical care is directly tied to population density, age of population, and vulnerable populations. Unfortunately, we do not have all the demographic data for each of your small towns or communities on your island. We did look at demographic data and we talked to the Planning Director about planned growth and what is going on on the island, so we do have information in the report on that. But those are all excellent comments and I believe they are addressed in the report. The last point I was going to make is, regarding your comment about the fire truck, we do not necessarily need a fire truck on calls that are not fire related, you are absolutely right. The Department already deploys in that manner. Each of the stations have a rescue vehicle like a four-by-four (4x4) utility vehicle that they respond to on a frequent basis for those types of calls, especially when they are calls that are down narrow windy roads, gravel roads, or dirt roads. The Department is being flexible and should be applauded for that deployment strategy.

Councilmember Kualii: Using that and not only to potentially locate a new fire station, but to also make decisions on existing fire station repairs, renovations, whether we expand that station or downsize that station and whether we build new, because we cannot do everything we want to do.

Mr. Boyd: Agreed.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: I have a follow-up to that. I saw the graphs and the time it took to get to certain incidents, and I see how far Fire had to travel. I was wondering if any of this took into consideration the State funded American Medical Response (AMR), which is an ambulance. I am wondering if in some of these cases maybe an ambulance might be the more appropriate vehicle or responder to get there. Obviously, if there is a response, we want the first person that can get there to be there, but maybe if there is more coordination between Fire and AMR, maybe having an AMR vehicle in the Kilauea area. If majority of those calls are EMS types of calls, there is no sense in putting a fire station there just for those calls if AMR had a vehicle that could be in that area that could get to them faster. I was wondering if some of these lines may be lines that AMR might have gotten to the incident first, then Fire got there to assist. I am wondering if any of that was taken into consideration regarding the time to get to incidents if AMR was taken into consideration.

Mr. Boyd: Our philosophy in how we looked at this was, we used what the existing agreement was with AMR on a statewide basis, what their role is, and how the Fire Department currently deploys their resources in a medical first

response assist role. There are two (2) things that go on in a fire department that is providing medical first response. Number one is to get to every call in a timely manner to get eyes on a patient and initiate care quickly, especially if it a serious situation like a heart attack, severe bleeding, severe trauma, and so forth. Then, once the ambulance gets there, the firefighters turn into support personnel for the two (2) paramedics or EMT that are on the ambulance and help move the patient, haul equipment, perform Cardiopulmonary Resuscitation (CPR), interface with the families, handle some of the normal logistics of dealing with an emergency medical situation, and that is the approach we used. We did not approach AMR and say, "Hey, would you folks be the one to move an ambulance out north?" I see Chief Goble may want to weigh in on this too, but there are agreements on a statewide basis of how those resources are deployed and we did not dive deep into that. Chief, did you have anything else you wanted to add?

Mr. Goble: Yes, specific to the situation on the North Shore. The ambulance that is responsible for that response is housed in Kilauea because they know that we have the asset in Princeville that can handle the calls what happens to the west of that. There is a significant amount of coordination that goes along with the partnership that we have with AMR in trying to determine how can we best support the overall community need by locating our resources. They have limited resources. They have five (5) ambulance on-island and we have eight (8) fire stations, so between the two (2) of us, we try to align our response in a way that benefits the community the most.

Council Chair Kaneshiro: When we are talking about putting a new fire station, which may cost upwards of twelve million dollars (\$12,000,000) as a capital improvement not including staffing it, I think that is a consideration we should take, not just looking at how long it takes Fire to get to the incident, but who gets to that incident first, is it okay that Fire gets there a little bit longer, but they are adding support to AMR who has been there already, I think these are things we need to consider when looking at such a big expense or venture in the future. Two (2) follow-ups. Councilmember Cowden, then Councilmember Kualii.

Councilmember Cowden: Thank you. Following up on the important point that you are bringing up. On page 133, I liked that you highlighted mobile integrated healthcare community paramedicine programs. I know Portland has an excellent one like that. It is a bit of a step out from Fire or AMR, I think we would have to really think about that, but that addresses more of this chronic injury that can be proactive. You mentioned our people who are displaced or without housing and that community over a long period of time ends up with all kinds of cascading problems and issues and I think when there is something more like a mobile integrated healthcare community paramedic. I am curious when we are talking about the numbers, how much of our numbers in 9-1-1...what I would say, people with chronic problems and having something like that, probably partnering with our State health and hospitals that might be something. I know this is different from Fire, but this is an area where it could take a segment out when we are talking about the comparison of putting in whole new fire stations and staffing them over time. Do you want to speak about that mobile integrated healthcare community? Do you see it in any rural areas anywhere?

Mr. Boyd: Absolutely. In fact, in my old department in Bellingham, Washington, they had a community paramedic program and when it was implemented, it was done very collaboratively with the hospital, social services in the county, the medical director, the police departments, and the sheriff's department were all stakeholders in developing the program. One of the first things that was done was to identify and quantify the need, which means implementing some kind of tracking identification and tracking database where as patient care reports are being generated by paramedics that is done electronically on iPads, they included a field that identifies where the person is housed, do they have pre-existing mental health conditions, chronic medical conditions, and so forth to help identify the demographic that needs the necessary help. There are tons of programs out there, various constructs of community paramedic programs, and I have given some examples in the report on that. My son is a firefighter in Camp, Washington and when he was first hired and off of probation he spent six (6) months on a very innovative community paramedic response program, which basically married up a firefighter EMT and an Emergency Room (ER) nurse from the regional medical center who would spend a twenty-four (24) hour shift and during the day they made house calls all day long in checking on patients and doing follow-ups, and then were available at night to respond out to sees and engage with patients who were identified by the first responders as needing non-traditional help, not necessarily going to a hospital, but getting plugged into appropriate resources.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Kualii, then Councilmember DeCosta with a follow-up.

Councilmember Kualii: My follow-up was more to reiterate what Chair's point was about the data. If this theoretical coverage map could be redone with whatever data we already have, that would be great. Perhaps each of those red lines represent an actual incident; if it could also show how long it took to get there and whether the Fire Department was the first to get there or if AMR arrived before them.

Mr. Boyd: The end of those red lines...I take that back, those are not actual incidents, that is the theoretical fourteen-minute travel time from each of those stations, so I misspoke on that.

Councilmember Kualii: Okay.

Mr. Boyd: That is identified on page 172.

Councilmember Kualii: Right.

Mr. Boyd: I had to go back and review it.

Councilmember Kualii: What is within fourteen-minute travel time. We do not have as a part of what you studied, actual data on incidents.

Mr. Boyd: Yes, we do.

Councilmember Kualii: Okay, but it is not compiled in the way that this map is compiled to tell us.

Mr. Boyd: If you go to page 101, the map on page 101 has the actual travel time distance for all incidents for 2020.

Councilmember Kualii: Okay. Thank you.

Mr. Boyd: That is actual travel time to actual incidents.

Councilmember Kualii: Right. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta, follow-up.

Councilmember DeCosta: He asked the question I was going to ask.

Council Chair Kaneshiro: Okay. Councilmember Cowden.

Councilmember Cowden: I have two (2) short comments.

Council Chair Kaneshiro: Where are in questions.

Councilmember Cowden: Then follow-up for questions. Can I say something nice?

Council Chair Kaneshiro: You can say it in your final discussion.

Councilmember Cowden: Alright.

Council Chair Kaneshiro: We are asking questions right now.

Councilmember Cowden: Okay, so it takes away from how I would frame it. On equipment, something that I am very conscious of, and I am curious what you are seeing in other places about the vulnerability of these electronic boards in these newer fire engines and trucks—they are amazing and they are all electronic buttons that does this work, they are like computers that they are driving around. My experience from a washing machine to a stove to a vehicle are those control boards go out because of everything from roaches, geckos, and salt; are you seeing that in any other places where you are working on? I thought it might be wise when we buy these new trucks that we would just get that replacement part right then that is about ten thousand dollars (\$10,000) or fifteen thousand dollars (\$15,000) and store it, because if that goes out seven (7) years from now, half those chips are not made anymore. So, if we had a motherboard with everything on it; what is your reflection on that? Is that a problem in other fire stations? What do you think?

Mr. Boyd: I can tell you that I have not specifically identified or addressed that issue in other studies that I have participated in with ESCI. With that said, however, my personal experience is, I had a brand new 2004 fire engine, at the time, that within six (6) months of purchase and delivery it ended up having

electronic gremlins and it became an unreliable piece of apparatus and we ended up having to take the apparatus company to court and our city attorney basically said to sell it off at surplus and we are going to have to get another one. Unfortunately, I received a call that Seattle Fire Department years ago had a very horrific structure fire where a number of members of a family were trapped in an apartment and the first fire apparatus could not get the engine engaged to the pump and it ended up being a failure of an electronic component in the transmission of that engine. So, yes, it does happen in the fire service. I can tell you that it is a concern by manufacturers, and they try to put in redundant systems that are things you can do to bypass certain aspects of operations, if necessary, but the complexity of today's vehicles, including commercial apparatus is such that, in some cases, chance of failure can occur.

Councilmember Cowden: Thank you. Would you be supportive of the suggestion that...because when a truck is made like the beautiful truck in Waimea, they are going to have all the data on that custom piece of equipment, I think it is one percent (1%) or two percent (2%) of the cost of the truck to get that extra component done right away, storage matters, so there is not a problem, but to rebuild the electronics—this is what I used to do a long time ago, is test engineering—it really matters to have that, so to me, that is something I think we might give contemplation to as we are getting more electronically run expensive trucks. It sounds like you have some experience with it. Would you support that?

Mr. Boyd: I guess it would depend on the component you are talking about. I am not sure exactly what you are talking about, so it is hard to weigh in on that. All I can do is answer your question and share my personal experience and professional experience with dealing with complex fire apparatus and issues that at least go on with me with electronic components, and sometimes they fail, unfortunately.

Councilmember Cowden: Yes. My other one piece was that, I felt this document was great. I read through it. It was very comprehensive and addressed more than just the Fire Department in terms of value for me. One little piece that you missed, I just want to at least acknowledge because I hope it does not get lost in here, is our Community Emergency Response Team (CERT). We have an extraordinary facility or community piece and I wondered why that was overlooked. Our junior lifeguards are great and our CERT team is really great, and I would hate to see that deemphasized by omission from here.

Mr. Boyd: That is an excellent point and I do not know why that was missed and I am looking right now to see if we mentioned anything about...you said we did not mention anything about CERT?

Councilmember Cowden: I did not see it. It would be in the back there, it talks about community where we have the pieces about the junior lifeguards; extraordinary program, but I will say our CERT training creates junior lifeguards for our emergency response, except in an adult level. We have people embedded all over the communities to help and assist and they really are an important part of our team even if they are helping their apartment building.

Mr. Boyd: Sure. I would say that the omission of that was not designed. Basically, this was an assessment of the Fire department's services provided by the Fire Department and we probably could have mentioned the other components of the emergency response system as you have mentioned CERT, but we did not.

Councilmember Cowden: Okay, so it would go on page 162, and CERT is absolutely part of the Fire Department, it is run by the Fire Department.

Mr. Boyd: Got it.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I had a follow-up to Councilmember Cowden. Normally when we buy a brand-new vehicle, we do our investigation and look at whether we are going to purchase a Mercedes, a Ford, or a Chevy. We have a certain dealership that makes fire trucks, we are not going to buy the one that has poor ratings, we are going to buy the one that has the highest ratings; am I correct, Mr. Boyd?

Mr. Boyd: It depends on the jurisdiction of what the purchasing rules are. Typically, what we have run into on a purchase agreement is a municipality or a government entity, depending on what the State/local purchasing rules are, most of the time they go out to bid.

Councilmember DeCosta: Okay.

Mr. Boyd: The department writes the specification for what they want and need, then they go through a formal bidding process to see what is submitted.

Councilmember DeCosta: As a County, we still have the last piece of constructive input to purchase that vehicle or not. What I am trying to say here is that when you buy a new vehicle, we are normally not going to buy an additional part of that vehicle to sit in a box that if the vehicle itself had salt damage at the station, that piece in the box would get salt damaged, and if that vehicle is inappropriately built or there is a malfunction; why would we want to buy a part that might be malfunctioned to fit in the vehicle? I am thinking the process would be to find the best possible make, model, and year that has been proven among the United States and purchase that vehicle, so statistically it would show that the vehicle was made at the highest standard; that is the point I am making.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to follow up on that. Our vehicles are unique, so like the one in Waimea—there is no other one like it. It is a unique vehicle to our own specifications. That would be the most unique piece and I would be honest; this is an internal request that has been made to me.

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

Councilmember Carvalho: I wanted to ask a question. Bill, *mahalo* for the study. If we could talk about the three (3) areas of construction or building of a whole new station, then the renovation of the existing stations, and relocating a station to another location—those are the three (3) areas that I see in the study, and based on that—I wanted to get your background on it—if we had to relocate, because you said the Kapa‘a station was in the tsunami zone, that would be the first part of it, or is it more of having a presence on the north shore of our island? I wanted to hear your thinking on it in these three (3) areas.

Mr. Boyd: Sure. In the recommendations, we did shorten it in long-term recommendations, and we felt that moving the Kapa‘a station would go first because the cost is, while significant, you are basically using the same apparatus and a lot of the same equipment and personnel, you are just relocating them from one place to another. Building out a new Station 9, north of Station 8, close to Princeville—that is a bigger ticket item that has ongoing legacy operational costs that are significant because you would have to hire more firefighters to staff that station.

Councilmember Carvalho: One last question on page 72, the lack of fleet maintenance. We talked about the hangar and lack of adequate training facility, then I noticed here that you noted that there is a large new fifty (50) feet by one hundred twenty (120) feet prefabricated membrane there at the facility; can you explain that one?

Mr. Boyd: Yes. Chief Goble mentioned that earlier. When we walked through that hangar...by the way a week before we got there a heavy industrial ceiling fixture rusted off and fell from the roof. It fell right where the helicopter would have been if it had not been out of the hanger on a flight, so you folks dodged a major bullet there as far as having to replace the helicopter or repair it. While we were there, there was a big cardboard box and series of pallets where there is prefabricated fabric building; it is boxed up and ready to go and it has been there for several years. As Chief mentioned, it is just trying to find a location to build it and get that helicopter out of that, basically condemned rusting quonset hut.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: My final question has to do with slides on pages 93, 94, and 95; these are the slides that talk about geographical incident demand, all incidents, and it has all the green, then fire incidents has the yellow, and EMS incidents has light blue; is it safe to look at this and come to a conclusion that when the higher incidents, the other colors, seem to all be in the areas where we have current fire stations. You do this data by square miles and in those particular areas, those are the more heavily populated areas, so that is where we have fire stations, so I do not see anything other than the green, yellow, and blue in an area that does not have a fire station, other than Anahola. Anahola shows a lot of red in the yellow for a lot of fires,

which means they must come from Station 8 to put it out. Then, there is lavender, again, which means they must come from Station 8 to do emergency medical response. I am not sure if your medical incidents map shows any lavender in Kīlauea, because the lavender is too close to the light blue. I do not think I see any, but it would be interesting to see the data other than the data that made this, other than just this map. Is it correct to conclude that these illustrations are showing that the higher incidents are in the areas where we have fire stations?

Mr. Boyd: That is correct. We call that “hot spot” mapping or density mapping and the existing stations for the most part are located appropriately where the highest call volumes tend to be and the densest population base, even the highest building. If you just talk about fire specifically, the highest value commercial buildings.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? I have one last question. I know you analyzed the Fire expenses, you also analyzed salaries and benefits, I was curious what your thoughts are as far as the type of salary we are paying and the benefits that our Fire employees receive compared to other States that you have looked at.

Mr. Boyd: Off the top of my head, we did not really do that type of analysis. We did not do any kind of salary study or anything like that, it was not in the scope of work, this was an operational performance assessment. Outside of the unique issues of the rank-for-rank clause, nothing stood out to me off the top of my head that was abnormal related to what other departments get as far as benefits, and we did not do any salary comparison at all.

Council Chair Kaneshiro: I know page 36, it had year-to-year, I was not sure if you looked further into it. I know some of the suggestions were to possibly make higher positions to keep people in certain areas, I think it was either Fire Training or Fire Prevention that had high turnover.

Mr. Boyd: Both of them. I think vicariously if those positions were elevated, the people in those positions would probably stay longer, partly based on the higher salary, but the other part of that too, is that the jobs that they are doing compared to other department job duties that we have looked at in other fire departments, their traditional duties done administratively, goes more closely in line with Chief Officer rank position as opposed to a Lieutenant or Captain’s level of responsibilities.

Council Chair Kaneshiro: Follow-up, Councilmember DeCosta.

Councilmember DeCosta: I had a follow-up to Chair Kaneshiro. If you did not include in the study, I understand, but this is the top of your head, you are a very experienced man, you have been in the fire department, how many years now? You have retired, but how many years did you have?

Mr. Boyd: Thirty (30)

Councilmember DeCosta: In your thirty (30) years, looking back at your home station where you retired from, are we paying comparable salaries to other States, are we lower than other States, or are we higher?

Mr. Boyd: Like I said, we did not do that. I will probably not satisfy you, but you have a very unique environment there from a cost of living standpoint, an access standpoint—those are factors that come into salary and benefits. I have studied departments that pay significantly less than your Department pays, and I have studied departments that pay significantly more. It is not just wages when we are talking about salary and benefits, it is also, unique to the fire service, the average hours worked. I have studied departments where firefighters work an average forty-two-hour workweek and I have studied fire departments that have worked an average fifty-eight-hour workweek. So that has to be built into the equation as well, it is not just how much someone is paid, it is also how often they are scheduled to work.

Councilmember DeCosta: Would the higher wages come from big inner cities with tall skyscape buildings like New York or L.A.?

Mr. Boyd: No.

Councilmember DeCosta: Or would they be further out in the country with a lot of forest fires that they could be out there for days?

Mr. Boyd: No, I have seen it across the board, no rhyme or reason to it. A lot of it has to do with community support for their fire department, what their priorities are—that comes into it, and frankly, sometimes politics comes into it, because the IEFF firefighter unions are very strong in certain communities and they influence who gets elected and how much a fire department and the firefighters are supported—all of those are factors that come into play, and that is part of the reason why I am hedging when I am saying this, because I have seen it across the board.

Councilmember DeCosta: Thank you, Bill.

Council Chair Kaneshiro: Thank you. Are there any further questions from the Members on this study? Is there any final discussion from the Members? Council Vice Chair Chock.

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

Councilmember Chock: I have spent some time with the Chief, and I appreciate the presentation, Mr. Boyd. I think your experiences shined through and the data that you have collected has been good. The message that I get from this is really on the needs of the Fire organization and I can appreciate everything that you have concluded here. I think where my questions really start to stem from is, “what is next” and I would just like to include in my comments the need for us to do long-range planning in terms of how we become a sustainable fire service. As you have said, we

are unique to Hawai'i because we are limited on the partnerships where we can save money, where we can collaborate with the military, or perhaps with the emergency medical services division, and also with the community services, so those are the kinds of projections that I like to see. You have done a good job at outlining what the costs are, I want to know how we are going to pay for that. We have done a really good job of writing for grants, but that is sort of a double-edged sword as you know in writing for these grants, so I would like to see how it is to move forward with these. What is happening around the country in terms of how we are funding our fire services. Public safety takes up the lion's share of our budget and that is something that we as a Council need to address moving forward if we are going to consider funding these items. In case and point, as an example, now the TAT is upon the County where we can actually have some latitude in how it is we appropriate funding to see how many visitors calls we have, what the impact of the visitors are, it can really go far in terms of how we can sustain this. Also, as far as I recall, so much of our response are on State property, and yet, the County takes care of those services; how can we capitalize on those situations so that we can build a sustainable organization? I just wanted to put those out there because I think it is important for our future Councils to consider how it is we can support the good work that you have done. Thank you.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: First off, congratulations on your retirement, Mr. Boyd. I do not know if this is your actual last moment of official work here, but if it is, great job and good luck in your future. Thank you, again, on the great report. I do think there is a lot of very good information in there as well as some short-term, mid-term, and long-term goals that we need to pursue or priorities in there. Some key takeaways for me are number one, as it is highlighted it said CIP costs about twenty-five percent (25%) of our County budget goes towards the Department and I think in the end there is no way around that. I think providing this type of protection is a big and expensive beast and I have personally required first responders or firefighters to respond to me three (3) times in my life and in every one of those times every minute counted. In order to ensure that we can have adequate response times, et cetera, we are going to be spending a lot of money now and into the future. As Vice Chair Chock said, figuring out how to pay for that is important. One of the big important components of this study, for me, is just highlighting the really challenging CIP Budget coming up—the deferred maintenance, the poor quality of our many existing stations, the health impacts of when the station is in poor quality, and their turnoff gear cannot get separated, the potential liability of things like that, as there is a health hazard potentially for firefighters, and also, when we do not put money away or take care of this the problem just gets bigger. On top of that, the station is in tsunami zones that need, in some capacity, for faster response to the North Shore, the need for a new training station—these are gigantic challenging problems that we are going to be having to solve over the next decade and are critical to solve at some capacity. Also, a quick “shoutout” from here, and it does highlight, OSB does a great job in their community outreach and their day-to-day interaction with the public, so I just want to highlight that aspect one last time. Thank you for the study and the good work that everyone at the Kaua'i Fire Department (KFD) is doing in these challenging times.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Thank you, Chief Goble, for bringing in Bill Boyd. Thank you, Mr. Boyd, for all you did. A quick summary of what I see, and number one, thank you to the firefighters who put their lives on the line every day to save our lives—that is very important. No price can be put on how much they earn. With that being said, I would like to also say the tough one that Mr. Boyd could not say, I believe our firefighters have a good salary here and they make a good living. With that being said, what I gather from our informational piece is that we have eight (8) fire stations and only five (5) ambulances, and we need to equal that number. The majority of our calls are EMS calls, so maybe what Chair Kaneshiro said would put more ambulances on the line instead of a new fire station and we can work with the State on that. Next, most of the calls on the search and rescue, which basically is not local, it is mostly tourists, so maybe we can work with the tourist industry on that and get some kind of compensation from that; if the tourists come here and need search and rescue, they pay for the search and rescue, it does not come out of our community funds because we are not rescuing locals in Hanakāpī'ai or Wai'ale'ale. The last one I took to heart is, we live in a very rural area, we have very dense lush forests, and local people born and raised on the island know the island the best. It must be taken into consideration when you folks design your application process to look at people from the island. They are used to the high cost of living, they know the deep terrain, they know the deep lush rural areas, and they can be an advocate and asset to the Fire Department. Thank you.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: Again, thank you Chief Goble and of course Mr. Boyd, *mahalo* for the information. The study was really helpful, and I think this is a good beginning to have something before us that we can look at, talk about, and really dig into, and I think that is an important part, so I just wanted to *mahalo* the process. I look forward to more healthy discussions that we move on to what are the decisions, the costs, the maintenance pieces, and all that is tied in to all the information that is in this report. *Mahalo* for that information.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I will echo a number of good things that were said, and I think Vice Chair Chock was absolutely on top of it when we have to look at how we contain endless costs that could happen for this really good service. I want to say that I think we have an amazing Fire Department. When I was reading some of the things that we might be able little weak on, I was thinking, well, they get those fires put out and get those lives saved. I appreciate all the elements that were in here, and I just want to say to our Fire Department out there, "Good job, good job, good job." It is part of our culture to take care of one's own home or mow the lawn if they get too busy to do that, I get that, but it is part of the heritage. I think the Fire Department has taken care of themselves. I support that. I want to support what Councilmember DeCosta said, knowledge of the terrain here is essential. He pointed all the parts of the land, I want to point all the parts of the water, so being able to also know the currents, pathways, what the storm cycles are going to be like, again, really emphasizing the value of honoring the skillset that is beyond what gets measured on a piece of paper, and that is local knowledge, local terrain, even the choices like hunting, paddling, surfing—all of that—gives people that act of strength in what they are doing that is

more so a test of how much can get up or down the stairs, because that is that endurance out in the elements, which is where a lot of our first responders spend their time. Thank you very much Mr. Boyd, Chief Goble, and the whole team.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to say thank you for this report and all the great information. It definitely lays the groundwork and gives us a starting point as we plan for the next several years. I think it is absolutely critical that we make our decisions based on data. The one thing I would say is, I think the most important analysis we should get is the slide that talks about actual travel time performance and adding to that, which of the eight (8) fire stations are responding to which incident and how long it is taking them, which of those five (5) AMR ambulance locations are responding to which incident and how long it is taking them to get there. Then, whether the Fire Department is the only responder, the first responder, or the second responder to AMR. I think that in itself, just that one piece of overlay that shows us all this data will tell us realistically, the difference between putting out fires, responding to emergency medical emergencies, and how we best meet the need, because we have to be where we need to be to be timely in responding into saving lives. I thank all of our first responders for the work they do. There is probably no work more important than responding and saving lives. When we make our resource investment decisions that clearly comes to the top of mind, but we need the data, so we maximize how we are putting those resources. That kind of data will help us going forward. The slide about the fourteen-minute travel time, just in general, that is not enough, it needs to be beyond that, because we need to know. I agree with what Councilmember DeCosta said, we need more from the ambulance services, and I know that is a whole other issue, because in our meeting with the Chief, Councilmember Carvalho and I, learned about the AMR response and how that is a State contract, primarily with a private provider. In fact, they have a large operation on O'ahu, so they make money there, but they do not necessarily make money here. Any private entity, unlike us as a public entity, is primarily concerned with the bottom line in making money, we as a public entity can be primarily concerned with public safety and saving lives, but the private entity is not necessarily operating that way. So, it is probably a tricky situation in dealing with that and trying to get them to do more, because we surely do not want them to go away completely, then it all falls on us. If they were just doing a "dollars and cents" decision, they probably would go away, but because it is part of the statewide contract and they can make money on O'ahu, they are still required to service some of the other counties. My primary point is, we have to do what we need to do to serve lives, but prioritize our resources based on good data. Thank you for this great report.

Council Chair Kaneshiro: Is there anyone else? I just want to say, I am appreciative of this report. It has a lot of details. I think the shocking number was the seventy percent (70%) of incidents being emergency medical services. It is a lot of calls, a lot of incidents. I appreciate looking forward to doing the facilities assessment and capital facilities plan, I think that helps us on the Council side also. It helps us plan in the future, gives us predictability on what Fire is going to be asking. If we are not anticipating something and we get a request for one million dollars (\$1,000,000) in needed equipment this year, zero (0) the next year, and maybe five hundred thousand dollars (\$500,000) the next, it is really hard to budget for. But when you have a plan

and an assessment plan, you can kind of flatten the curve and budget about five hundred thousand dollars (\$500,000) or one million dollars (\$1,000,000) every year in this and that. If you get grants, then you can move items up, and it just makes the budgeting process easier on our end, and not give us any “shock factor” as far as where we are going to cut expenses elsewhere. As far as AMR, I appreciate AMR, too. Basically, my comments are to say, I want to be sure we are in communication with them and being as efficient as possible, working as good partners with State’s contracted AMR, not necessarily being in separate silos and whoever gets to it first gets to it, but being in good communication and working together with them to make sure that our residents get the best services and quickest response time possible. I will just leave it at that. I appreciate all the recommendations. I think there are some recommendations that are easy to implement right away, which I am happy for. There are some long-term goals in this. Thank you for putting in the time. I know it took a lot of time on everyone to actually get this report done. We are at lunch break. We will take a one-hour lunch break.

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

The motion to receive C 2021-260 for the record was then put, and unanimously carried.

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

There being no objections, the meeting recessed at 12:47 p.m.

The meeting reconvened at 1:52 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are at the top of page 3 of our Council Meeting agenda. We are now on Communication C 2021-261.

C 2021-261 Communication (11/10/2021) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept a donation from Malama Pono Health Services of sixty (60) pieces of NARCAN (Naloxone HCL) Nasal Spray 4mg, valued at \$7,500.00, to assist in reducing opioid overdose mortality.

Councilmember Kuali’i moved to approve C 2021-261 with a thank-you letter to follow, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions from the Members?
If not, any final discussion?

Councilmember Cowden: Can we send them a thank-you letter?

Council Chair Kaneshiro: Yes.

Councilmember Cowden: I appreciate more product going out into the community. It is needed. I value this partnership.

Council Chair Kaneshiro: Does anyone else have any final discussion?

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

The motion to approve C 2021-261 with a thank-you letter to follow was then put, and unanimously carried.

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

C 2021-262 Communication (11/15/2021) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in an additional amount of \$11,105.00 for a new award total of \$158,530.00, to send an officer to the statewide D.A.R.E. Training on O'ahu and Prevention related supplies, such as drug prevention videos, media, and D.A.R.E. training in schools.

Councilmember Kualifi moved to approve C 2021-262, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions from the Members?
If not, any final discussion?

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

The motion to approve C 2021-262 was then put, and unanimously carried.

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

C 2021-263 Communication (11/15/2021) from the Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance, And Chapter 22, Kaua'i County Code 1987, As Amended, Relating To Public Health, Safety And Welfare.

Councilmember Kualifi moved to receive C 2021-263 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: We will see the Bill later on our agenda. Do we have any questions or discussion from the Members?

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

The motion to receive C 2021-263 for the record was then put, and unanimously carried.

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

C 2021-264 Communication (11/17/2021) from the Executive on Transportation, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and no longer of use or value:

- Fuel Documents (Fuel Receipts from July 2012 to June 2013; Fuel Audit Documents from 2006-2013);
- Payroll Registers (Pay registers and back-up documents from July 2009 to February 2014);
- Accounts Payable Documents (Shop Accounts Payable documents and reports from July 2012 to June 2013);
- Audit Documents (Accrual Calendars from 2008 to July 2012; Payroll Audit Documents from July 2010 to June 2011; Leave Request Audit from July 2012 to June 2013; AEA Quarter/Annual Reports from July 2009 to June 2010; AEA Quarter/Annual Reports from July 2010 to June 2011); and
- Payroll Documents (Timesheets, half sheets (Leave of Absence and Overtime Selections), Daily Change Forms from July 2011 to June 2012).

Councilmember Carvalho moved to approve C 2021-264, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions from the Members?
If not, any final discussion?

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

The motion to approve C 2021-264 was then put, and unanimously carried.

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

CLAIMS:

C 2021-265 Communication (11/10/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Robert A. Zelkovsky, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-266 Communication (11/18/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joe Duronslet, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-267 Communication (11/19/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance, as subrogee for Janell M. Eghan, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2021-265, C 2021-266, and C 2021-267 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 or 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 2021-265, C 2021-266, and C 2021-267 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

COMMITTEE REPORT:

PLANNING COMMITTEE:

A report (No. CR-PL 2021-04) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2838 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kauai County Council, Applicant*) (*ZA-2021-2 – Planning Commission Recommendation*),”

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

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

(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 unanimously carried.

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

RESOLUTIONS:

Resolution No. 2021-47 – RESOLUTION ADOPTING THE 2021 INTEGRATED SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE COUNTY OF KAUAI

Pursuant to Governor David Y. Ige's COVID-19 Emergency Proclamation dated November 29, 2021, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: The first speaker is Kai Mottley.

KAI MOTTLEY (*via remote technology*): My name is Kai Mottley, I am a senior at Kaua'i High School, and I am testifying on Resolution No. 2021-47. Kaua'i's landfill is filling up and I have seen it. I have seen the same issue all over Hawai'i, especially on O'ahu. I have seen the effects of the improper management of waste. In ninth grade, I did a science fair project on microplastics and there are microplastics in tidepools all around the island, and places you would not expect microplastics to be. These are the same tidepools where many of our native fauna live. Our club has also seen what happens at some of our beach cleanups. This is a future that you will all be alive for, but people like me and my siblings will be inheriting and need to deal with. That is why I think it is important that the Integrated Solid Waste Management Plan (ISWMP) has the four (4) priorities listed by Zero Waste Kaua'i. The creation of curbside recycling and a Materials Recovery Facility (MRF), expansion of regional composting capacity and bans on other things, diversion of construction and demolition (C&D) waste from the landfill, and approval and funding of additional staff adequate to work on these priorities. This would greatly reduce what is going into the landfill which would extend its life and make sure that the issues I mentioned do not get worse. This would also ensure a more sustainable future for Kaua'i and its inhabitants. I think it would be important to take this step, because Kaua'i is going to dealing with issues like energy. Right now, our island uses the greenest energy for electricity and we should be proud of that. We are the leader for Hawai'i. We can continue to be a leader by taking steps like this. That is why I think it is important. That is my testimony.

Council Chair Kaneshiro: Thank you, Kai. Thank you for your testimony. Get back to class. Hopefully you are on a break. Next up, we have Ruta Jordans.

RUTA JORDANS (*via remote technology*): Aloha Kaua'i Councilmembers. I am Ruta Jordans of Zero Waste Kaua'i and I wish to address the Resolution on adoption of the Integrated Solid Waste Management Plan. Two (2) weeks ago, I blew my chance to talk to you, so I am delighted and thankful for the opportunity to address you today. I would like to start with advice from Katharine Hayhoe, an atmospheric scientist. In terms of the climate crisis, she wrote, "Every year matters and every choice matters." Solid waste is a climate issue. For over twenty (20) years the sustainable solutions for Kaua'i's growing solid waste problem have been planned, but not carried out. Now is the time for you to set goals and priorities for a sustainable future and to accomplish them. A MRF and curbside recycling, community composting, diversion of construction and demolition debris, and sufficient staff to accomplish those priorities are necessary for many reasons, but to

me, the most important is to mitigate climate change. People say we need to save the Earth. That is not true; the earth will survive. But we are on the cusp of the sixth mass extinction event. Life on Earth, including humans, may not survive if we continue to ignore actions that can make a difference. Kate Raworth, in her book *The Doughnut Economy*, wrote "Ours is the first generation to deeply understand the damage we have been doing to our planetary household, and probably the last generation with the chance to do something transformative about it." Kaua'i needs leaders with the political will to set goals for sustainability and follow through to accomplish them. By adding a measurable goal and the four (4) Zero Waste Kaua'i priorities to the Resolution, you will have taken a step towards turning your vision of a sustainable Kaua'i into reality. Every year matters. Every choice matters. *Mahalo*.

Council Chair Kaneshiro: Thank you, Ruta. Next up, we have Nancy Romaine.

NANCY ROMAINE (*via remote technology*): Good morning. What wonderful testimony to follow. I am speaking on Resolution No. 2021-47. Thank you for having me. My name is Nancy Romaine, and I am an Employment Services Specialist at the Kaua'i Branch Division of Vocational Rehabilitation (DVR). To be clear, my comments are reflections of my own personal viewpoint, not the official testimony of the Division of Vocational Rehabilitation. I strongly support the goal for Kaua'i to divert seventy (70%) of its solid waste to reusable materials by 2030. In order to achieve this goal, I believe an emphasis on curbside recycling and composting facilities is essential and hopefully will be priorities in this ISWMP. The proposed construction of a MRF on Kaua'i will not only prepare recyclable materials for marketing to end-user manufacturers, it will provide job opportunities to secure local jobs that will not be affected by tourism. Recycling, reuse, and remanufacturing creates far more jobs than burying or burning our resources. It has been estimated that a United States of America recycling rate of seventy-five percent (75%) by 2030 would create nearly one million five hundred thousand (1,500,000) new jobs while reducing pollution and harmful toxins. Recycling and reuse creates at least nine (9) times more jobs than landfills and incinerators, and as many as thirty (30) times more jobs. In my experience over the past decade of helping individuals with disabilities find employment that suits their interests and skillsets, I worked with many job seekers who were not interested in any type of work that requires customer service. They prefer to work behind-the-scenes and seek situations with minimal engagement with the public. These particular individuals frequently do not mind repetitive work and they surprise others in their problem-solving abilities when given an environment that allows them to focus. While many of us may see a MRF as a facility with boring assembly line work, I really see it as having an opportunity for the County to offer a potential for a career pathway for the right individuals with disabilities or not. I see it as a great opportunity for the County to also partner with local agencies, such as DVR, the American Job Center, Department of Education, Special Education programs, and Adult Mental Health through the Friendship House in support of our

Kaua'i workforce, working together. From temporary work-based learning experiences to long-term employment for adults, our community has committed professionals ready to provide the support to help American employees be successful. One more statistic I would like to share with you, there is a website that I frequently go to and it is sponsored by the Department of Labor and it is called ONET, referring to Occupational Network. It mentions there the employment projections of the period 2020 to 2030. The Bureau of Labor Statistics indicates a nine percent (9%) projected national growth of the job category recycling and reclamation workers and a zero percent (0%) growth during the time period for Hawai'i. Clearly, there is a national trend towards recycling employment opportunity growth. There are over three hundred (300) MRFs currently in the United States. I think Kaua'i needs to get onboard. We really lack job opportunities in this very crucial industry. It is an industry that will really strengthen our workforce and economy if we are willing to make the investment. Thank you for the opportunity to testify and share my thoughts. I appreciate that.

Council Chair Kaneshiro:

Thank you, Nancy. Next up is John Patt.

JOHN PATT (*via remote technology*): Aloha kākou. My name is John Patt, and I want to testify that Jacobs' assessment of the market for recyclables in Section 4.2.1 is inaccurate and outdated. In Section 4.2.1 Jacobs states "At the time of the drafting of this report, the Chinese ban on recyclables has had a devastating impact on recycled commodities throughout the U.S. and locally on Kaua'i." Jacobs provides no reference for that statement, and their most recent reference to the condition of the recycling market is from 2017. This implies that the recyclables market has been static since 2018 when China instituted its National Sword, banning the import of most plastics and cardboard. The recycling industry admits that there have been market issues since National Sword. The problem, among others, was that raw materials were contaminated with food, wet cardboard, broken glass, diapers, and more. The contamination added cleaning and separation costs, reduced production options, and compromised savings versus virgin materials. The high contamination rate was ostensibly the result of lax recycling policies in the developed world. In 2018, about twenty-five percent (25%) of the "blue bin" recyclables were contaminated with food and non-recyclable materials. Anne Germain, Chief Executive Officer (CEO) of the National Waste and Recycling Association, said in an E-mail, that the figure has dropped to about twenty percent (20%), and "the hope is to get it to around ten percent (10%) in the next few years." Henry Gabriel, Department of Environmental Service for the City and County of Honolulu in an E-mail said that O'ahu has reduced "blue bin" contamination to seventeen percent (17%), and that municipal government is encouraging residents to reduce contamination. So, recyclers are aware of the problems, and conditions are improving. The Solid Waste Association of North America claims that as of late 2021, prices for many recyclables are near record highs. Besides reducing contamination, recyclers are developing alternative markets for plastics, and communities are

shipping cardboard to domestic mills. Anne Germain said that with China out of the picture, much of the volatility from National Sword has dampened. Mixed paper markets have improved dramatically and most American recyclers have committed to North American markets for plastics. Jacobs' assessment of the recyclables market does not consider these factors, nor improvements in technology. Smart waste bins and new fleet management technology could reduce contamination and make collection more efficient. Artificial intelligence (AI) will monitor contamination efficiently, provide insights into a community's disposal habits, and help reduce contamination. Advances in chemistry will make recycling of plastic such as #5 polypropylene more economical. The recycling industry is in its infancy. It will solve its problems. I respectfully request the County Council to instruct Jacobs to update Section 4.2.1 to reflect the improved conditions in the recycling market. Thank you.

Council Chair Kaneshiro: Thank you, John. It was a little muffled. We did receive your written testimony that you sent. I believe you sent two (2) earlier. If you do have what you just read off in Microsoft Word, perhaps you could forward that to us as well. That will probably help. We could hear most of your testimony, but some of it was muffled.

Mr. Patt: Thank you. I apologize for that. I will send you a copy of the written testimony.

Council Chair Kaneshiro: Sounds good. Thank you, John.

Mr. Patt: Thank you.

Council Chair Kaneshiro: Next up, we have Bridget Hammerquist.

BRIDGET HAMMERQUIST (*via remote technology*): Good morning, Members of the Council and Council Chair Kaneshiro. Thank you for this opportunity. I think my written testimony is already in. I will just offer if I may that if we do not have a plan that has some concrete goals in it with real specific priorities selected of the type that has been proposed for your Resolution, I think it will be tragic at the end of another ten (10) years and we will be in the same position that we are in today. As a child growing up in Hawai'i, I remember the time before trash collection, and probably a few in the room that are old enough like me. People would burn what they could, and what they could not burn, they threw into gulches. With trash collection, formal trash collection, that practice has slowly and pretty much totally ended. Now we have a problem with a landfill that is aging and filling up, and another landfill that needs to be sited. To do whatever we can to divert trash now makes total sense. It does not make sense to stop everything while we site a new landfill. I think that John's testimony and the others who have gone before me were excellent. There really is a change in the materials recovery programs and in their ability to use trash, repurpose it, especially paper, glass, plastic, and metals. I think

we need to get this program off the ground. It was approved a long time ago. One of the main things that I wanted to address, with the current siting of the MRF operations at the Kaua'i Resources Facility (KRF). A lot of money, energy, and time went into that, and it is excellent. I included a link to it in my testimony. There is room at that location for a MRF that was already determined. There are Program Managers for Solid Waste and they want to add some other programs out there. When you look at the programs that they are hoping to add, and then saying we would not have room for the MRF, those programs do not compare to the MRF. The MRF will address thirty-six percent (36%) of what goes to the landfill. I know that all thirty-six percent (36%) of the recyclables going to the landfill are not going to be captured. They cannot be. But if even twenty percent (20%) of what goes to the landfill is successfully handled by the MRF, that would reduce the operating costs of collection and disposal of trash and then give the County a source of revenue for the operations of waste management overall, with the operation of a MRF. As a resident of Kaua'i, I really love the idea of the number of people a MRF will employ. I think that the testimony by Nancy about job opportunities for a sector of our society that it could really use, and important opportunities is excellent. I strongly recommend that you consider all our testimonies and please pass the Resolution that incorporates curbside recycling, C&D diversion, composting, and its potential benefits with all the eco-friendly fertilizers that can be used, bagged, and sold, and give waste management operations, as soon as you can, the staffing it needs with trained waste management personnel. Thank you for your time and for listening. I appreciate the opportunity to contribute. Hopefully our testimonies will be taken into consideration. Thank you.

Council Chair Kaneshiro: Thank you, Bridget. Next up we have Caroline Padgett. If you are not there, we can go to the next person. Next up we have Klayton Kubo.

KLAYTON KUBO (*via remote technology*): Klayton Kubo, Waimea, Kaua'i. As I drive down to Polihale, I see "Mount Mānā" and I have one question for Solid Waste, when is it going to end? I think "Mount Mānā" has been there for a while. It was kind of flat when I was a young kid, I remember it. I understand that we have all these kinds of bright ideas and recycling programs, but "Mount Mānā" is still growing. When is "Mount Mānā" going to end and when is there going to be a different location? What happened to the location that was talked about a few years back? They were really pushing hard for a new location for the dump. I think that went silent. I never heard anything more about it. "Mount Mānā" has to stop already, in my opinion. I am fifty-five (55) years old and that thing has been there even way before I was born. That is all I have to say. I do not want to say anything else about any of those other topics. Have a good one. *Mahalo* and *aloha*.

Council Chair Kaneshiro: Thank you, Klayton. Next up, we have Carl Berg.

CARL BERG (*via remote technology*): Good morning, County Council, Council Chair, and Members of the County Council. My name is Dr. Carl Berg, Ph.D Ecologist with the Chapter of the Surfrider Foundation and I am talking about Resolution No. 2021-47, concerning the Solid Waste Management Plan. I have submitted written testimony yesterday, which you should have before you. It is my opinion when discussing solid waste management, greenhouse gas production of each process must be considered. Sorting, recycling, and composting of municipal waste is the only solution to our solid waste problem. The cost of each management option must be weighed against the cost of catastrophic damage to our island caused by global climate change, e.g., increased frequency, strength, duration of hurricanes, or of flooding, or extent of sea level rise. Waste-to-Energy is by far the most polluting method while recycling and landfilling of sorted plastic waste is arguably the least polluting and best way to sequester the carbon in plastic. Papers, glass, and metals should also be sorted and recycled. A MRF is definitely a must. The Environmental Protection Agency (EPA) in their rules have said that waste-to-energy is not a renewable source. It is bad. The only thing that is renewable in it is the compostable parts, not the glass, metals, et cetera. I have looked at waste-to-energy extensively because Surfrider is trying to get rid of the one hundred thousand (100,000) pounds of plastic nets and floats that we pull off the beaches each year. In doing that, I found that waste-to-energy produces the most greenhouse gases, toxic gases, and toxic waste, and is also the most costly way to get rid of our waste. Most people have to realize that pumping municipal waste does not spontaneously combust when you put it into a waste-to-energy plant. For every ton of waste you burn, you have to use a ton of diesel to ignite it. H-Power produces more emissions, approximately 1.32 metric tons of carbon dioxide (CO₂). Plastic alone is 1.22 metric tons, meaning most of the carbon emission coming out of waste-to-energy is from this plastic stuff. This has to be sorted out. If you look at this and compare it to landfilling plastic, incineration produces sixty (60) times as much greenhouse gas per ton as landfilling does. What bothers me most as a father and grandfather about people living on Kaua'i is that not only are we putting out so much more greenhouse gasses, it is two (2) times more than an oil plant and about one and one half (1½) times more than a coal plant. Throughout the world they are shutting down coal plants because they produce so much CO₂. You have to be aware that they are also shutting down waste-to-energy plants throughout the world not only because of the CO₂ produced, but it produces particulate matter, gasses, metals, extremely toxic dioxides, and acids. In my testimony, I provided you with a chart as up-to-date as I can, which shows you how many pounds each year of these nasty pollutants are released into the environment. Things like mercury, where you have thirty-one (31) pounds, which is enough to poison all the fish around the island of Kaua'i. This does not take into account the toxic ash that is left over. There is a benefit here—when you incinerate, you reduce the volume down to about ten percent (10%) of what you had before, but that volume that is left over contains all the toxic metals and other stuff. You have to figure out how to get rid of that. That does not just disappear. I found it interesting that H-Power or the City and County of Honolulu has committed sixty million

dollars (\$60,000,000) just to get rid of the toxic waste that is this ash. You have to realize that plastic is almost indestructible. If you throw it into a landfill, it is not going to produce any methane. It is not going to leach stuff. It is just going to sit there and will then not disintegrate because there is no ultraviolet (UV) degradation. It will sit there until we come to a time where we figure out how to recycle it or get energy from it in a sustainable fashion. In talking about this, the landfill at Kekaha is approximately ten (10) acres. That is my by my calculations here, 0.0028% of the land mass on Kaua'i. We should not talk about doing incineration because we are filling up a land mass. On this island and every island, we have way more land available to be used for a landfill, especially one that recycles and has a minimum footprint.

Council Chair Kaneshiro: You have thirty (30) seconds, Carl.

Mr. Berg: I suggest that we should look at eminent domain to get some of the land. This is way more important than another golf course or something like that. I would ask that you look at Table 13 in your proposal about the advantages and disadvantages. The only thing that is good about a waste-to-energy plant is that it reduces the volume...

Council Chair Kaneshiro: Carl, your time is up.

Mr. Berg: Okay.

Council Chair Kaneshiro: We have your written testimony with all of the information you sent over.

Mr. Berg: Thank you. I sent that all over. I just ask that you look at the disadvantages. *Mahalo*.

Council Chair Kaneshiro: Thank you. Next up we have JoAnn Yukimura.

JOANN A. YUKIMURA (*via remote technology*): Council Chair Kaneshiro and Members of the Council, good morning. Adopting the update of the ISWMP is potentially one of the most important decisions you will make this year. The Plan contains good information, but it lacks a clear goal and priorities. As the official policymakers for the County, you can fill that gap. You have the power, and I would say the responsibility, to articulate the policy direction on behalf of the people of Kaua'i by setting a diversion goal and identifying the strategic priorities to achieve that diversion. Amending Resolution No. 2021-47 would be non-binding, but the amendments could express the Council's intention and desire related to solid waste for the next ten (10) years. Neither the goal nor the four (4) priorities will contradict anything in the Plan before you. What it will do is to clarify for all County employees,

all Kaua'i residents, all visitors, the other counties in Hawai'i, the State of Hawai'i, and people around the Country and around the world, those who are already looking at Kaua'i because of Kaua'i Island Utility Cooperative's (KIUC) visionary plan and action, like Kai mentioned, it will tell everyone what we aspire to do here on Kaua'i. That is, in alignment with the General Plan, and with what lies in our hearts, we want to become a sustainable island, an island where residents strive to live in harmony with the land, and with each other. To do this, we need a solid waste plan where waste is not waste, but a resource that is used to create products and to create a circular economy. We need a solid waste system that does not harm the Earth, which is what the current linear flow of materials of our solid waste system does. We also need a solid waste system that does not cost an arm and a leg. Diversion addresses all of the above problems. A paper entitled The Diversion Potential of the Four Priority Strategies Advocated by Zero Waste Kaua'i prepared in consultation with the County's former Solid Waste Coordinator, John Harder, who has worked in solid waste for forty (40) years, shows that if the County implements Zero Waste Kaua'i's four (4) priority strategies, the County could divert about forty-seven percent (47%) of landfilled input annually. That would add about a year to the life of the landfill every two (2) years. When you add that additional divertible tonnage to the amount that is being diverted today, that would get us to about a seventy percent (70%) diversion of all waste generated on Kaua'i annually. How would we pay for that diversion? Our analyses show that diversion will be cheaper than trash collection and disposal, in addition to the fact that it will not harm the environment. For example, curbside recycling at the most will cost about ten dollars (\$10) per household per month, including all costs, capital and operating. Trash collection and landfilling costs about sixty-four dollars (\$64) a month. For the taxpayer, this means that curbside recycling will be cheaper for the County than collecting and disposing of that same material as trash by about fifty dollars (\$50) per household per month. The County General Fund is subsidizing sixty percent (60%) of trash collection and disposal costs. The County could incrementally remove that subsidy and instead apply it to curbside recycling, or a portion of it, so residents would not be charged any fee for curbside recycling for at least the first five (5) years, until curbside recycling becomes well-established. That way, the more cost-effective and environmentally sound action will be incentivized, and the more expensive environmentally damaging action would be charged in actual costs. Please set a clear diversion goal and highlight the four (4) strategic priorities advocated by Zero Waste Kaua'i for the ISWMP. Thank you.

Council Chair Kaneshiro: Thank you, JoAnn.

Ms. Yukimura: Are there any questions?

Council Chair Kaneshiro: There are no questions from the Members.
That concludes the testimony for the Resolution.

Councilmember Kualii moved for adoption of Resolution No. 2021-47, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We received a lot of written testimony on this item, and receive public testimony earlier this morning. I know it was deferred for a possible amendment. Does anyone have an amendment?

Councilmember Chock: Yes.

Councilmember Chock moved to amend Resolution No. 2021-47, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kualii.

Councilmember Chock: I will just take a few minutes to express the intention of this amendment. I realize that this is a non-binding Resolution by the Council, but I do think it is the Council's Resolution and stance on where we would like to support and how we can support the Plan. We have a "Whereas" statement and "Be It Resolved" statements that we have added. The question about a goal or identifying a numerical value towards the diversion rate was one of the reasons for looking at this. We have seen in the past, as you know, we have had a diversion rate that was passed by this Council at seventy percent (70%) by 2023. That is not attainable within the next year. The begs the question as to what our aspirations should be. Going back and forth with the Administration, there were some strong reasons why there was not a numerical value placed in the Plan. I am happy to have Troy speak to that more. We did think that it was important, at the very least, to give some sort of guide, because this is a ten-year Plan and we were looking at the intensity that we are in in terms of having the need for the extension of the current landfill, there should be some statements that sort of strongly suggest for the next Council what those priorities would be. That is what is reflected in this amendment, and it is basically to maximize the current landfill through diversion efforts. It also mentions for us as the next steps to determine project costs versus benefits, so that we are clear how it is and what we can move on. There are a lot of variables for instance that need to be studied in order to determine what that success rate would be from each actionable item, like curbside recycling and other things. It just urges us to move expediently at completing those surveys, collecting that data, and actually creating those benchmarks, so that we can project what the costs will be for these items to move effectively. That is what the amendment is in a nutshell. Councilmember Evslin is a co-introducer to this amendment as well. I am not sure if he has anything else to add.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: We agree that we need to more closely define our diversion goals. Is this just saying that we need to define our diversion goals

without actually defining it? We need to implement studies to determine what they are?

Councilmember Chock: Yes.

Councilmember Cowden: Okay.

Councilmember Chock: To answer your question further, that was sort of the next steps. Like I said, there were too many variables for us to corner in when we were talking with the Administration about what that numerical value would be. The studies will help to indicate what that would look like, so that we can focus on those items.

Council Chair Kaneshiro: Has the amendment been vetted with the Solid Waste Division?

Councilmember Chock: Yes, and we also have Troy available.

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

Councilmember Cowden: I suppose that this could be on the amendment, but it could just fit on everything. I feel that we need to really have innovative solutions for our on-island recycling. I know there is a lot of pressure to be shipping this stuff away. When we look at our different plastics, there is a lot of plastic involved in packaging that is not something that we can even send somewhere. I know there are ways that we can melt it into asphalt for patches and things like that. Is that fitting into this general Solid Waste Management Plan, where we can fit in goals like that?

There being no objections, the rules were suspended.

TROY K. TANIGAWA, Acting County Engineer (*via remote technology*):

Councilmember Cowden, I will try and address that question. For innovative, experimental processes, as far as those go, I think there will be some effort during the studies to identify what could be feasible for the island. As far as setting realistic objectives on what we want to put in place to achieve more diversion from the waste stream, I think we look at practices that have been tried and proven more seriously first and see what we could use from that category of options to maximize diversion. Then after that, if we see some other low-hanging fruit so to speak, then we can pursue that by looking at other innovative ways.

Councilmember Cowden: When we have our plastics right now, when they go...when I drive by the warehouse and the buildings where these things are, it

looks like it is just brimming out into the parking lot and literally out of the windows. Are we able to ship everything that we are bringing in? How close to capacity are we in our shipping? If we double the amount of product, can we get it all on a boat to somewhere?

Mr. Tanigawa:

Allison, do you want to address that?

ALLISON FRALEY, Solid Waste Program Development Coordinator (*via remote technology*): Yes. Some of those plastics that you see are very, very old and they were collected before the program change went into effect where we cannot accept the clamshells. Those are still sitting there, but they will need to be disposed. Regarding current marketing of plastic, it is changing all the time because the markets are changing. Our contractor is working really hard to be able to market everything that is collected under the program. Sometimes they are able to do a mixed shipping containers where they are able to ship different kinds of plastic out together, and sometimes they are not. It just depends on what is marketable at that moment. They are really doing a lot of work with our broker to be able to do that.

Councilmember Cowden: When we have some unity among a strong group of people who would like to see curbside recycling as a high priority, I just want to make sure that if we were able to pick it up everywhere, is there room on a boat and is there a market where we can get it to...I would think that we would at least triple our volume...I do not know if you have estimated that.

Ms. Fraley:

For residential pick-up?

Councilmember Cowden:

Yes.

Ms. Fraley:

It would be a significant increase, yes.

Councilmember Cowden:
any guess?

Like two (2) to three (3) times? Do you have

Ms. Fraley: I have that. I think it is like twice as much for residential recycling. Right now, we are accepting about two thousand (2,000) tons a year of residential materials into the Kaua'i Recycles bins. When Jacobs looked at how much more diversion we could get with the MRF, the total additional diversion with the MRF was nine thousand (9,000) tons and that included residential and commercial recycling. That is what they were projecting. It is a large increase.

Councilmember Cowden: Do you have confidence we would have the market for it? Would we have a place to send it?

Ms. Fraley: Well, markets are improving. The markets really changed a couple of years ago when China stopped accepting plastics. That is where we were sending our plastics to before. There is a lot of innovation of plastic and actually the materials marketing section of the Plan recommends that we look at innovative potentials for plastic processing innovations. That is in the Plan. There is a recycler on Kaua'i right now that is using a Precious Plastics system to create plastic products here on-island. They have these systems all over the State. There is the potential to do what you are talking about, Councilmember, which is to keep our plastic on-island. This is just all developing right now, and it is a really exciting time for that. What is able to be marketed is a complicated question. It is changing all the time.

Councilmember Cowden: Okay. I will just frame this as my last question for at least this phase here. I hear this heartfelt request that I support in theory. I think it would be really great if we could divert these materials from our landfill. I am one hundred percent (100%) behind that. I am just trying to make sure that it is possible that if we had a MRF and we diverted it all, would we just be warehousing it all or would we be able to get it out of here somehow?

Ms. Fraley: I will say one more thing before Lyndsey talks. What the Plan is recommending is that we study this. That is where the really deep analysis of this would come in, so that there could be a decision made. Is this a viable plan? Is a MRF and curbside recycling economically viable? Will this work for Kaua'i? That is what the Plan is recommending...that we do this in-depth study to really look at those issues. Lyndsey, is that what you were going to say?

LYNDSEY LOPEZ, Jacobs Engineering Group, Inc. (*via remote technology*):
Exactly. You read my mind. Thank you,
Allison.

Council Chair Kaneshiro: Are there any other questions regarding this amendment?

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

Council Chair Kaneshiro: Is there any final discussion regarding the amendment that is on the floor? Councilmember Cowden.

Councilmember Cowden: I am wanting to be able to determine how we reconcile the expectations of our community and reality. I am hearing this big difference and this delta from people who have been very active in Zero Waste Kaua'i. It seems like the group feels that the expectation is that we can simply do this diversion and pull it off right now. It does not feel consistent with what I have heard

from the Solid Waste Division. Please help me understand so that we do not disappoint our group that may have been hoping for more than this.

There being no objections, the rules were suspended.

Mr. Tanigawa: Councilmember Cowden, I can try to address that. This Plan is really a guide. It is a roadmap to get us to where we all want to be. That includes increasing diversion and to maximize our diversion. To implement any element of this Plan, there are going to be additional steps to do that. There is going to be additional legislation to implement material bans from the landfill. If there are going to be program enhancements, that is going to cost more money. These are options that are fairly costly. I do not believe the County has the funding mechanisms or the funding necessary to implement it without some additional fees to generate revenue to pay for these program enhancements. There is a lot more work ahead. Right now before us is this Plan that has been prepared according to what the State statute requires. The adoption of this Plan will help us get started in performing the real work to get diversion programs and additional programs in place to increase what we divert from the landfill. There is a lot more work that needs to be done and a lot more things to be discussed to find and determine what we end up implementing. I believe we are looking at the same end goal as far as comparing what we have outlined in the Plan and what Zero Waste Kaua'i is also looking at. In reality, the actual diversion will be somewhere less than seventy percent (70%), but if we are able to implement the new program enhancements, the actual will be greater than what we are doing now.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions regarding the amendment? Is there any final discussion regarding the amendment?
Councilmember Evslyn.

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

Councilmember Evslyn: I will just add quickly that I think the purpose of the amendment is to pull out some parts that I think are in the Plan, and we heard from our discussion a few weeks ago that we have, and the amendment says it, ten (10) years left in the landfill in the best-case scenario with the vertical expansion and we are looking at ten plus (10+) years for siting a new landfill. We have this limited window to act now and potentially there is a coming crisis in that we fill up the landfill without the new one ready to go. If we get to that place, then we are going to be spending four hundred dollars (\$400) a ton to ship our trash off-island. For me, the amendment to the Resolution is to recognize the limited time left in our landfill and to ensure that we do not have that gap in time where one is full and we do not

have the next landfill ready, so we need to maximize diversion to the greatest extent possible. I think those are all things that we heard from the Solid Waste Division repeatedly. Maybe it is not as far as others had wanted in the Resolution, but I think it is as far as we can go with the data that we have now. Hopefully this Resolution can help guide us in the next budget session to ensure that we are funding the necessary studies so that we can press the gas pedal as far as we can go on diversion. I will obviously support the amendment.

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: I want to thank Troy and his team for being willing to have this discussion about meeting the balance of what those community interests are in terms of diversion and taking bold action. This is definitely not where we started as an amendment. We wanted to take a bolder stance, and that is just really from the perspective of having a plan, vision, and a goal for that plan. My belief is if we are not aiming for something specific, you will not hit it at all. Even if you hit low, it still might be, maybe not to the whole community, but in our eyes, it can be something we can be proud of. That being said, I really appreciate and accept the response that I have gotten in terms of where we are currently. I think the Plan in itself is indicative of the direction that we are all trying to reach. I think the gap here and the reason I wanted an amendment and to take our time with it is because I think it falls ninety percent (90%) on this body moving forward. The only way that some of these action items that we are talking about, with the immediate studies, legislative items, or the huge costs associated with this, is dependent on the political will of this body moving forward. For us to make that statement that we are committed to it is something I wanted to have more of a discussion on. As we are already looking at, our constituents are writing and saying, "We cannot afford an increase in the cost of our pick up" and so forth. We have to figure this out ourselves. Thank you.

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

The motion to amend Resolution No. 2021-47, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Council Chair Kaneshiro: We are back to the main motion as amended. Does anyone have any questions on the Resolution, as amended?

Councilmember Cowden: I have a question. I have been, in the past couple of weeks and really in the past year, looking at this. I was out at the landfill on Monday just near it looking at it. I know the Robinsons had offered land out there. I called our former Commander of the base who had given five (5) acres out at the

PMRF, which is apparently still in their plan. At one point, I think the State had something out in that general area. How come the new location is not...I know we have five hundred thousand dollars (\$500,000) to look into a study. It does not seem like this exploration here in the ISWMP went very deep on the other potential locations. I saw where there is money to look at it. It seems like we have been looking for a long time. That seems like the biggest issue. We need to know where it needs to go. Is that in here?

There being no objections, the rules were suspended.

Mr. Tanigawa: The actual siting of a disposal facility is something that is a separate effort. There are a lot of different types of activities that will be required to prepare a study like that. It is outside of the scope of an update to the Plan. The Plan will identify what components you need in your integrated waste management system. Implementation is a separate effort.

Councilmember Cowden: Okay, thank you. That is where I have probably sat here and looked through it with the most confusion. As we are implementing something or planning it, where it is at makes a big difference. When we are asking for a MRF, where we had planned it the last time was around the Mā'alo place in the Līhu'e area here or in Hanamā'ulu. We do not need the MRF right here, especially if we are sending the products away. If we are re-utilizing the materials right here on the island as much as we can, whether it is glass or whatever else it is, where we put it all really matters. If it is still somewhat west, we had Klayton Kubo say that he is tired of having it out there. It rains less out there. I guess that is why I have been struggling with this. It feels non-specific. If this does not pick where it goes, I guess that is why it is not more specific. It seems like that is such a central part of a ten-year ISWMP. It seems like where it is at is a big piece of it. Are we looking at different places? Do we still have those old locations still out there? The Robinson property is not an old idea as far as I know. There were at least two (2) other sites.

Ms. Fraley: Are you talking about the landfill site or the MRF site?

Councilmember Cowden: The landfill site. It seems like the MRF should be near the landfill, right? If you bring the garbage to the same area, it seems like it should be near each other. It seems like that would make sense, especially if, like on the Robinson's site, I know they really wanted to do the MRF there. That MRF would be on the west side and not in a central area. I was confused. I just did not see where we looked at these different locations.

Mr. Tanigawa: There is a lot of synergy that you could get from co-locating disposal facilities. It is not always necessary to do that, especially

where you have limited areas to do certain types of activities, especially in a waste disposal facility that a lot of the times is looked at as more of an industrial type of activity versus operations. The next step would be to try to site the facilities that would determine the path for us. We would leave no stone unturned. We would have to do a thorough effort and make sure that we address the necessary alternatives analysis. Only then when you do a complete job like that to site a facility, you will have able to satisfy Hawai'i Revised Statutes Section 343 requirements. Otherwise, it really is not a complete study. We will do a good search, a thorough search, and as thorough as possible based on information that we are able to obtain. We will also generate the technical elements during that study to justify the choices that are made.

Councilmember Cowden: Okay. What is coming to my mind right now is the Robinson's site because they have those big empty buildings, the back roads, and so much of the infrastructure, including the light industrial zoning. I was worried that we would spend so much time thinking about it, that we would lose that opportunity. That one seems like a ready-made possibility.

Mr. Tanigawa: The amendment that had been proposed by Councilmember Chock has a paragraph in there that addresses the urgency and the need to expedite solutions. I think the Resolution supports that.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: As a follow-up to that, if it is a MRF, it does not necessarily need to be on the west side if a lot of the products are going to get shipped out. You probably want it closer to Līhu'e, where the transport is not as far, right? Again, "beggars cannot be choosers" when it comes down to it. Councilmember DeCosta, then Councilmember Evslin.

Councilmember DeCosta: I am very interested in what you said. You mentioned the Robinson's three (3) times already. I am very excited. Did they talk about the MRF facility and the possibility of the landfill? Did they show interest in helping our community with another landfill?

Councilmember Cowden: Yes, multiple times. I brought Keola Aki out there from the Department of Public Works. I have been out there three (3) times. One of those times, I spent quite a lot of time looking at all of the buildings. They have come to various County or public meetings. They want it.

Councilmember DeCosta: They want the recycling center or MRF and also put the landfill on their land?

Councilmember Cowden: They want to manage it, yes.

Councilmember DeCosta: So, we could possibly have the new landfill on Robinson's land? Are they willing to help us?

Councilmember Cowden: I do not want to totally put that out there in the public. I think that is definitely the conversation that it should be there. They wanted to do some things like waste-to-energy or different possibilities. They very much had an interest, they looked at their roads and how things could go, they have the trucks, and they have all of the stuff. They seemed enthusiastic for it. That is why I invited the Department of Public Works to come out and be a part of that conversation. I just wondered if any of that went anywhere. Sometimes I worry that in the Citizens' Advisory Committee (CAC), maybe there were two (2) different schools of thought, so maybe things did not move any particular way. I do not know. I do not know what happened. I am asking.

Council Chair Kaneshiro: Are you asking if there were any further conversations with Gay & Robinson about providing a MRF?

Councilmember Cowden: Yes.

Ms. Fraley: I would have to check with Keola. I am sorry. I do not know where it went.

Council Chair Kaneshiro: I know Howard Greene was on the Advisory Committee for the Plan as well.

Councilmember Cowden: Yes.

Ms. Fraley: I am getting a text message. There was discussion about C&D and a landfill, but there was nothing like a siting study for the landfill. That is a really formal public process that we need to go through. Now that we know that that could be a potential site, that could be included in the siting study.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: I think what comes to my mind and obviously it could open up a big can of worms, is what are we talking about? Are we talking about them making land available to the County to have a landfill or them wanting to operate a private landfill? We have just heard the very basics of it, but you go into very different directions based on what the offer is. Give us information when you have more. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Just a quick follow-up to what Councilmember Cowden was discussing regarding Mā'alo and the new landfill. It is in the Plan. It is on pages 10-2 and 10-3. It discusses Mā'alo and it discusses the alternative of a new landfill along with some of the barriers with Mā'alo, including Federal Aviation Administration (FAA) issues and the possibility if the property is not available. It also lays out over many pages the process for siting a new landfill starting on page 9-5.

Councilmember Cowden: Okay.

Councilmember Evslin: For me, the informed takeaways from both of those is that even Mā'alo is eight (8) to ten (10) years to acquire and build it out. The new siting study is ten plus (10+) years. Right now, we do not have any easy answers. Building a new landfill takes almost a decade, which goes back to part of the purpose of the amendment to the Resolution, which is, no matter what, we need to "keep our foot on the gas" here. No matter what, we have to increase diversion rates to try and extend the life of our landfill as much as possible. Sorry, there was no question there.

Council Chair Kaneshiro: I think you were clarifying some of the questions and it goes through an entire cost summary of long-term disposal options regarding H-POWER, shipping charges to the West Coast, and it has a whole bunch of options, including the current Kekaha Landfill, the new Mā'alo Landfill, and any other sites:

Councilmember Cowden: I guess I did not see the new sites.

Council Chair Kaneshiro: Are there any other questions on the Resolution as amended?

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

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

Councilmember Cowden: I spent what feels like ten (10) years attending Mā'alo Landfill plans. We did have a MRF right next to it right on the same campus. We had exhaustive conversations about why it should be co-located. I have paid a lot of attention to it and when there have been different areas. When I said that I did not see it in here, I just did not see a lot of the discussions that had been had. I have been following up on it. I think it is urgent. I hope our timeline is pretty quick. I do not know if any of the work that we have done on the Mā'alo property can be applied in any other areas. I would think that the MRF studies...there was quite a bit actually in putting the MRF there...I will be

supporting this. I understand that we probably cannot get to picking up curbside recycling in three (3) months. That is what it feels like people are expecting. It is just not going to happen that fast. We have to be able to get the market, get the items separated out, et cetera. Thank you for all of the work that has been done. I thank all the people who have put so much passionate energy into this topic. I appreciate all their efforts.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: I want to thank the Solid Waste Division for all their hard work on this. I also want to thank Jacobs Engineering Group, Inc. I think that there is a lot of valuable information here. It also relatively clearly lays out the direness of the situation here regarding solid waste. There are no easy options and the clock is ticking. I want to address a couple of things that have come up in testimony and elsewhere. The cost of recycling keeps coming up and I think for starters, it seems like we do not have super good data on that. The one figure that came up in the last meeting was in the ballpark of seven dollars and fifty cents (\$7.50) per household for an additional curbside pickup for recycling. I think what that translates to at seven dollars and fifty cents (\$7.50) per house for those who are already recycling, separating their trash, and driving to a sorting center, they are spending a whole lot more in time and gas than seven dollars and fifty cents (\$7.50) a month. For those who are not doing the separating, as Allison said, we could double our diversion rate and if someone can go from a ninety-six (96) gallon bin to a sixty-four (64) gallon bin, that is a savings of eight dollars (\$8) a month. Clearly, if you are not recycling at all, you could get a smaller bin. That is a cost savings even for those who are not currently recycling. Again, this is probably based on not great data. We certainly need better data. I think it just goes to show that there is a real likelihood that we could do this in a way that is financially beneficial for most Kaua'i residents. That is not even including the fact that if we could extend the life of our landfill by "x" amount, then hopefully we can avoid some of those dire outcomes where we have to pay really expensive rates to ship our trash. We heard some testimony about waste-to-energy, and I agree basically with all of that. I have pretty grave concerns, which I have said here on the floor, about waste-to-energy. As far as the criticisms about waste-to-energy in the study, I think the study is doing its due diligence laying out every possible option. I think the study did lay out some of the bad things about waste-to-energy, including emissions, locking us into minimum quantities needed, et cetera, which could reduce diversion efforts. Obviously, I am incredibly skeptical of waste-to-energy, and I doubt we are going in that direction. One other thing that was in the Plan was the incredible cost of waste-to-energy. It is not just as if it was laid out in the Plan as here is the direction that we should be going in. It said that it will cost two hundred dollars (\$200) to four hundred dollars (\$400) a ton, twice the amount we are paying right now. Two (2) last things. I think Dr. Carl Berg brought up some good points regarding carbon emissions. He was really talking about emissions from waste-to-energy, which often is not going to

be included in our financial analysis here. We have the same situation for food waste. Right now, food waste we throw it in the trash, it goes into our landfill, and it turns into methane. Methane is a very potent greenhouse gas. Whereas, if we are composting our food, some of it is going to be decomposed into carbon dioxide, but a lot of it can be sequestered back into the soil and be a soil amendment for farmers. The only reason we can throw away all our food waste right now is because we are not paying for the true cost of those emissions. It is an external cost on our planet in some sense. We are all going to pay for it down the road. I think it is important that as we are looking at studies in diversion that, if possible, those studies can incorporate embedded emissions from these different diversion strategies, or reduced emissions. That is all I have. I appreciate all the work here. We have a lot of work to do ahead of us. As Council Vice Chair Chock said, I think a lot of it is on us to ensure that the funding is there for staff, funding the studies, and having to make some of these tough decisions that are ahead. Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: If I could just add, in addition to the items that Councilmember Evslin mentioned, one of the low-hanging fruits in my mind is the C&D policy. We have been talking about that since I think all of us were elected. Pacific Concrete Cutting and Coring, case in point, can already take the concrete that we have on the island. I think we should be expedient in what other C&D items we need to set up in order to be successful. That is a huge amount that we could immediately start to divert. I am happy to work on that as I had mentioned in the past. Thank you.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: Thank you for this report. I feel strongly, and Councilmember Evslin expressed this, I agree with him one hundred percent (100%) that basically we can find that "sweet spot" if you will, where it is financially beneficial for our households to recycle. I think that most people want to do the right thing, but we have to make it easy and affordable. We do not want to make it so expensive to do the trash in order to pay for the recycling. If we give them that opportunity to bring the cost down on the trash-side, because they are not putting everything in the trash and now putting some in their recycling bins, there has to be a way to make those numbers work to move us forward and get us in a better place. I am sure the Solid Waste Division is working on that. The fact that we have Pay-As-You-Throw now has put us in the right position to move in the right direction. We just have to keep going. We have been at Pay-As-You-Throw for quite a while now. We did the pilot recycling project. Yes, it does cost money, but it is already costing us money to do the regular trash collection. If we can do better with the same or just a little bit more, then we should. Let us keep moving.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: Having understood the whole process from the past, including the Mā'alo site, per the report, is still on the table. I believe that is still there as an option. We have to work through some of the kinks that came through. We have Pay-As-You-Throw as was mentioned by Councilmember Kualii. That was the start of things. We just need to keep moving. I believe with this discussion and the plan that is currently in place, we are moving in the right direction. We are just trying to get everything out on the table. Mā'alo as well as Kekaha and now with that other property that we are looking at, all of that will start coming forward. I support this process to continue moving forward. It is always going to be costly in anything that we do regarding our waste. I believe we are on the right path and track with the different information and studies that have been done to date. I look forward to more information coming. Good job to the Department of Public Works.

Council Chair Kaneshiro:
Councilmember Kualii.

Councilmember DeCosta, then

Councilmember DeCosta: First, I would like to thank Troy, Mr. Boyd, Dustin, Allison, and the whole group at the Solid Waste Division, for putting together this Plan. Thank you Zero Waste Kaua'i, as they were an intricate part of this. They are showing the community working with us. It is going to fall on our shoulders, and it is one of those things that we are going to be responsible for. We will have the help of the community. We have a timeline at the Kekaha Landfill that we will have to meet. If we do not meet it, it is going to cost us a lot in fees. Those are fees that we are going to have to pay to send our trash elsewhere. Those are fees that we should probably be putting into recycling. With that said, I think we have done small steps. We banned Styrofoam from being used by our small businesses. What have we done about the big box stores? We have Target in our backyard now. We have Walmart. We have Costco. If we buy apples, strawberries, or grapes, it is packaged in all of this plastic that is not recyclable. Maybe we have to put it back on the store to have them be responsible for it. They brought these products in; we will buy the apples, grapes, and strawberries, but you folks have to get rid of it. What are the big businesses doing to contribute? We all contribute. I go pick-up garbage after work so that I can feed my dogs and our pigs. How many of us actually just throw away our food? How many of us actually take our aluminum cans to get recycled? Buy less bottles of water. We all talk about plastic bottles, yet we go to Walmart and buy cases of water. How many of you have an ice water container that you can refill? There is a lot that we can do. We are not doing a lot. It is easier to make a goal and think that it is going to look like Heaven in the next ten (10) years and if it is not, it is our responsibility, every single one of us. Today, the message is recycle, reuse, and start caring for the recyclables.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I definitely ditto what Councilmember DeCosta just said. I feel like I am doing pretty good when it comes to recycling and what I am purchasing. I know I can definitely do better. I feel like I have to. Earlier, I think it was Council Vice Chair Chock who said something about the huge cost and the political will of this body. I will just add that it takes political will not just by this body, but it takes political will by the Administration and the Mayor. The biggest political will, which can be the biggest motivator, is of our community. I appreciate all the testimony that we have received from groups like Zero Waste Kaua'i and others who are always upfront in bringing people together and pushing us. We need to "have our feet held to the fire." I think the community has to all come together too as one mind at some point. I do believe it is possible with what Councilmember Evslin talks about. Right now, within the community, there are two (2) mindsets. One is that I cannot afford to spend more money on trash pick-up or recycling. There is the other mindset, and sadly they are more in the minority, they feel all-in, they are ready to spend more money, and they can afford to spend more money. They want to see more recycling, curbside recycling, and they do not understand why it has not happened yet. We have to make the finances work out so that all of the community is behind it. I believe deep down, they want to do the right thing. We have to make it easy and affordable. It will take the political will of everyone.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just have a little bit more to add. In really honoring all these people who have come forward, I want to particularly point out Nancy Romaine's testimony with some people with unique needs in our community who might really benefit from this type of work. I appreciated hearing. I appreciated hearing from Kai Mottley talking about the microplastics in the ecosystem. It is really important. We had a number of good speakers in there. I want to also acknowledge when we are talking about the political will, Abe Kowitz with his plastics recycling business. That is a good example. I brought up in the last meeting Brett Danson's effort called GELF Industries, where I call it "Poop to Power" so that we do not get upset with the waste-to-energy, because it is sewage waste and food waste going into hydrogen production that can go into cars. I get really excited about that because we do not have to get the batteries to put into the electric vehicles. I am just hoping that we have open arms to all of these innovative ideas whether it is glass to go into being sand...I want to see as much of what we can do to recycle and to recycle it right here. I want to see us actually use it instead of sending it away where it becomes another environmental impact of the shipping, storage, and everything else. I am totally onboard, and this is a comment on the waste-to-energy. I like the "Poop to Power" a lot better than something that is going to end up creating an emission and plastic emissions are amongst the most problematic and toxic. Not all

technology is in incineration. There are other ways that are more constructive and less damaging.

Council Chair Kaneshiro: Does anyone else have any final discussion? I will be voting in favor of the Resolution. I think the Plan sets the groundwork and is a very comprehensive Plan as far as what to do. It looked at the costs and all our options as far as waste disposal, recycling, et cetera. I know there was a lot of attention from the public regarding curbside recycling and a MRF. Ultimately, nothing is off the table. That is on the table. Any other method of diverting or getting rid of our waste is on the table. I think once it comes down to a project, there are a lot of factors to look at. You are going to have to look at what is the actual amount of diversion that is going to be coming off of that project. If you look at it curbside recycling, the items that can be recycled is not composed of some of the larger numbers in our waste stream. Some of the larger numbers come from wood products and lumber. We have paper products. You have organics and sewage. Those are ten (10) times more than what we would get out of curbside recycling. We really have to analyze what is the biggest bang for our buck on this and what is going to have the largest impact. You look at how much diversion we are going to get. We have to look at what the cost is to the County, cost to the residents, is the County going to take on some of the cost and pass on some of the cost to the residents, are we going to push all the cost to the residents, and what are the plans for all of that? Ultimately, we have to look at the carbon footprint. All types of diversion are going to have a carbon footprint, even recycling at a MRF is going to have a carbon footprint. Those are the things that we are going to have to look at. As far as moving forward, I know that the Polystyrene ban on food products was mentioned. If you look at all of the categories, that is diverting four tenths of a percent (0.4%) of our waste from going into the landfill. Did we really help the landfill? Not really. It is only four tenths of a percent (0.4%). Ultimately, any producer is going to turn into a different type of product, and they are not going to be able to divert it anywhere anyways. It still goes to the landfill. We need to look at what we are going to do, what are its impacts, and what is its cost to the County and to our residents. Again, nothing is off the table. Whether it is curbside recycling or a MRF, we are going to look at all of it. I think we really need to figure out a way to divert our paper products, our lumber, et cetera. Lumber is part of our C&D. Those are the huge numbers and are the numbers that are making the biggest impact on our landfill. Can you imagine if we have a natural disaster like a hurricane? You could just imagine how much is going to end up in the landfill in those types of situations. The life of the landfill would be reduced drastically. I appreciate the Plan and the Resolution. I think the Plan is very thorough in its costs. Do I agree with all of the costs? I think some of them need to be updated. I think as we go through the individual studies of what we want to do, we are going to get current numbers and information at the tip of our hands to make the decision at that time. I think this is a good Plan as far as showing us what our options are and where we need to go to move forward. With that, I will be voting in

favor of this. Is there any further discussion from the Members? If not, we will take a roll call vote on this Resolution as amended.

(Written testimony was received and registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2021-47 as amended to Resolution No. 2021-47, Draft 1 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: The motion passes. Next item.

Resolution No. 2021-48 – RESOLUTION AMENDING RESOLUTION NO. 49 (1986), AS AMENDED BY RESOLUTION NO. 12-91 (1991), AND RESOLUTION NO. 2008-39 (2008), RELATING TO RECORDS DISPOSAL POLICY

Councilmember Kualii moved for adoption of Resolution No. 2021-48, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Do we have any questions from the Members? I have a quick question. Jennifer, my question is, I know that all our policies are for seven (7) years disposal. I just wanted to double-check for the records that you are trying to dispose of, I just wanted to be sure that we do not have to keep them for seven (7) years like all our other records.

There being no objections, the rules were suspended.

JENNIFER TOGUCHI, Housing Choice Voucher Program Manager (*via remote technology*): Correct. For Section 8 documents, there is a requirement of a three-year inactive file.

Council Chair Kaneshiro: Okay. Councilmember Cowden.

Councilmember Cowden: Could you give us any examples of when these records get reflected? I just want to know what might be unintended consequences of cutting the time that we hold on to these documents by more than fifty percent (50%). When do we need these records? Would it hurt any of these people whose records we throw away?

Ms. Toguchi: For these documents that we are looking to destroy, they are no longer participants in our program for over three (3) years now.

Councilmember Cowden: So, they are done with being in the United States Department of Housing & Urban Development (HUD) program?

Ms. Toguchi: Correct.

Councilmember Cowden: That is the only thing that we are setting aside for this three-year time period.

Council Chair Kaneshiro: It is for government records related to Section 8 Tenant-Based Assistance Programs.

Councilmember Cowden: So, it would not be seven (7) years anymore? I do not see lines drawn through it. It is under exceptions. Okay. Alright, thank you.

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

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

Council Chair Kaneshiro: Is there any final discussion from the Members? If not, I will take a roll call vote on the Resolution.

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

The motion for adoption of Resolution No. 2021-48 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: The motion passes. Next item.

Resolution No. 2021-49 – RESOLUTION AMENDING RESOLUTION NO. 2021-45 CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Donna A. Apisa – Business*)

Councilmember Kualii moved for adoption of Resolution No. 2021-49, seconded by Councilmember Chock.

Council Chair Kaneshiro: This is just a housekeeping Resolution updating Ms. Apisa's term expiration and noting that she is filling the Business seat. Is there any final discussion from the Members? If not, we will take a 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. 2021-49 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: The motion passes. Next item.

Resolution No. 2021-50 – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2022 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

Councilmember Kualii moved for adoption of Resolution No. 2021-50, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I know we had a lot of discussion on this item earlier today. Do we have any final questions on this item? Is there any final discussion? For me, I just want to say that in any other situation I would be hesitant to vote on all the items as-is. I do not agree with all of them. We discussed earlier today that our HSAC representatives are going to make it clear to HSAC that there are changes that need to be made on some of these proposals. The items are not complete and hopefully it is a lesson going into the future that we need the package earlier, so that we can provide better bills to the State. I just want HSAC to be cognizant that we really want to put bills on that are a win-win for everybody. It is already difficult to get a bill passed at the State Legislature. If we dilute our HSAC package with all types of bills, they are not going to take any of them seriously. I think we really need to try to get bills that really can get passed and are a win-win for us and the State, are the types of bills that I would like to see coming out of HSAC. We proposed bills and even if we feel it is a win-win, we still cannot get them passed. An example would be the U-drive vehicles, having that cost the same amount to

register as residential vehicles, I think those are common sense and makes sense for the entire State. It does not affect the State. We have a hard time getting that passed. I think we really need to be laser-focused on the type of bills that HSAC is proposing if we want to get anything passed. You do not want us to send a package that the State just throws away because we are putting all kinds of proposals in there. That is my main comment. I hope it gets it gets back to HSAC that next time, we need to be a lot more thorough. The TAT proposal, if it passes here and goes to the State from HSAC as-is, I think we are going to have major problems from that bill. We need a little more time, if possible, for us to vet some of the other counties bills. I want to make it very clear that my "yes" vote here does not mean it passes with no problems. I think there are issues with some of the bills, but I do not want to hold up the package. We spoke about what is the best scenario going forward. In this situation, it is not to go through each specific bill today. We decided earlier that we will vote on the package with our concerns and move it forward. I can tell you that if something like this comes back to us in the future again, I will definitely take them in seriatim and vote on them individually. We could then send some back that are not going to pass. I think it is really going to dilute our effect at the State level. I will be voting for it again with the concerns noted. I know Council Vice Chair Chock is going to bring our concerns to HSAC. Councilmember Cowden.

Councilmember Cowden: I just want to really second what you are saying. You stated it very well for how I am feeling. We really want to participate with our lobbyist between now and the opening of the State Legislature. For example, the TAT bill would really be impacting if it is not adapted before it goes to the State Legislature.

Council Chair Kaneshiro: Does anyone else have any final discussion? If not, could we get a 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. 2021-50 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: The motion passes. Next item.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2834) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2834) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 12, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members? Does anyone want a quick review of this Bill? I know this is an item that came before the Council. We sent it to the Planning Commission. It just was returned to us. Councilmember Cowden.

Councilmember Cowden: I think we discussed it pretty thoroughly. This is where there are covenants, conditions, and restrictions (CC&Rs) in new subdivisions. Any new CC&Rs that would be in a new subdivision does not have the elimination of a guest house or an Additional Rental Unit (ARU). Were any changes made by the Planning Commission of any significance?

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Planning Director (*via remote technology*): The Bill came to the Planning Commission, the Planning Commission did not have any amendments, and it was sent back to the Council with no objections and the recommendation in support of it.

Councilmember Cowden: Okay, so it was passed as-is. Thank you.

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

Councilmember Cowden: Can any of these be used as a vacation rental if they are in the Visitor Destination Area (VDA) or is it just basically for housing? I know the rationale is that we need more homes for people.

Mr. Hull: Is Councilmember Evslin answering?

Councilmember Evslin: Sorry, I was looking at something else.

Mr. Hull: Sorry. The ADU can, in fact, be used as a vacation rental in the VDA. I want to say that the Additional Rental Unit (ARU) cannot, but I do not know that off the top of my head. I would have to double-check.

Councilmember Evslin: It cannot.

Councilmember Cowden: Councilmember Evslin, can you answer that?

Councilmember Evslin: My understanding is that an ARU and guest house cannot. I think maybe Ka'āina can speak to this more, but from my understanding, the VDAs are largely developed. Again, because it does not impact any existing CC&Rs in effect right now, it is not as if everyone in Princeville could develop an ADU that they could then use as a Transient Vacation Rental (TVR), because there are already CC&Rs restricting it in places like Princeville. I am not sure how much undeveloped land there is in the VDA that this potentially would impact. Before Ka'āina gets to that, one other thought is that the ARU legislation and the guest house legislation both prohibit them from becoming TVRs. I know that the Planning Department does not have an easy task to enforce that, but something to think about for the future is that we could possibly amend the ADU legislation with a different bill in the future to also prohibit TVRs in ADUs. Ka'āina, do you have much data as to how much land in the VDA is undeveloped?

Mr. Hull: I do not have that readily at my fingertips to show the Council. You are correct in your assessment, Councilmember Evslin, that the vast majority of the VDA is thoroughly developed out with the exception of the Kapalawai area on the west side, which has not been developed, and a portion of the Waimea Plantation Cottages, which also does not even have any zoning districts yet for that type of development. Outside of those two (2) areas, the vast majority of the VDA is developed and would not even qualify for ADUs quite honestly, because ADUs are for those properties that qualify for only one (1) dwelling unit. Ninety-nine percent (99%) of the VDA stock qualifies for more than one (1) dwelling unit.

Councilmember Cowden: Thank you.

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

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

Council Chair Kaneshiro: Is there an amendment?

Councilmember Evslin moved to amend Proposed Draft Bill (No. 2834), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Chock.

Councilmember Evslin: This amendment is to correct a small error in the definition of "Guest House." This corrects that error, so that "Guest House" has the meaning of a Guest House.

Council Chair Kaneshiro: Are there any questions on the amendment?
This is just a housekeeping item.

The motion to amend Proposed Draft Bill (No. 2834), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, was then put, and unanimously carried.

Council Chair Kaneshiro: We are back to the main motion, as amended.
Do we have any further questions?

Councilmember Chock: I have one question.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Ka'āina, the County moving in the direction of overseeing or getting involved with CC&Rs is something we have stayed away from in the past. I am curious if we have the capacity to do so from your Department.

There being no objections, the rules were suspended.

Mr. Hull: I think in the original discussions with Councilmembers Carvalho and Evslin, there was some discussion about whether or not this should be folded entirely within Chapter 8. There were some concerns from my Department, as well as from the Office of the County Attorney, in the overall enforcement of that. Our enforcement is either through essentially notification and/or fines, so we would essentially be fining the association and not necessarily the property owner, and the legal conundrum that we could get in with that. Ultimately, Councilmembers Carvalho and Evslin, the Office of the County Attorney, and the Planning Department were in agreement that this legislation would be folded primarily into Chapter 22, where it is just an overarching mechanism to state that this is a Law, but the enforcement of it does not really fall on the County then. It really is an established ordinance, if adopted, in which if an association takes actions to prohibit say ARUs and a landowner in the subdivision wants to construct an ARU, then they would have the means to take civil right of action against their association via this mechanism. The only reason we are actually here is because there is a reference to ADUs being permissibly prohibited in areas that have covenants prohibiting them. It was just a small fix for ADUs, but the overarching policy for this is actually in Chapter 22. I can say and I will state for the record that should this be adopted, while we would not be enforcing it on subdivisions or even condominium property regimes (CPRs), our Office does review CPR documents from the Hawai'i

Real Estate Commission. When we review those documents from the Hawai'i Real Estate Commission, we review them before the Hawai'i Real Estate Commission passes them. Right now, the only thing that we are reviewing is CPR documents on density. This adds another layer where our staff will have to check, but like I said, we are already checking it. Depending on how many CPRs happen in a year, it could require a little more processing on our part, but something that we can fold in-house. I am just stating it for the record that if there are other discussions about adding new subdivision conditions or a new CC&R requirements, that this is building up, but right now we are confident that we can handle this in-house.

Councilmember Chock:

Thank you.

Council Chair Kaneshiro: Ka'āina, I mentioned my hesitancy the first time around. I still have it, as far as unintended consequences. I think that this Bill is a little overreaching. One of the unintended consequences that I can think of was an issue on O'ahu—it was a loud issue on O'ahu. There is an issue with monster homes on O'ahu. In this situation, I think we are lending communities the abilities to do monster homes. If you look at the houses near Costco, any house there could essentially have four (4) units. They could build a monster home with four (4) separate units and four (4) families. They would have their regular dwelling, an ADU, and they would have two (2) ARUs that they could connect all into one (1) building. They could probably make it into a big home. I know there are size limits on ARUs, but I am sure someone could figure out a way to make it into one (1) big home. For me, that is a little scary. I think when people develop subdivisions or areas, they are trying to create a certain type and feel. If we pass this, there is no other way to create a certain type and feel if someone is creating a subdivision with sewer capacity, then pretty much that owner can put four (4) units on that spot no matter how big it is. That is just a little hesitancy on my mind. I think CC&Rs kind of help create the look and feel of a development, and I think in this situation, I would be a little bit afraid that if someone has a unit, they are going to try to maximize what they can do with that. Even if they do not, they may want to buy a parcel with one (1) house that they want to live in with their family. Nothing is preventing next door and their neighbors around them from having all these massive homes. That is a big hesitancy from me on this Bill. It has always been a hesitancy for me. Please correct me if I am wrong. That is what someone would potentially be able to build, one (1) massive home with four (4) units on it.

Mr. Hull:

You are right, Council Chair Kaneshiro. There would be the potential to connect the dwelling unit with the guest house with the ARU with the ADU so to speak. I will say that the discussion that is happening on O'ahu with the monster homes, that is a valid discussion to have, but it is a discussion that we are all having when dealing with the housing crisis and the need to increase inventory within our urban core. Either we suburban sprawl this out onto our agricultural lands and send our infrastructure and those costs with it, or we look to infill develop. There is a heart and genuine concern from some neighborhoods not wanting to have their overall look, character, or feel be affected by this new type of developments and entitlements. The solution of how we structure that is to infill development pursuant to our long-range policies. I think this would not prevent a CC&R from being able to protect itself from those types of monster homes impacts

via the massing of the structure, in that while it would not be able to restrict an ARU or a guest house so to speak, they could restrict the manner in which it is constructed, saying it shall be setback ten (10) feet away from the main dwelling, it shall not be attached, it shall adhere to the eight hundred-square-feet in size as required by law, et cetera. That could protect it from the massing aspect.

Council Chair Kaneshiro: If they word their CC&Rs a certain way so that you cannot build four (4) units, is that a violation of this?

Mr. Hull: What I am saying is that if we are just talking about the monster home concern and the impacts on subdivisions, if this Bill was adopted, it would prevent future subdivision areas from prohibiting ARUs, but a subdivision association could still pass a CC&R stating that ARUs are permissible, but they need to be a separate structure from the main dwelling. That would essentially address the monster home scenario.

Council Chair Kaneshiro: Okay. With that type of density, you are going to have parking issues, and other problems that come with it. Again, I think the CC&Rs are there to create the look and feel for a development. I know we can say that we are in a housing crisis, and we want any and all houses. I really do not want to get into a position where we are passing something and later on down the road, we have a development like Lima Ola, buildings in Kīlauea, we have all of these affordable housing projects going on, and in the meantime in these areas where we are trying to create a look and feel for homes, we are going to end up having all of these massive homes or a huge density. I guess it is a balance that is hard to control. Along Rice Street, we increased the density and encouraged infill. Again, that is along Rice Street. We are not talking about outside in our community areas. This Bill is really going to affect the look and feel of future developments coming up. Councilmember Evslin.

Councilmember Evslin: I could respond to some of those questions. As you said, there are still the parking requirements. If you are going to do a house, an ADU, and two (2) ARUs, you have to have six (6) parking stalls on your property. There are still minimum lot coverage restrictions, et cetera. I think some of those monster home concerns would be alleviated through what is in our Comprehensive Zoning Ordinance (CZO) currently. As far as it being government overreach, I see it as the opposite in that right now, this would allow for more private property rights, in that you can and often do get developers coming in, building out a subdivision and setting up CC&Rs that are incredibly restrictive and last basically forever. Someone buys into this development, knowing or unknowing, and they cannot build out based on the CZO. All this would do...it does not impact existing neighborhoods. All these places with existing CC&Rs could still do it. There is still plenty of that inventory out there. When we have this incredibly dire housing crisis, and for the most part, the only inventory out there are single-family homes by itself on a lot, which is the vast majority of homes on Kaua'i, this is saying that for new subdivisions that come online, that we should be encouraging people to have the option to do ADUs, ARUs, guest houses, et cetera. I do not think it is government overreach to push for ways to address the housing crisis by enabling private property owners to have more options along these lines.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Kaʻāina, I try to go to all of the Planning Commission meetings. I missed this one. What kind of participation occurred for this Bill at the Planning Commission? Did you have many speakers from the public?

Mr. Hull: We had no speakers from the public. I have to double-check on that. I know we received written testimony from the Līhuʻe Business Association, but I do not believe we received any oral testimony. I will have to double-check on that.

Councilmember Cowden: Okay. I am thinking that the Kauaʻi Board of Realtors...you would think there would be a number of interests. That is one of my concerns in our kind of semi-open, semi-closed government time. We are not hearing enough from the public. This is something that could slide by. Council Chair Kaneshiro is bringing up some important pieces. Councilmember Evslin, what kind of outreach is underway to the public? Have you or Councilmember Carvalho pushed it out in any way so that this is under discussion, and we can see that people are excited about it or nervous about it?

Councilmember Evslin: We met with the Kauaʻi Board of Realtors and they were supportive. I do not really even remember any large concerns that they brought up. I do not believe they have submitted testimony in support, but my understanding is that they were supportive. We met with the Līhuʻe Business Association and the Rice Street Business Association as well. We reached out to the homeowner association in Princeville just to give them a heads-up and to explain the Bill to them.

Councilmember Cowden: Okay. Since this is for future things in planned subdivisions, it would really not impact an area like Kīlauea, which by the way as I walk around the streets, I see how people are basically doing that anyway. Houses have gotten to be tripled the size that they were. I do not have a problem with it. I think it creates less gentrification, not more. The whole point of having a planned community is to limit residents like me with all my creatures, plants, children, and mess. I do not know how many planned communities are waiting and out there. Okay. I am hoping that if anyone is listening, please tell your friends and family. Those places do not even exist yet, right? We are creating a policy for the future.

Councilmember Carvalho: For the future.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Go ahead.

Councilmember Evslin: As I was thinking about your concern regarding fourplexes, I live in a neighborhood on sewer where there are not these

types of restrictive covenants. For me, it is the only way that I could afford a house. I was able to put in an ARU into my house which enables me to be able to afford my mortgage and it provides housing for someone else. I would say that there are a couple duplexes around the neighborhood, and I do not think there are any fourplexes. They had this ability to do four (4) units for a long time. My own take on it is that most people who bought a home outside of this decade, they have a mortgage that is relatively reasonable that they can pay off; they do not need to do a rental unit to pay for their house. They are not going to do a rental unit. Most are probably not going to add on extra units if they do not have to. Most of my friends and my family do not have rental units on their houses. For me, it is looking towards the future where we have this totally insane market that no one can buy into it that is not upper income, unless they can generate some revenue from that house. For me, it is to ensure that for future generations, middle-income, and all our people can at some point afford to buy a house by doing an ARU.

Council Chair Kaneshiro: From my standpoint, the ARU is a rather recent legislation that we passed. If we went back in time when someone created that subdivision said, "Are you going to build a single-family home or you can build four (4) units on it," I am pretty sure a lot of them would end up building four (4) units on it and renting them. I know where you live and I have driven through that street, there are a lot of vehicles on the road. If every single one of those homes had four (4) units in them, how many vehicles would be on that road? I have friends that live in there. I am just trying to be cognizant that this is for future developments coming up, what people might try to do, and what it might look like. I am a little hesitant on this. That is just my own opinion. Councilmember DeCosta.

Councilmember DeCosta: I have some mixed feelings on this. Number one, we have a housing shortage. We have a lot of local families with children returning from college. They want to work, but they have no place to live. They do not want to live with their mom or dad, because they were living in the dormitory or private apartments. I see the way that you are looking, Councilmember Carvalho. I also went to a birthday party across of Costco in one of those beautiful homes. We have doctors, nurses, policemen, chiropractors, and very good people who want to live in an upscale neighborhood. What happens to a neighborhood like that? Is it gone? We no longer will have neighborhoods like that anymore. Everyone on that street could put an added dwelling. What happens to the wealthy foreigner who buys the property with the home, puts the ARU on it, and now rents out the two (2) dwellings as an investment property, and they live on the mainland? They could claim one of them as their primary residence, because in California or Utah, they do not check-up when it is actually their secondary residence. One of them stays unopen for their vacation, while the other is rented out. I am just worried about where we go with this. I do not want to see Kaua'i just an overcrowded in every subdivision that does not look like my son can afford to live across Costco with his lovely wife, have a nice home, and have a fancy car. If he cannot, then my son has to live in a subdivision where he builds an ARU and he has to live there. That is possibly part of who we are as far as demographics and social classes.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Again, as we have talked about, it would not change the neighborhood by Costco. It does not impact existing CC&Rs. We have plenty of high-end development on Kaua'i. Basically, that has been the only pattern of development over the last ten (10) or fifteen (15) years. If somebody wants to live in a high-end neighborhood, those exist. The houses that do not exist that are not getting built are things like smaller units and ARUs for single people and couples. That is the inventory that we have to try and push. Also, we have this problem when we are only building these high-end neighborhoods that you are again excluding large portions of the population. That is why our General Plan clearly states in there that we want to try and promote mixed-income communities and a policy specifically cited in the General Plan is to restrict CC&Rs from restricting the ADUs. That is why this came directly out of the General Plan to try to promote the policies within the General Plan.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: This Bill that you and Councilmember Carvalho came up with will not affect whatever is in-place. This is for new developments that will come forth. The developer now will have to allow that homeowner to put the ARU on it.

Councilmember Evslin: Yes.

Councilmember DeCosta: Do we have to any kind of stipulation that the ARU has to be a long-term rental where it cannot be a TVR? Do we have something in-place to protect that? You do not want to start having a whole bunch of TVRs surface. How do we protect ourselves from that?

Councilmember Evslin: ARUs, by law, cannot be TVRs and neither can guest houses, and only within the VDAs can you do an ADU as a vacation rental, which is what Councilmember Cowden was asking about.

Councilmember DeCosta: Can we enforce that?

Councilmember Evslin: I think Ka'āina answered that. Their enforcement capacity outside of the VDA is pretty rock solid at this point. I do not know if Ka'āina wants to speak more to that.

There being no objections, the rules were suspended.

Mr. Hull: Sorry, what was the question?

Councilmember DeCosta: Ka'āina, did you get my question?

Mr. Hull: Sorry, Councilmember DeCosta, if you could repeat it.

Councilmember DeCosta: How confident are you in enforcing this extra ARU unit that is built in a non-TVR area and then the person decides to TVR it? Are you capable of keeping track of that and enforcing it?

Mr. Hull: Yes. I think with our online management team as well as the memorandum of understanding (MOU) that we have right now, we have access to seventy percent (70%) to eighty percent (80%) of the market share of advertisements. We do have to do a little more work to sleuth them outside of Airbnb and VRBO, but we are automatically shutting them off that advertisement area. I am fairly confident that the TVR issue is relatively non-existent as far as illegal TVRs. It is not non-existent, but we are estimating less than fifty (50) quite honestly, on-island. As Councilmember DeCosta brought up and as Council Chair Kaneshiro brought up, this concern about buying into neighborhoods that have this form and character of single-family dwelling and not getting clustered up, the Proposed Draft Bill, as has been pointed out, is for new developments. Indeed, my mother-in-law and father-in-law live in Pikake. There is a prohibition on ADUs and guest houses in their subdivision. This Bill cannot affect them, right? It would only affect future developments. Quite honestly, what the developer can do is they could zone that property the way they intend it to be. They could bring it down from an R-4 down to say an R-1 or an R-2. It is just for future properties. It cannot affect the existing subdivisions today.

Council Chair Kaneshiro: I am only using that as example because you see that as a property where you have maybe a single-family or you have a single-family and a guest house and I am just saying in the future if someone were to duplicate a development like that, someone could put four (4) units there. That type of development is going to look a lot more different. You will not be able to get a development that looks like what is across Costco in future developments. I am just trying to use that as an example so you can see. When people drive by, I am sure they see nice houses and a lot of people want to buy-in to there. If someone tries to recreate that development, it is going to look a lot different, because there is going to be a lot more density in there.

Mr. Hull: That was my point, Council Chair. They could go for a lower zoning than what Pikake has, right? Pikake is like R-4 or R-6. They could go for a lower zoning, so that it would essentially be a less dense area.

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

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: So, this only affects residential areas? We are not talking about making this available for a local family who had some agricultural land that was CPR'd and now they qualify for that ARU? Is this only for residential areas? That is another problem too. We have a lot of local people who have family lands. You can see it in Kapahi or in Kalāheo. They have a three-acre CPR lot. They can only put one (1) house. They have three (3) kids. Due to the lack of infrastructure

or lack of sewer, they cannot put another dwelling on that property. We are allowing in the residential area for them to put another dwelling.

Councilmember Evslin: This would apply islandwide including for agricultural lots. All it does though is revert that zoning. It is saying instead of having a more restrictive zoning layer on top of our CZO, anyone in a new subdivision can build up to their zoning. Currently on agricultural land, you cannot do things like ARUs. Even though this says that covenants cannot restrict against ARUs, our CZO already restricts ARUs on agricultural land. It is not going to enable a bunch more development on agricultural land. My guess is that it is not going to impact agricultural land all that much because I do not think when people are CPRing agricultural land, they are probably not getting rid of a whole lot of density because they do not have a whole lot of density to begin with.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I do not mean to repeat anything, but the whole purpose, again, we went out and vetted everything with the business community, the Board of Realtors, and giving chances for young families coming up in this level and giving them the opportunity to get their own homes. Mom and dad need to live in the back, then fine, that is a possibility for families. Even per the General Plan like Councilmember Evslin was saying, we looked at that, too. Overall, it is for future development and not for anything right now. It is just another chance or opportunity...we can still vet it out overall. It just gives our young and upcoming families a chance to get their own homes and to live together if they choose to.

Council Chair Kaneshiro: Are there any further questions from the Members? I know we kind of got into discussion and back and forth. This is first reading. Councilmember Evslin.

Councilmember Evslin: Just one final point and I think this was addressed in some capacity. The real impact on future subdivisions will be those with sewer. If someone is building a house in Wailua Homesteads, they are never going to get sewer. There is no way they can do four (4) units on their lot unless they have a gigantic lot. By nature, a large amount of land on Kaua'i is locked into a lower-density development pattern. Again, the person who really does not want to have a neighbor with an ARU, there are plenty of existing houses on Kaua'i. The point is that we totally have missing inventory for everything else. It is trying to encourage the next stage of development that we have in our areas with sewer to ensure that it is sort of catering to our local population.

Council Chair Kaneshiro: Are there any further questions from the Members? I will probably say more later, but it is only first reading. It still has to go to Committee.

Councilmember Cowden: I just have a comment.

Council Chair Kaneshiro: Final discussion, Councilmember Cowden.

Councilmember Cowden: I actually echo some of your concerns, Council Chair Kaneshiro. I respect the intention of what this is being set up for. I am concerned that no one was at the Planning Commission meeting. I am hoping that we really do hear from the public on this. I am certainly going to vote "yes" today. At the Committee Meeting, I hope that we have people attending. I am hearing what Councilmember DeCosta is saying. Why can people who have agricultural land not do this too? That is what you were really saying, right? I get it. It is complicated. I am going to be voting yes today so that we can have deeper discussion. If anyone is out there, please pay attention and send us comments at councilmembers@kauai.gov.

Council Chair Kaneshiro: Is there any other discussion from the Members? For me, I will be voting "yes" on first reading to get it to Committee. I believe people should have a voice at the public hearing, it should go to Committee and get vetted further, then end up at Council for final discussion. I will be voting to move this to Committee. Does anyone else have final discussion? Councilmember Evslin.

Councilmember Evslin: Sorry, I did not mean to speak after you. Again, we reached out to the Lihue Business Association, the Rice Street Business Association, Kaua'i Chamber of Commerce, Kaua'i Board of Realtors, the Homeowners' Association (HOAs), and there were a couple of people who submitted testimony on first reading who were directly impacted by their HOA changing the rules on them so they had to kick out their long-term tenant. Part of the reason, and I posted this on social media about what I feel is good about it...there is not much traction because there is not a whole lot of community engagement because even with this change, it is not all of sudden going to allow someone who cannot build an ARU to build an ARU. There is no one really vested in their existing house really needing this so that they can add a unit on. We are really only looking at future subdivisions. I hope that we get more engagement at the public hearing and at Committee, but I really do not expect that kind of engagement. To be honest, in some of our earlier conversations with Ka'aina, he was the one who said that this is a long-term policy. We are not going to see the impacts from this over the next five (5) or maybe even ten (10) years. It is really not until a new subdivision comes online. Those do not come online very often. Hopefully we get more engagement. I think we had a good discussion today and I am looking forward to our next discussion on it.

Council Chair Kaneshiro: I agree. I do not think we are going to get a lot of community input on it. This is really going to affect people who want to develop in the future. In the past, people developed what the market wanted. In this case, we are kind of forcing the way things are going to look. It may not even force it. Maybe the way around it is they make the lots bigger, so it is less dense or reduce their density. I have no clue what is going to happen. I am just trying to think about the types of homes that I have seen my friends buy into, and people my age. Maybe it is a little bit more expensive, but it is a home that they are going to live in for the rest of their lives. It is a home that was tough to afford, but it is a home that they are going to stay in for the rest of their lives. A lot of them are in that Pikake area, and those types of single-family homes, all over the island. I am really just trying to think what is the look and feel going to be in the future knowing that it is not going to happen tomorrow. It is not going to happen with any existing development now. It

is going to be in the future. I want to be sure that when we take this step—we have taken a lot of steps towards affordable housing and towards housing already. Again, all of these are not going to happen with a snap of a finger. We just have to be careful. Once things start moving, we do not want to say, “We should not have done that years ago, because we cannot reverse it. Now we have homes that we do not like or like the way it looks.” I am trying to be cautious about that. That is my only hesitation with this Bill. Is there any final discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I have to agree with you Council Chair. I will have final discussion later as this is just first reading. Councilmembers Carvalho and Evslin are always looking out for the betterment of our children coming back from college and our own children growing up and paying our mortgage. I have to reiterate, I went to a birthday party across Costco, and it was so nice to see these nice homes. My son told me that he wants to buy a home like this after he finishes nursing school and drive a Hummer. Why should we limit that kind of housing because some of us cannot afford it? America is supposed to make your dreams come true. You work hard and make your money and you buy what you want. I think we have too many hands saying “Give me, give me, give me.” You have to help yourself. I will vote yes to hear more about it in the next go around.

Council Chair Kaneshiro: Does anyone else have any final discussion?
Councilmember Evslin.

Councilmember Evslin: Sorry, one last point. I think we have had a great discussion. All these points are really important. It does not force anyone to build extra units on their house even in a subdivision that allows it all. Anyone can buy a lot and build your single-family home with the big yard, right? That is more than allowed and is most likely going to be the dominant development pattern. All it does it prohibits the developer, who is not even in the project, from forcing a covenant forever on that neighborhood. Your neighbor, if they wanted to, could build an ARU for aging parents or for their children. You could still have a great single-family home—and lots of people will. That is totally fine. I just wanted to put that out there.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I cannot help myself. I am just going to give you a little bit of a rebuttal on that. You can have your own home on your lot, but when you have it next to you and behind you, one of the things that I saw deeply when we had the stay-at-home order was neighborhood fighting. Boy was that intense. A lot of that was in the unplanned outbuilds where people had an extra piece right up against the fenceline and somebody else's pieces was too close in proximity and they were home all the time. That was a little bit of a nightmare to deal with. Yes, you can have your own home, but what about people on either side? That is why people get into planned developments. It does not change my position. I will definitely say yes now. I am basically open to this idea. I see the good intention behind it. I want to agree that we are making a plan for fifteen (15) years into the future, and we really do not know what that fifteen (15) years into the future is going to look like. They are going to have to live with our decisions made now.

Council Chair Kaneshiro: Does anyone else have any final discussion?
If not, we will take a roll call vote.

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

The motion for passage of Proposed Draft Bill (No. 2834), as amended on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 12, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes, the motion passes.

BILL FOR SECOND READING:

Bill No. 2838 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kauai County Council, Applicant*) (ZA-2021-2 – *Planning Commission Recommendation*)

Pursuant to Governor David Y. Ige's COVID-19 Emergency Proclamation dated November 29, 2021, public testimony was taken at the beginning of the day and as follows:

BRIDGET HAMMERQUIST (*via remote technology*): Thank you, Members of the Council and Council Chair Kaneshiro. I just wanted to take this opportunity to say thank you. I really appreciate this Bill and I also think it is also a very important piece of legislation that you will be passing, I hope, this year. It will preserve and protect what little open space we have designated and allow all to equally enjoy. No one will be precluded or excluded by concrete slabs and fixed structures, which I find completely...and based on past actions, our County and Council are of the similar opinion. Thank you for your time.

Council Chair Kaneshiro: Thank you, Bridget. Next up we have Eric Crisler. He is not online. That concludes the public testimony for Bill No. 2838.

Councilmember Chock moved to approve Bill No. 2838 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Do we have any questions from the Members? We have an Executive Session item on this Bill, which I do not think we will need. My request will be just to receive the Executive Session item after this. Are there any questions on this item? Is there any final discussion? If not, we will take a roll call vote.

(Written testimony was received and registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2838 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 APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes. The motion passes.

EXECUTIVE SESSION:

ES-1065 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, on behalf of the Council, requests an Executive Session to provide a briefing as it relates to Bill No. 2838, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To Transient Accommodations, and related matters. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to receive ES-1065 for the record in open session, seconded by Councilmember DeCosta.

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

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

The motion to receive ES-1065 for the record in open session was then put, and unanimously carried.

Council Chair Kaneshiro: That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 3:36 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

(December 1, 2021)

FLOOR AMENDMENT

Resolution No. 2021-47, Resolution Adopting The 2021 Integrated Solid Waste Management Plan Update For The County Of Kaua'i

Introduced by: MASON K. CHOCK, Councilmember

Amend Resolution No. 2021-47 as follows:

“WHEREAS, an Integrated Solid Waste Management Plan should provide an up-to-date strategy for implementing environmentally prudent and cost-effective integrated solid waste management components to enhance or upgrade the County’s existing system; and

WHEREAS, the County of Kaua'i’s Integrated Solid Waste Management Plan was last revised in September 2009; and

WHEREAS, Chapter 342G, Hawai'i Revised Statutes requires each County to update its Integrated Solid Waste Management Plan once every 10 years; and

WHEREAS, the Department of Public Works contracted with Jacobs Engineering Group Inc. for development of the Integrated Solid Waste Management Plan Update; and

WHEREAS, a draft of the Integrated Solid Waste Management Plan Update was published for public review and comment, and adjustments were made to the plan as a result of public comment; and

WHEREAS, a draft of the Integrated Solid Waste Management Plan Update was submitted to the State Department of Health Solid and Hazardous Waste Branch for review and comment, and adjustments were made to the plan as a result of the Department’s comments; and

WHEREAS, the final draft of the Integrated Solid Waste Management Plan Update was submitted to the County Council on November 5, 2021; [now therefore,] and

WHEREAS, the Integrated Solid Waste Management Plan Update recognizes the need to target 10 additional years of capacity with our current landfill in order to solidify a new site; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it adopts the Integrated Solid Waste Management Plan Update, dated November 2021.

BE IT FURTHER RESOLVED, that the Kaua'i County Council urges the Department of Public Works Solid Waste Division to expeditiously implement the necessary studies to determine Kaua'i's diversion priorities needed to extend the life of the Kekaha Landfill.

BE IT FURTHER RESOLVED, that the Kaua'i County Council supports transforming the County's solid waste system into a sustainable system by committing to an economically feasible goal of maximizing diversion to the greatest extent possible.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to Derek S.K. Kawakami, Mayor of the County of Kaua'i, Troy K. Tanigawa, Department of Public Works Acting County Engineer, the Department of Public Works Solid Waste Division, and Elizabeth A. Char, MD, Director of the State Department of Health."

(Material to be deleted is bracketed. New material to be added is underscored.)

(December 1, 2021)

FLOOR AMENDMENT

Bill No. 2834, Relating to the Comprehensive Zoning Ordinance, and to the Public Health, Safety and Welfare

Introduced by: LUKE A. EVSLIN, Councilmember

Amend Bill No. 2834 in its entirety to read as follows:

“SECTION 1. Findings and Purpose. The Kaua‘i County Council finds that many subdivisions have provisions which are stricter than the Comprehensive Zoning Ordinance (CZO). This includes prohibitions against Long-Term Rentals within a home and prohibitions against Additional Dwelling Units (ADU). These types of prohibitions exclude lower income families from many neighborhoods and increase the cost of housing island-wide.

The Council finds that research from around the country has shown that increasing access to housing in low-poverty neighborhoods helps improve outcomes in disadvantaged children and reduces intergenerational poverty. Increasing access to housing island-wide is also a critical tool to help reverse the exodus of families from Kaua‘i who are forced to move away because of the high cost of housing. Giving families more flexibility over the use of their own properties in ways that are consistent with the CZO also ensures that families can build multi-generational housing on their property.

The Kaua‘i General Plan recommends incentivizing housing developments within existing communities “in order to leverage existing physical and social infrastructure while preserving vital open space.” The Plan specifically cites ADUs and the future potential of Additional Rental Units (ARU), as a way to increase housing opportunities in existing communities.

The General Plan further states that “communities that cater to a high-end market, resulting in enclaves of similar household incomes and housing types, are no longer acceptable. New communities must further the goals of sustainability, equity, and opportunity.” To help achieve those goals, it includes a specific action item to “prohibit future subdivision and development from restricting construction of ADUs in their deed and covenants.”

Additionally, the General Plan states that “[t]here is an insufficient amount of affordable housing for the disabled, elderly, homeless individuals and families, and young families. The lack of affordable housing, results in overcrowding, which in turn fuels the demand for illegal or substandard housing units.” These substandard housing units often do not comply with building requirements and endanger the inhabitants. The 2014 Homeless Utilization Report identified three hundred (300) unsheltered houseless individuals on Kaua‘i. The houseless community increases yearly with several large encampments that lack running water, basic sanitation, and have higher incidents of criminal activity. Kaua‘i needs homes for young families, the disabled, elderly, houseless, and impoverished to protect health, life, and security of all its residents.

The purpose of this Ordinance is to protect health, life, and property and to conform with the General Plan to ensure that future contracts and agreements do not limit or prohibit Long-Term Rentals, ARUs, ADUs, and Guest Houses.

SECTION 2. Chapter 8, Kaua'i County Code 1987, as amended, is hereby amended by amending Section 8-15.2 to read as follows and all other and prior ordinances or parts of ordinances in conflict herewith are hereby repealed:

"Sec. 8-15.2 Additional Dwelling Unit on Residentially Zoned Lots.

(a) Notwithstanding other provisions to the contrary, for any residentially zoned lot where only one single family residential dwelling is permitted, one (1) additional single family residential dwelling unit (attached or detached) may be developed, provided:

(1) All applicable County requirements, not inconsistent with Sec. 46-4(c), Hawai'i Revised Statutes and the County's zoning provisions applicable to residential use are met, including, but not limited to, building height, setback, maximum lot coverage, parking, and floor area requirements.

(2) The provisions of this Subsection shall not apply to lots developed under a project development, or other multi-family development, or similar provisions where the aggregate number of dwelling units for such development exceeds the density otherwise allowed in the zoning district.

(3) For residentially zoned lots on which an additional dwelling unit is developed, no guest house under Sec. 8-4.3(a)(2) shall be allowed. An existing guest house may be converted into a dwelling unit but no additional guest house may be constructed.

(4) The following public facilities are found adequate to service the additional dwelling unit:

(A) Public sanitary sewers, an individual wastewater system (or cesspool), or a private sanitary sewer system built to County standards and approved by the Department of Health.

(B) For sewered areas, the availability and capability of a public sewer system shall be confirmed in writing by the Department of Public Works. The availability of a private sewer system shall be confirmed in writing by the Department of Health.

(C) The availability of water shall be confirmed in writing by the Department of Water.

(D) Approval in writing from the Kaua'i Fire Department is required for all parcels.

(E) The lot must have direct access to a street which has an all weather surface (asphalt or concrete) roadway pavement continuous to the major thoroughfare, or if the street does not have such all weather surface, there shall be funds specifically appropriated in the capital improvement budget ordinance for such roadway pavement. The Planning Director and County Engineer shall apply the standards and criteria for requiring road improvements established in the Subdivision Ordinance and the "Kaua'i County Planning Commission Road Widening Policy," (as may be amended from time to time), for those roads which are considered substandard.

(5) Facilities clearance may be obtained prior to application for Building Permit. Forms for facilities clearance will be available from the Building Division, Department of Public Works. The form, approved by all agencies, shall be submitted with the Building Permit application. Where complete plans and specifications are submitted for Building Permit application processing, the submission of the Facilities Clearance Form will be attached with the Building Permit and processed concurrently.

(6) Nothing contained in this Section shall affect private covenants or deed restrictions that prohibit the construction of a second dwelling unit on any residential lot. The provisions of this Section shall be subject to the provisions of Chapter 22, Kaua'i County Code 1987, as amended, Section 22-28. Limiting or Prohibiting Long-Term Rentals, Additional Dwelling Units, Additional Rental Units, and Guest Houses."

SECTION 3. Chapter 22, Kaua'i County Code 1987, as amended, is hereby amended by adding a new Article 28 to read as follows and all other and prior ordinances or parts of ordinances in conflict herewith are hereby repealed:

"Article 28. Limiting or Prohibiting Long-Term Rentals, Additional Dwelling Units, Additional Rental Units, and Guest Houses.

Sec. 22-28.1 Definitions.

"Additional Dwelling Unit" shall have the same meaning as additional dwelling unit under Chapter 8 of the Kaua'i County Code.

"Additional Rental Unit" shall have the same meaning as additional rental unit under Chapter 8 of the Kaua'i County Code.

"Dwelling Unit" Applicable to this section only, means any building or any portion thereof which is designed or intended for occupancy by one (1) family or persons living together or by a person living alone.

"Guest House" shall have the same meaning as [additional rental unit] guest house under Chapter 8 of the Kaua'i County Code.

"Long-Term Rental" shall mean a dwelling unit which is occupied for a period of one hundred eighty-one (181) days or more.

Sec. 22-28.2 Limiting or Prohibiting.

Covenants, conditions, deed restrictions, declarations of condominium property regime, association bylaws, and any other agreements that run with the land shall not limit or prohibit Long-Term Rentals, Additional Dwelling Units, Additional Rental Units, and Guest Houses.

Sec. 22-28.3 Applicability.

Nothing in this section shall apply to any contracts and agreements:

(a) In existence as of the effective date of this Ordinance;

(b) Of a successor-in-interest to real property to the extent that an association entered into, amended, or enforced, a covenant, condition, or restriction before the effective date of this Ordinance; and

(c) Formed by the County of Kaua'i, the State of Hawai'i, or the United States federal government.

Sec. 22-28.4 Enforcement.

Failure to comply with this Ordinance creates an independent right of action.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 5. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 6. This Ordinance shall take effect upon its approval."

(Material to be deleted is bracketed. Material to be added is underscored. Highlighted material is new.)

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