

COUNCIL MEETING

DECEMBER 15, 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, Līhu'e, Kaua'i, on Wednesday, December 15, 2021 at 8:36 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 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 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 meeting of the Council:

December 1, 2021 Council Meeting

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

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 this agenda item.)

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 2021-268 Communication (11/30/2021) from Councilmember Carvalho and Councilmember DeCosta, transmitting for Council consideration, a Resolution Acknowledging The Increasing Scourge Of Drugs In Our Community And Encouraging Heightened Enforcement Within Drug-Free Zones.

Councilmember Kualii moved to receive C 2021-268 for the record, seconded by Councilmember Cowden.

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 to receive C 2021-268 for the record, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Let us skip to page 4 and read Executive Session for ES-1067.

There being no objections, ES-1067 and ES-1068 were taken out of order.

EXECUTIVE SESSION:

ES-1067 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing to approve a settlement amount as part of the Opioid Litigation against McKesson, Cardinal Health, AmerisourceBerge, Janssen Pharmaceuticals, Inc., and Johnson & Johnson, and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1068 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing as it relates to the New Kaua'i Landfill Siting, and related matters. This briefing and consultation involves 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 convene into Executive Session for ES-1067 and ES-1068, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? May I have a roll call vote to go into Executive Session?

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

The motion to convene into Executive Session for ES-1067 and ES-1068 was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: As mentioned earlier, we will take this Executive Session now, due to Special Counsel's availability, then we will be back for the rest of the Council Meeting.

There being no objections, the meeting recessed at 8:39 a.m., to convene in Executive Session.

The meeting reconvened at 10:17 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are on the bottom of page 1.

COMMUNICATIONS:

C 2021-269 Communication (11/30/2021) from the Executive on Transportation, requesting Council approval to receive and expend the Federal Transit Administration (FTA) Section 5311 American Rescue Plan Act of 2021 (ARP) grant, in the amount of \$1,879,773.00, and to indemnify the FTA. This Section 5311 grant will be used to support the continued operation of essential public bus transit services for the County of Kaua'i.

Councilmember Carvalho moved to approve C 2021-269, seconded by Councilmember Kualii.

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

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

The motion to approve C 2021-269 was then put, and unanimously carried.

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

C 2021-270 Communication (12/01/2021) from the Executive on Aging, requesting Council approval to apply for, receive, and expend Year 2 grant funding awarded by the Corporation for National and Community Service to the County of Kaua'i, Agency on Elderly Affairs, Kaua'i Retired and Senior Volunteer Program (RSVP) for the three-year period of April 1, 2021 to March 31, 2024, in the amount of \$75,000.00 per year, combined with matching County funds in the amount of \$181,577.00, to assist Kaua'i RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).

Councilmember Kualii moved to approve C 2021-270, seconded by Councilmember Carvalho.

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

Councilmember Cowden: I really meant to say thank you also to Celia on the last one. I want to thank the Agency on Elderly Affairs and the Transportation Agency for being diligent to get extra funding. I appreciate them for the good work that they do on an ongoing basis.

Council Chair Kaneshiro: Is there anyone else?

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

The motion to approve C 2021-270 was then put, and unanimously carried.

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

C 2021-271 Communication (12/03/2021) from the County Attorney on behalf of the Housing Director, requesting authorization to expend funds up to \$150,000.00 to retain Special Bond Counsel to advise the Housing Agency on the issuance of tax-exempt Private Activity Bonds to finance the development of affordable housing.

Councilmember Kualii moved to approve C 2021-271, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Adam, please give us a briefing on this item.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (*via remote technology*): Aloha, Chair. Adam Roversi from the Housing Agency. Every county in Hawai'i has a statutory authority to issue a set dollar amount in tax-exempt private activity bonds—that is set in State law. Historically, the County has never utilized its private activity bond capacity—that goes for most counties, to be honest. When the counties defer the utilization of their private activity bonds, it simply goes to the State to add to the State's statutorily allocated bonding capacity. Those are not all used solely for housing, but broadly they are and they are administered through the Hawai'i Housing Finance Development Corporation (HHFDC). Developers and projects apply annually to HHFDC in February for utilizations of portions of these funds, as well as others, and low-income housing tax credits. We are interested in exploring issuing our available private activity bonds directly, so that we can control the timing, the usage of those funds, and which projects receive them on Kaua'i. Historically, at least in the last eight (8) to ten (10) years, Kaua'i has generally done fairly well in the statewide application process, but last year we received no awards for Kaua'i projects through the State funding system, either for bonds or for low-income housing tax credits. By bringing this in-house, we will be able to avoid that, and ensure that Kaua'i projects get the funds. That does not preclude Kaua'i projects from still applying for various other source of funding through HHFDC. It is not explained much in our memorandum. We view this as a pilot program that could potentially lead to multiple other bond funding opportunities. So private activity bonds are a special category of tax-exempt funds. There are multiple other bond types: general obligation bonds, that you are likely familiar with, as well as revenue bonds that are the payments of which are guaranteed through whatever project it is you are funding. We would also be interested in exploring those options in the future. We consider this as the low-hanging fruit of the bond world, in that it is low-risk for the County, it does not impact the County's full faith and credit, it does not impact the County's credit rating. It simply is a pass-through funding vehicle and the developer that receives the funds would be "on the hook" for the funds, not the County itself, and the County's General Fund would not be obligated. We would like to pursue this as a pilot project, and if successful, and we build internal capacity and understanding for the issuance of bonds, I would like to see this as a first step in exploring wider and more expansive bond opportunities. More importantly, it is noted in the tail end of my memorandum—what we are asking for now is the first step to procure bond counsel to give us professional advice. The actual issuance of bonds will require future county involvement on the actual dollar amounts on the projects. So at this point, you are not approving the issuance of millions of dollars of bonds, we are just taking the first step to be sure we understand the process, its pros and cons, so we can make a clear decision on moving forward.

Council Chair Kaneshiro: Councilmember Cowden, then Councilmember Evslin.

Councilmember Cowden: We need a special counsel because we do not have this strength internally in our legal department, is that right? That is why we get a special counsel.

Mr. Roversi: County Attorney Matthew Bracken may want to speak to that, but generally that is correct, yes. These tax-exempt bonds paired with low-income housing tax credits are a very specialized financial product and I am sure the Office of the County Attorney could figure it out after a great deal of study, effort, and training, but it is better to find a professional financial counsel, I think Matt would agree, that has a lot of experience with this particular financial product.

Councilmember Cowden: Okay. I do not know if Matt was going to make a comment. Just so I am clear, we would be raising our own funds, it is not like we are competing with the private partners who have been helping us build housing, we are not competing with them for funds out there, we are trying to create our own collection of funding, is that correct?

Mr. Roversi: More or less. We will not be competing with private developers in any way. We are offering our private developer partners an additional source of funding, in addition to the typical funding sources that they would seek through the State application process. On a certain level, we are taking away a little bit of what the State would otherwise be issuing, and we are going to issue it ourself, but we have two point four one percent (2.41%) of the State's total, so that is a "drop in the bucket" for the total funding that the State has available.

Councilmember Cowden: Okay. How big do we anticipate these private activity bonds to be? Do we have a range like ten million dollars (\$10,000,000), two million dollars (\$2,000,000), twenty million dollars (\$20,000,000)? Do we have any idea at this point?

Mr. Roversi: Sure, we can almost nail that down exactly. So, the County of Kaua'i is allocated two point four one percent (2.41%) of the State's total bond capacity each year. The State's total capacity in 2020 was three hundred twenty-one million seven hundred seventy-five thousand dollars (\$321,775,000), so our two point four one percent (2.41%) cut of that comes out to seven million seven hundred fifty-four thousand dollars (\$7,754,000). Under the law, we are allowed to accumulate our annual capacity for up to three (3) years. It does not mean that we have to, but we could accumulate that seven million seven hundred fifty-four thousand dollars (\$7,754,000) for a period of three (3) years, then we would end up with a total capacity of twenty-three million two hundred thousand dollars (\$23,200,000).

Councilmember Cowden: Okay, I am confused. The private activity bond, I thought that is where we are going out into the market to get more money, not just what the State is giving us, right?

Mr. Roversi: The State is not really giving us anything.

Councilmember Cowden: Okay.

Mr. Roversi: We have a statutory right to two point four percent (2.4%) of the Federally described capacity for the State of Hawai'i. We have traditionally not used our capacity; we have just let the State take it.

Councilmember Cowden: Okay.

Mr. Roversi: So we are contemplating retaining our statutorily authorized capacity and issuing those bonds ourselves, so that we can control what projects they go to, what projects they fund, the timing of the issuance of the funds, and can assure that those funds stay on Kaua'i.

Councilmember Cowden: Okay, I understand. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. Adam, what are some of the parameters for qualified private activities?

Mr. Roversi: I apologize, your question was muffled, could you repeat it, please?

Councilmember Evslin: What are some of the parameters around? What would be a qualified private activity that would qualify for the use of the funds? Income limits, infrastructure, what would it be for?

Mr. Roversi: There is a fairly long list of qualified activities in the federal law, but affordable housing projects are clearly on point as a qualified activity. In order to be tax exempt they have to meet certain affordability requirements. I do not have the exact formula in front of me. There are several different choices. I am making this up, just as an example, but it is something along the lines of you can do forty percent (40%) of the units at fifty percent (50%) and below Area Median Income (AMI), or eighty percent (80%) of the units at a higher AMI. I could get back to you with the specific income requirements, but it does require a percentage. All of the homes that you would produce with these bonds would need to be affordable, that is why they are tax exempt, but they can be affordable at different price points depending on which available formula you choose to work with, and I can provide exactly what those are, but I do not have them in front of me.

Councilmember Evslin: It is good to know in general that not all have to be affordable in some capacity. In practice, how does it work? A developer would come and apply to the County for use of those funds, or would we be pitching projects to developers?

Mr. Roversi: It could work either way. It is up to the County whether we want to create some kind of competitive process, or whether we simply want to select what we think is the worthiest development and offer the funds directly to them. The County, as I understand it, and this is one of the reasons why we want to procure bond counsel, so we are clear on all of these details, the County acts as just a pass-through entity. The bond counsel organizes the bond issuance,

and a bank provides the funds and organizes the sale of the bonds, the sale of the bonds creates proceeds, which are handed to the developer in the form of a loan, essentially, and the developer is on the hook to pay back the bank for the issuance of the bonds. The County acts as a middle person and does not take on any real financial responsibility other than the cost of issuance, which as I understand it, is the same as the cost of issuance for the State. So, the State keeps a percentage for their costs, the County could do the exact same thing, the bank takes a small percentage for their costs. Once we procure counsel, we can give a much fuller presentation to the County Council with all the details, the dollar amounts, the administrative costs associated with the issuance, et cetera.

Councilmember Evslin: Thank you. It will be good to learn more as you move forward. My last question, and it is okay if you do not have the answer, but it says clearly that there is no real risk to our bond rating, and they are not guaranteed for the General Fund at any capacity, but is there any sort of risk? If, say, we get the full two point four percent (2.4%) allocation, then do not spend it down over the three (3) years, is there any risk to the County for not spending it?

Mr. Roversi: There is no financial risk. The State would be unhappy if we retained our capacity and then essentially wasted it by not using it, because it expires after three (3) years. So if you do not act, you have wasted statewide available funding for affordable housing. But we would not be financially penalized.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members on this? Is there any final discussion? Councilmember Evslin.

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

Councilmember Evslin: I want to thank Adam, this is huge. I think we have all talked about it or heard him talk about it in some sense, the need to utilize bond funding to develop affordable housing. I know that the reason the County has not in the past, is that it is a big burden on the Housing Agency to try and figure this out and administer the program. So I am really excited and appreciative that Adam folks are willing to push through. Hopefully, once we work through the hurdles and get this running, it will be a huge and vital important source of funding, and not only these private activity bonds, but utilizing other sources of bonds for infrastructure and other things, as well. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also want to thank Adam for explaining it to me, because I think there are other sources where we can start to raise money for housing, which I have spoken to him. I just wanted to make sure that is something that could function in that way. So I think it is a good direction for us to be able to

grab on to what we can to address the most urgent need in our community. I appreciate it.

Council Chair Kaneshiro: Is there anyone else?

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

The motion to approve C 2021-271 was then put, and unanimously carried.

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

CLAIMS:

C 2021-272 Communication (12/01/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mario Yriarte, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-273 Communication (12/02/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Wilfred Kauai, Jr., for personal injury, injury to his horse, and related medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-274 Communication (12/02/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Aaron Swanson, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2021-272, C 2021-273, and C 2021-274 to the Office of the County Attorney for disposition and/or report back to the Council, 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 these agenda items.)

The motion to refer C 2021-272, C 2021-273, and C 2021-274 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 REPORTS:

PLANNING COMMITTEE:

A report (No. CR-PL 2021-05) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2831 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, AS AMENDED BY ORDINANCE NO. PM-2009-394, RELATING TO ZONING DESIGNATION IN NĀWILIWILI, KAUA‘I (*Tower Kaua‘i Lagoons Sub 1, LLC; 2014 Kaua‘i Lagoons Golf, LLC; Tower Kaua‘i Lagoons Land, LLC; Tower Kaua‘i Lagoons Sub 7, LLC, Applicant*) (ZA-2021-3),”

Councilmember Kualīi moved for approval of the report, seconded by Councilmember Carvalho.

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 reports was then put, and unanimously carried.

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2021-12) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2839 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Liability – \$900,000.00*),”

A report (No. CR-COW 2021-13) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2840 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*County of Kaua‘i Transient Accommodations Tax – \$9,000,000.00*),”

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

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 for approval of the report was then put, and unanimously carried.
Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTION:

Resolution No. 2021-51 – RESOLUTION ACKNOWLEDGING THE INCREASING SCOURGE OF DRUGS IN OUR COMMUNITY AND ENCOURAGING HEIGHTENED ENFORCEMENT WITHIN DRUG-FREE ZONES

Councilmember Kualii moved to approve Resolution No. 2021-51, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I will let Councilmember Carvalho explain the Resolution, then after that we have a video from the Mayor that we will play.

Councilmember Carvalho: First of all, *mahalo* for the opportunity. This Resolution ties right into some of the discussions we have been having, primarily, trying to take it up another step. It is happening in our community, it is happening at various parts of our community, but it is honing in on the most recent activity that happened at one of our ballfield areas in Kapa'a. So with this Resolution, I am hoping that we can take it to the next level. It is just the start to heighten and let everyone know that should you decide to do this in these areas, it is not just a slap on the wrist anymore, we need to take it to the next level. We have tried our best overall as leaders to do prevention work and to support that, but it is happening as we speak today, it is happening in various parts of our communities but more specifically in this discussion. So when it was brought to my attention, again, personally, where it happened, my grandson who is seven (7) years old was playing football. So it is not just about what is happening...but all the surrounding youth that could be affected by this kind of activity within our parks and schools. I know we have drug-free zones, I know we have other areas that are already designated, but it is still being, I will use the word "infested," if you will, with this kind of use. I believe we need to stand united in this. Administration is following. I have talked to Chief Raybuck, and of course Councilmember DeCosta on the Department of Education side, so all of this stuff is happening. So this Resolution in a nutshell is really to begin the process of taking it to the next level-heightening the consequences that will occur or happen should you decide to utilize drugs within these areas, and specifically park areas, as well as the

schools, and that is laid out in the Resolution. I appreciate our Mayor coming out with his Proclamation and uniting together and working closely with Chief Raybuck and the team there. Councilmember DeCosta.

Councilmember DeCosta: Thank you, Councilmember Carvalho, it was a pleasure working with you. Actually, all of the other five (5) colleagues here, we all have that same mindset, although we could not discuss it with them, you all share that passion for our children, and they are our future leaders. It is not so much what we tell them, it is what we show them, and I am so hurtful to let these *keiki* see these things in a safe zone where they can play on a slide or practice football, so heightening the awareness. I think this is a great Resolution, message, and stance. I would like to say Councilmember Carvalho and the rest of the Councilmembers, thank you.

Councilmember Carvalho: Again, to our fellow Councilmembers, thank you for being there too, I know you folks have the same passion. Also, I wanted to mention the leagues like pop warner and others wanted to join in too, to stand forward and make a statement to everyone, if you decide to do this, this is what will happen to you, in that tone, if you will. *Mahalo*, to all of my fellow Councilmembers and everyone at the Administration. This is just the beginning. Thank you.

Council Chair Kaneshiro: With that, I am going to suspend the rules and play the Mayor's video, then we will open up for questions.

There being no objections, the rules were suspended.

DEREK S.K. KAWAKAMI, Mayor (*via remote technology video*): *Aloha*, this is Mayor Derek Kawakami. On behalf of the Office of the Mayor, we want to first and foremost offer our heartfelt condolences to the families of the four (4) individuals that have lost their lives to Fentanyl. I want to commend Councilmembers Carvalho and DeCosta, and all of our first responders, and of course, the whole community that is trying to wrap its arms around this problem that we just cannot solve on ourselves. With that being said, we do have a Proclamation and we do have a commitment to make sure that we are keeping these places safe for our *keiki* and for our *kūpuna*. And once again, we want to thank the County Council for offering this Resolution. Thank you very much.

Council Chair Kaneshiro: Councilmember Cowden.

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

Councilmember Cowden: Thank you for doing this. I definitely have been agreeing that we need to help protect our people and that safe places like parks are not the right place to be doing it. A couple of questions, when we say we are going

to heighten it, I am wondering what that means, does that mean it is more likely for an arrest, or stronger prosecution, or stronger sentences? What is allowable? Do we have more police on that beat?

Councilmember Carvalho: In speaking with Chief Raybuck and the team members, that is exactly what it is. It is not just a slap on the wrist. You are going to have a stricter type of sentencing if you do go through the process. We are working on all of that now, to come up with the final, but it is going to be very strict.

Councilmember Cowden: In terms of the sentencing, is that something that...does the State have to decide, because sentencing is beyond the scope of the Council. But we could be sending a letter to the State saying we want, if things happen in proximity to these safe spaces, certainly, schools, then we can send a letter to prosecution that we would expect less "dismiss without prejudices."

Councilmember DeCosta: It is already showing the importance by just creating this Resolution on our behalf. It is showing the importance at the State level in what should happen if someone is using drugs in the safe zone. The Chief made it apparent that it is going to be more awareness of his officers patrolling the area making sure that it is a safe zone area throughout Kaua'i.

Councilmember Cowden: Okay. I would imagine that would include neighborhood watches or something.

Councilmember Carvalho: All of it. It ties into everything.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there any final discussion from the Members? Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. Thank you, Councilmembers, for the introduction of the Resolution. I think it is important for us to have unified voice on what our expectations are as a community, but also working with our public safety departments and ensuring safety broadly. I will take the opportunity in this discussion to mention the opposite side of response, which is what you mentioned, Councilmember Carvalho, in terms of prevention, which is a big part of what we are all committed. The mental health crisis is connected to this and as a community to have those opportunities to have service and ways for our community to interface with services is really key. So, I have been working with Chief Raybuck and other providers on platforms that are accessible to our community and our public safety officers, to be able to have resources available to them and connect things like CredibleMind platform that is something online that connects families and our

students. I think collectively if we can combine these strategies, we will be more successful, so I fully support it. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I wanted to thank Councilmember Carvalho and Councilmember DeCosta for bringing this Resolution forward, and also the Mayor for his Proclamation. It is always important for us to highlight and create awareness. This one "Whereas" that talks about twenty-three (23) occasions since just September, so just in the last three (3) months, where the anti-opiod medication NARCAN was used. Then to hear of the four (4) deaths, a tragic loss of young people, but thankfully, too, for NARCAN that many lives were saved, as well. I think this is really important. Many of us know firsthand the effects of all the different addictions and the young lives that have been taken. Awareness is definitely the first step. The goal of highlighting...obviously there is this law Hawai'i Revised Statutes (HRS) 712-1249.6 that talks about the promoting of a controlled substance, but in all of our parks and different areas where a lot of the young people are, it is not just about the sale of those drugs, but also the use of those drugs, and all the negative things that come with that. Hats off to Kaua'i Police Department (KPD) and other first responders, and the important work that they keep doing. It is always important to create this awareness. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin, then Councilmember DeCosta.

Councilmember Evslin: Thank you to the introducers of this. Obviously, very important. I think as we all discussed and know Fentanyl has changed the game in some sense in how deadly it is and how it can come out of the blue in some sense. The users of drugs not knowing that there is this incredibly deadly substance that is laced with whatever drug they are taking. Education, awareness, and enforcement are all really critical. Also, we all have a role to play in some sense. We have talked about this before, but the Kalena Park revitalization is such a good example of a place that was a haven for drug use and drug dealing. If you went by there at nighttime or even in the middle of the day, there was a lot of activity in the park. A dedicated group of community members partnering with the County revitalized that park, and KPD said recently that there is a fifty-two percent (52%) decline in 9-1-1 calls to the park. That activity has totally been displaced. I think there is good evidence around the country that when you revitalize a place like that and displace that kind of activity, it is not like it moves to the next corner, oftentimes, it just goes away. You do not see those drug dealers in front of Kaua'i Beer Company or anything; in some sense they are just gone. So, I do think it is on all of the above approach and we have a role to play there. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta, then Councilmember Cowden.

Councilmember DeCosta: I just wanted to individually thank Mayor Kawakami. Your plate is so full and for you to come out with this Proclamation and feedback with what has been happening, again, it is not just Councilmember Carvalho, but all seven (7) of us shared and have talked about it at lunch, and it is just two (2) people introducing it, but it is the seven (7) of us who feel deep in our hearts. We did not get a chance to mention, but Councilmember Carvalho and I have spent many meetings with Superintendent Paul Zina, and he is on board to keep the Department of Education (DOE) in the safe zone. The few community parks that are attached like Waimea High School has that County park where the high school kids practice baseball and football, the meetings we had with the Chief, and collaborating on all of that. Moving deeper, maybe even getting our State health nurses Fentanyl certified and have the NARCAN spray. It is the movement that we are aware of and what we are going to do for the community and where we get it from. Big *mahalo* for all the players who came to the table and made this Proclamation and Resolution happen. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I, also, want to thank our whole community that looks to create solutions. We have the good programs in the schools. We have some really wonderful officers in the schools—the school resource officers, but particularly those that create other ways for people to be inspired and happy. We need to out create the problem. I know Johnson & Johnson’s new product Fentanyl that they developed has been the recent scourge in our community, but as it is off marketed and put in the mix with other things, but how we can help in any way, avoiding these drugs are really critical for us moving forward. I still care for all the people who are struggling. They are friends and family and most of them have gone through some serious grief or injury, they are not criminals, but if you are selling it, you are criminal. We need to help people know that they cannot be having that activity, especially where there is other vulnerable people. So, I very much support this.

Council Chair Kaneshiro: Is there anyone else?

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

The motion for adoption of Resolution No. 2021-51 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.

BILLS FOR SECOND READING:

Bill No. 2044 – A BILL FOR AN ORDINANCE TO AMEND OPEN DISTRICT DESIGNATIONS ON ZONING MAP ZM-PR700 AT PRINCEVILLE, KAUA'I, HAWAII

Councilmember Kualii moved to receive Bill No. 2044 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: This was the original Bill that was sent to the Planning Department. Once it got through Planning, the Bill that came back to us got revised, changed, passed at Planning, came to Council, passed at Council, and we kept this Bill alive just in case we wanted to go back to it, but the bill that the Council found was appropriate has passed already, so now this is a housekeeping item to receive the original Bill that we had on the floor. 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 Bill No. 2044 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

Bill No. 2831, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, AS AMENDED BY ORDINANCE NO. PM-2009-394, RELATING TO ZONING DESIGNATION IN NAWILIWILI, KAUA'I (*Tower Kaua'i Lagoons Sub 1, LLC; 2014 Kaua'i Lagoons Golf, LLC; Tower Kaua'i Lagoons Land, LLC; Tower Kaua'i Lagoons Sub 7, LLC, Applicant*) (ZA-2021-3)

Councilmember Kualii moved to approve Bill No. 2831, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: I believe we have a housekeeping amendment on it.

Councilmember Chock: Yes, thank you, Chair.

Councilmember Chock moved to amend Bill No. 2831, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kualii.

Councilmember Chock: Councilmembers, I have two (2) amendments to this draft Bill; the first is to replace the description for Lot 1-A to be changed to Proposed Lot 1-A, so it is a correction. The second, to replace all instances of what is referred to as “guest cottages” with the term “Guest Houses.”

Council Chair Kaneshiro: Are there any questions from the Members? Again, this is a housekeeping item to clean up and make sure the language is consistent throughout. Again, identifying a lot that is not necessarily there yet, but it is a proposed lot 1-A. Are there any questions? If not, any discussion on the amendment?

The motion to amend Bill No. 2831, Draft 1, 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: Back to the main motion as amended. Are there any questions on the Bill as amended? Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I want to thank Councilmember Evslin and Vice Chair Chock for the diligent work that you did on this, and to the developer for working with you, because even though these are little nits and picks, they really do matter twenty (20) years from now. Going through that extra effort to make sure the history of commitments on this project is clarified, so there is not a problem in the future. I think future Councils will be thankful, future communities will be thankful, so thank you very much.

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

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

The motion to approve Bill No. 2831, Draft 1, as amended to Bill No. 2831, Draft 2, 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.

Bill No. 2839 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Liability – \$900,000.00*)

Councilmember Kualii moved to approve Bill No. 2839 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

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

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

The motion to approve Bill No. 2839 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.

Bill No. 2840 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*County of Kauai Transient Accommodations Tax – \$9,000,000.00*)

Councilmember Kualii moved to approve Bill No. 2840 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

Councilmember Cowden: For the sake of the public, because nine million dollars (\$9,000,000) is a lot of money, for those who have not been following, this is really just the movement of the Transient Accommodation Tax funding that we would have been getting from the State is now being shifted to some part of the County. We have talked about it extensively and are in agreement that we have a new plan. So, it is the same money, it will be utilized the same way.

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

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

The motion to approve Bill No. 2840 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.

Council Chair Kaneshiro: This concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned. We have one (1) Executive Session left, which we will take after our Committee Meeting. Coming up, we will have our Committee Meeting, starting with the Planning Committee.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:58 a.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk