

COUNCIL MEETING

MARCH 24, 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, March 24, 2021 at 8:43 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 (*via remote technology*)
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Eighteenth Supplementary Emergency Proclamation dated February 12, 2021.

APPROVAL OF AGENDA

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

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

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

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:

March 10, 2021 Council Meeting
March 17, 2021 Special Council Meeting

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

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 2021-61 Communication (03/09/2021) from Council Chair Kaneshiro, transmitting for Council consideration and confirmation, the reappointment of Erica Jolie Anuhea Taniguchi to the Public Access, Open Space, Natural Resources Preservation Fund Commission (*Anahola – Hā'ena*) – Term ending 12/31/2023.

C 2021-62 Communication (03/09/2021) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of December 31, 2020, pursuant to Section 21 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

C 2021-63 Communication (03/09/2021) from the Director of Finance, transmitting for Council information, the County of Kaua'i 2021 Real Property Assessment List pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended.

C 2021-64 Communication (03/11/2021) from the Director of Human Resources, transmitting for Council information, the March 15, 2021 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

C 2021-65 Communication (03/12/2021) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures factored with the existing real property tax rates, and based on the Real Property Assessment Certification for Fiscal Year 2022.

Councilmember Carvalho moved to receive C 2021-61, C 2021-62, C 2021-63, C 2021-64, and C 2021-65 for the record, seconded by Councilmember Kualii.

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

Councilmember Chock: I just wanted to acknowledge and thank Anuheia Taniguchi for stepping back up and helping us out with the Public Access, Open Space, Natural Resources Preservation Fund Commission.

Council Chair Kaneshiro: We will have her resolution up later as well.
Councilmember DeCosta.

Councilmember DeCosta: I would like to piggyback on what Council Vice Chair Chock said. I had a chance to speak with Anuheia and she comes with deep core values of our Kaua'i people. Thank you to her for stepping up.

Council Chair Kaneshiro: We can move these comments to the resolution as well.

Councilmember Cowden: If we are doing it now, I and Council Vice Chair Chock and I spent several hours with her and a couple of hours on the phone with her. We talked about what is important. When we reinstate commissioners, it is very important that we hear what is working for them, why they are doing it, and what is important to them. I had a wonderful time working with her. I feel very good about her. With review, she is great.

Council Chair Kaneshiro: Are there any other questions?

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

The motion to receive C 2021-61, C 2021-62, C 2021-63, C 2021-64, and C 2021-65 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2021-66 Communication (02/25/2021) from the Director of Finance, transmitting for Council consideration:

- A Bill For An Ordinance Amending Chapter 22, Article 24, Kaua'i County Code 1987, As Amended, Relating To Cat Licensing Program; and
- A Bill For An Ordinance Amending Chapter 22, Article 10, Kaua'i County Code 1987, As Amended, Relating To Dog Licenses And Regulations.

Councilmember Kualii moved to receive C 2021-66 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: This is just the communication. Are there any questions or comments from the Members?

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

The motion to receive C 2021-66 for the record, was then put, and unanimously carried.

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

C 2021-67 Communication (03/01/2021) from the Executive on Transportation, requesting Council approval to receive and expend a Federal Transit Administration (FTA) Section 5311 Coronavirus Response and Relief Supplemental Appropriation Act of 2021 (CRRSAA) grant, in the amount of \$8,000,270.00, which will be used to support the continued operation of essential public bus transit services for the County of Kauaʻi.

Councilmember Kualii moved to approve C 2021-67, seconded by Councilmember Cowden.

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

There being no objections, the rules were suspended.

Councilmember Cowden: Aloha, Celia.

CELIA M. MAHIKOA, Executive on Transportation: Aloha!

Councilmember Cowden: For myself and members of the public, eight million dollars (\$8,000,000), is great news and really helps us with our budget. Can you give us a brief explanation of what you have here?

Ms. Mahikoa: Thank you so much. I am requesting approval for the receipt of funds that are being offered through the FTA through the CRRSAA. The general purpose for the funds that are being generously provided are to ensure that public transit services will be continued for the community in helping to support the community's needs during these strained pandemic times. An additional condition that they are requiring for the funds is that we are not laying off any individuals and that no positions will be removed. Thankfully, that has not happened, and we do not anticipate that being the case at any point.

Councilmember Cowden: Thank you so much. Eight million dollars (\$8,000,000) is a significant amount. I really appreciate how that helps our overall budget, not just for the Transportation Agency. Thank you.

Ms. Mahikoa: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Thank you for being here, Celia. I have not seen all the details, but obviously you are using these moneys for big ticket items. It

appears to be slated to be used for salaries and vehicles. Do you think that with these moneys, it is the intention to help people who are suffering during the COVID-19 pandemic, and put any funds towards the nonprofit discount bus pass program?

Ms. Mahikoa: Based on the proposed work report that was submitted, it was not included as a separate line item. However, those items typically can be grouped into the operating assistance line item, which we have allocated over three million dollars (\$3,000,000) towards. That is primarily for employee pay and fringe benefits. Those types of items can be included in those expenses.

Councilmember Kualii: Having these funds, in essence, frees up some General Fund funds in this next fiscal year. Is that correct? We are talking about a very little amount of money for the bus pass program.

Ms. Mahikoa: Our budget is primarily funded through the Highway Fund and the General Excise (G.E.) Tax Fund, and in the range of ninety percent (90%) to ninety-five percent (95%) of it. It is going to loosen the amount of funds available in those two (2) funds. For the General Fund, it is rather limited as to what we draw recently from each fiscal year.

Councilmember Kualii: Thank you.

Ms. Mahikoa: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: *Mahalo* again for all of the work that you do over there. We met, and I just wanted to mention again the funding, specifically to clarify, does not impact the General Fund, but it does support retaining all of the positions in our Transportation Agency, at all levels. I think that is a great way to look at it, as far as the budget. Good job in securing these funds to continue to support our team. As far as the Operating Budget, it does not impact that, correct? It is specific to this pot of funding and it is for the personnel-side of things. Is that correct?

Ms. Mahikoa: We will have no negative impacts to our operations, that statement is correct. These federal funds are going to help to maintain that level of operation that we have and the personnel levels that we have. These funds will allow our service to continue as it has been, unhindered.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I have a basic question and I might just be missing it. If this new money of eight million dollars (\$8,000,000) is coming in from the federal government is helping to maintain, have we lost other moneys from the federal government, from another pot of moneys, that this is helping to cover?

Ms. Mahikoa: They have not reduced the annual allocations that they provide us. They are sustaining that at the same time. We are able to maintain the levels we have. We are not needing to cut anywhere to make up for what is being allocated here. These are above-and-beyond our normal federal allocations.

Councilmember Kualii: I will stop for now and will follow-up during budget.

Ms. Mahikoa: Thank you.

Council Chair Kaneshiro: Are there any other questions?

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? I just want to thank Celia. I am hopeful that we get this. This amount will make a huge impact to our budget. I did see in our overall budget that this amount will allow us to put more of our budget towards repaving roads. We can use more of our G.E. Fund to pay for road repaving, which is a good thing as well. Thank you for bringing this opportunity to us.

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

The motion to approve C 2021-67 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-68 Communication (03/03/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Federal funds for Sexual Assault Nurse Examiner (SANE) exams, supportive funding, and DNA analysis, in the amount of \$98,507.00, which will be used to continue law enforcement efforts to assist in sexual assault investigations through agency collaboration, and approval to contract with and indemnify the State of Hawai'i Department of the Attorney General for the term commencing July 1, 2021 to May 31, 2022.

Councilmember Carvalho moved to approve C 2021-68, seconded by Councilmember Cowden.

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

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Assistant Chief Ponce, for the work that you do in this area. This is basically the continuation of what we have

already been offering our community. Do you want to just say a little brief piece for the public?

There being no objections, the rules were suspended.

BRYSON PONCE, Assistant Chief of Police, Investigative Services Bureau: Sure. Good morning. Back in 2012, we recognized the backlog and the need to test previously untested sex assault kits that we had stored in evidence. We applied for a federal grant back in 2012 to conduct deoxyribonucleic acid (DNA) analysis. Also, we included in there standby pay for our SANE nurses, equipment, and training. Since then, we have investigated and conducted many forensic sexual assault cases. In 2012, we had seventeen (17) sexual assault exams conducted. In 2013, we had eleven (11) exams. In 2014, fourteen (14) exams. In 2015, thirteen exams (13). In 2016, twenty-four (24) exams. In 2017, fourteen (14) exams. In 2018, thirty (30) exams. In 2019, nineteen (19) exams. In 2020, fourteen (14) exams. In 2021, to-date, we had two (2) sexual assault exams. The estimated national average cost to conduct a sexual assault forensic exam is about five hundred fifty dollars (\$550). In addition, analysis to test the kits run about six hundred thirty-five dollars (\$635). That is through Sorenson Forensics. That work is outsourced. The cost of the exams and the whole process is really covered through this grant that we have received since 2012. This period covers July 1, 2021 to May 31, 2022. Again, this is a huge impact to our Sexual Assault Response Team (SART) program, our SANE nurses, detectives, and everyone else involved in being able to offer these services to our sexual assault victims.

Councilmember Cowden: Thank you. Your successful completion rate has really improved, correct?

Mr. Ponce: Yes.

Councilmember Cowden: *Mahalo.*

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: The increase in the number of sexual assault tests that you are doing, is that because of an increase in incidents of sexual assaults, or just because the program has gotten better, and you are able to respond more appropriately?

Mr. Ponce: A little bit of both. To bring everyone up to speed, the Sex Assault Kit Initiative (SAKI) movement really took off about three (3) or four (4) years ago. The Office of the Attorney General spearheaded the Hawai'i Sex Assault Kit initiative where all law enforcement agencies teamed up, along with sexual assault response teams and YWCA advocates. When then #MeToo movement hit around the same time, we saw an increase in reporting. The numbers increased. There are still many cases that go unreported. The statistics show that about one percent (1%) of sexual assaults get reported. That is a response to your question that you asked.

Councilmember Evslin: 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?

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

The motion to approve C 2021-68 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-69 Communication (03/09/2021) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$313,937.18, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2022 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions.

Councilmember Kualii moved to approve C 2021-69, 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 approve C 2021-69 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-70 Communication (03/09/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$398,681.00, and approval to indemnify the State Executive Office on Aging, to be used to carry out the provisions of the Area Plan on Aging for the period October 1, 2020 through September 30, 2022.

Councilmember Carvalho moved to approve C 2021-70, seconded by Councilmember Kualii.

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 approve C 2021-70 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-71 Communication (03/10/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval to receive and expend Federal funds for the Office of National Drug Control Policy, Hawai'i High Intensity Drug Trafficking Area (HIDTA) Program, in the amount of \$141,600.00. These recurring Federal funds will supplement the Kaua'i Police Department's budget with overtime, specialized training, canine maintenance, services and equipment for use by personnel directly engaged in narcotic-related investigations for the term commencing January 1, 2021 to December 31, 2022.

Councilmember Kualii moved to approve C 2021-71, seconded by Councilmember Carvalho. Councilmember Cowden.

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

Councilmember Cowden: Assistant Chief Ponce, this funding is for harder drugs, correct? Can you say which drugs this money is used to go after?

There being no objections, the rules were suspended.

Mr. Ponce: I cannot specify exactly what drugs. The grant can be used for any illicit drugs. Generally speaking, our methamphetamine and heroine-type cases, those types of investigations are usually what the HIDTA funding is used for. Those are more time-consuming and expensive, because of the amount of effort that is needed for those.

Councilmember Cowden: How many dogs do we have on the police force?

Mr. Ponce: Two (2).

Councilmember Cowden: I wanted to acknowledge that one of the dogs received the "Officer of the Month" recognition not too long ago. That was great. Thank you.

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

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 2021-71 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-72 Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$290,460.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 19-V2-03 for the period July 1, 2021 through June 30, 2022.

Councilmember Kualii moved to approve C 2021-72, seconded by Councilmember Cowden.

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

Councilmember Cowden: I just want to appreciate and acknowledge that we have these victims of crime acts. I just want to value and appreciate the effort that is made by our Office of the Prosecuting Attorney and departments. I just want to recognize that many of these grants are at-risk in the coming years. I am thankful we have this opportunity.

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

The motion to approve C 2021-72 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-73 Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (HDOT), in the amount of \$114,094.63, and to indemnify HDOT, for the continued 0.50 funding of a Full-Time Equivalent (FTE) Traffic Safety Resource Prosecutor, travel, and training. This recurring grant and funds will be utilized for the term commencing October 1, 2021 through September 30, 2022.

Councilmember Carvalho moved to approve C 2021-73, 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 approve C 2021-73 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-74 Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$175,000.00, from the Fiscal Year 2019 Edward J. Byrne Memorial Justice Assistance Grant (JAG), and to indemnify the State of Hawai'i, Department of the Attorney General, to support the Felony/Career Criminal Prosecution Program with one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney, a 0.60 funded FTE Special Investigator, and to cover a portion of fringe benefit costs. The anticipated contract date is for the period July 1, 2021 through June 30, 2022.

Councilmember Cowden moved to approve C 2021-74, including approval to apply, seconded by Councilmember Kualii.

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 approve C 2021-74, including approval to apply, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-75 Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$70,222.00, from the Fiscal Year 2019 Edward J. Byrne Memorial Justice Assistance Grant (JAG), and to indemnify the State of Hawai'i, Department of the Attorney General, to support the Vehicular Crimes Unit with a 0.50 funded Full Time Equivalent (FTE) Deputy Prosecuting Attorney and to cover a portion of fringe benefit costs. The anticipated contact date is for the period of July 1, 2021 through June 30, 2022.

Councilmember Cowden moved to approve C 2021-75, including approval to apply, seconded by Councilmember Kualii.

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 approve C 2021-75, including approval to apply, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

C 2021-76 Communication (03/12/2021) from the Mayor, transmitting his Fiscal Year 2021-2022 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees.

Councilmember Kualii moved to receive C 2021-76 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We did receive written testimony for this item. This is just the communication. These items will come up later on the agenda. Budget meetings start tomorrow. We will be talking about these items for the next couple of weeks. Are there any questions or is there any discussion from the Members?

(Written testimony was received for C 2021-76 and no registered speakers requested to testify regarding this agenda item.)

The motion to receive C 2021-76 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion passes. Next item.

CLAIMS:

C 2021-77 Communication (02/25/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Hanson Hsu, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-78 Communication (03/03/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Island Utility Cooperative, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2021-77 and C 2021-78 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 from the Members? Is there any discussion?

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

The motion to refer C 2021-77 and C 2021-78 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 2021-02) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2804 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT,”

Councilmember Kualii moved for approval of the report, 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 report was then put, and unanimously carried.

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2021-03) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2817 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND GOLF FUND (*Golf Fund Projected Revenue Deficit—\$250,000.00*),”

Councilmember Kualii moved for approval of the report, 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 report was then put, and unanimously carried.

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

RESOLUTIONS:

Resolution No. 2021-14 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 FOR THE COUNTY OF KAUAI

Councilmember Kualii moved that Resolution No. 2021-14 be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and that said Resolution be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will ask that for our budget items, let us save our discussion and questions for our budget meetings coming up this week. We will see information regarding revenues tomorrow. Councilmember Cowden.

Councilmember Cowden: Can I make a simple statement for the public? We are not raising the taxes. For people that might be watching, the taxes are not going up in any category. The tax rates are not going up in any category.

Council Chair Kaneshiro: Is there any other final discussion on this item? If not, roll call vote.

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

The motion that Resolution No. 2021-14 be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and that said Resolution be referred to the Committee of the Whole was then put, and carried by the following vote:

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes. The next item is Resolution No. 2021-15.

Resolution No. 2021-15 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Erica Jolie Anuheā Taniguchi*) (*Anahola – Hā'ena*)

Councilmember Kualii moved for adoption of Resolution No. 2021-15, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Do we have any questions from the Members? We did receive comments from the Members earlier. Are there any other final comments from the Members on this item? If not, roll call vote.

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

The motion for adoption of Resolution No. 2021-15 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.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2818) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 Operating Budget*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2818) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and it be referred to the Committee of the Whole, seconded by Councilmember Kualii.

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

Councilmember Cowden: I am just confirming that this is all coming up in the next few weeks.

Council Chair Kaneshiro: Yes. Can I get a roll call vote?

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

The motion for passage of Proposed Draft Bill (No. 2818) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali'i, 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.

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

Proposed Draft Bill (No. 2819) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 CIP Budget*)

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2819) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and that it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

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

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

The motion for passage of Proposed Draft Bill (No. 2819) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 12, 2021 at 5:00 p.m., and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kuali'i, 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.

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

Proposed Draft Bill (No. 2820) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2820) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 21, 2021, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Cowden.

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

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I do not necessarily have a question, but was wondering if we could hear from Reiko or the Kaua'i Humane Society representatives for an overview of this item.

Council Chair Kaneshiro: We did not hear your question.

Councilmember Cowden: Can one of the team give a quick explanation about what this Bill is about relating to cat licensing? Could anyone on the team that is most appropriate share what this is about?

REIKO MATSUYAMA, Director of Finance: Understood.

Councilmember Evslin: Thank you, Councilmember Cowden.

NICOLE SCHAEFER, Executive Director, Kaua'i Humane Society: Do you mind if I speak?

Ms. Matsuyama: Let me start, Nicole, then I will turn it over to you.

Ms. Schaefer: Perfect.

Ms. Matsuyama: These two (2) microchipping bills were developed between the Department of Finance and the Kaua'i Humane Society (KHS). For the public, I am pleased to report that the County's relationship with KHS is in a really good place right now. We have drastically increased our transparency and that has elevated the trust between the two (2) organizations. We are in a good place. This licensing program came up in discussions for the Fiscal Year 2021-2022 budget where the County is paying KHS to cover their net losses that they sustain in the licensing program. The losses range from about thirty thousand dollars (\$30,000) to fifty thousand dollars (\$50,000) per year. In addition to costing the County money, it is essentially a useless program. I will hand it over to Nicole in a little bit to get into reasons why it does not work. During budget discussions, she proposed the

microchipping program. It will relieve a lot of the administrative burden on KHS and should cost the County less money. Dan Giovanni, the Board Chair of KHS is here along with Nicole Schaefer, who is the KHS Executive Director. Also, on is Alicia Iverson who is KHS Board Treasurer. I am going to hand it over to them. The Department of Finance is supportive of the bills. We are open for questions should you have them.

Ms. Schaefer: Besides the benefit of saving the County money as well, it is also saving the residents money. Right now, to purchase a license for an unaltered dog or cat is fifty-two dollars (\$52). It is fifty dollars (\$50) for the registration and two dollars (\$2) for the metal tag. If the animal is altered, it is fifteen dollars (\$15) for the registration and two dollars (\$2) for the tag. What we are suggesting is instead of paying these fees every two (2) years, we move to a lifetime microchip option, which is twenty dollars (\$20). It is a one option, single fee. There is no additional charge after that single payment. That twenty dollars (\$20) gets you a lot more services as well. Not only will your lost pet be reunified by KHS, the microchipping companies' steps in as well and will assist. They can call the owner, emergency contacts, and veterinarians directly, all to work together to try to unify this pet back with its owner. It makes the process a lot more streamlined and a lot faster. With this, we can also reunite a lot quicker. We can do it in the field, and we can do it immediately. Animals can skip coming into the shelter and they can go straight to the home of where they wandered off from, so it decreases the stress on the pet and the pet owner. Ultimately, it is an economic way for pet owners, and it is the most effective way of reunification right now. This is where technology has put us, and it has given us this option to help pets and pet owners.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I want to thank you for the time that you spent with each of us individual Councilmembers with a much more in-depth explanation. I feel very comfortable and enthusiastic about this plan. Can you help people who might be watching to know how this would be implemented? How would people get the chips for their pets. Do they need to go to the KHS? What do they do and what do they get for their twenty dollars (\$20.00)? They not only get the animal returned to them, what else do they get and how do they get their animals chipped?

Ms. Schaefer: That is a great question. That is another benefit to the program. When owners were having to purchase licenses, they could only come to the KHS. Now, they can come to us, they can go to any veterinarian on-island if they are participating in some of the low cost spay/neuter clinics, they are microchipping on-site there, or they can come in with a microchip too and already be in compliance if they are already moving to Kaua'i. It is as simple as making an appointment with whoever you are more comfortable with. You can come to the KHS or to your veterinarian, and it is like getting a vaccine. It is a simple injection with no

special materials or anesthesia. It literally takes seconds. Your twenty dollars (\$20) is bringing you into compliance, giving you the microchip, and registering the microchip. The only thing after that is the upkeep. There is not really any upkeep unless you move, and you need to change your phone number or address. We can assist you with that as well or you can do it on your own. If your animal strays, we are going to help find it, but also the microchip company is going to help reunite as well. They will be texting, calling, and getting anyone that you gave a phone number for to help bring the pet and the pet owner back together.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: I had a very exciting meeting with you. It is a no-brainer to our community that I am a large advocate for hunters here on the island. I think they play a very viable role in providing an ecosystem where the ungulate animals are kept under control with our hunters. Hunters do have a lot of dogs. I do not need to tell you how many I have. I did the math and it is going to save our dog and other pet owners between two hundred sixty dollars (\$260) to three hundred dollars (\$300) over the lifetime of their animal being that their animal lives to twelve (12) years of age, which is the average age of a dog or cat. Twenty dollars (\$20) per animal is cheaper, especially when you are a hunter raising ten (10) dogs. That could be three thousand dollars (\$3,000) over the life of the hunter. I would like for you to explain if you have a program for the hunters who have a large number of dogs to come in. I know you are very good about having availability for these Kaua'i residents who like to go hunting or raise dogs over one (1) or two (2) in number. I know you do a free licensing program. Could you touch upon that so that the community can hear about it?

Ms. Schaefer: Absolutely. Our goal as the KHS is to help people come into compliance with the local ordinances. With that, for the entire month of March, we have been offering free microchips. We are going to do a hunter's special in April, because we do understand that another quantity of animals equals a larger price tag. We are trying really hard to not make finances an issue for not taking advantage of this program. Because microchipping is internationally-known and there is a lot of support to move into this form of technology, there are a lot of grants that get offered. We have been able to take advantage of a lot of those grants and offer quite frequently through the year, free microchipping. That is something that we are publicizing and putting out there. It would not be a long wait if you did not want to automatically pay the twenty dollars (\$20.00) as we will probably be offering something very soon that will allow us to offer those microchips for free or at a discounted price. We are going to keep offering these specials in the beginning. Our goal is to get as many animals microchipped as quickly as possible. It is a lifetime process, so once it is done, it is for the life of the animal. We are only going to be concerned later with puppies and kittens that are born. Every animal that comes into Kaua'i is already required to have a microchip. We are not worried about those animals that are being imported in.

Councilmember DeCosta: A message for our local hunters out there, you do get a service that is free from the KHS. They do welcome donations, so please, if you have a good job and do not take advantage of the system, contribute some money towards this program in a donation form. Thank you very much.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Any of my questions or comments will apply to both the dog and cat items. I am trying to remember correctly from our conversation, did we discuss that there is potential in the future for regional outreach programs? Did I get that right? Could it be organized where on a certain Saturday, you could go into certain communities? That might make things a little easier for people who have quite a number of animals.

Ms. Schaefer: Yes, absolutely. We are up for that. We have already started that to a certain extent. We were at Lydgate not too long ago offering free microchipping. Next month, we have not advertised this yet, but we are going to be on the west side of the island at Lucy Wright Park. We are going to be doing microchipping there as well. This is something we are looking at to take our services mobile. We do understand that transportation can be a hurdle. Depending on where you are on the island, it can be quite a drive and time consuming. We want to help you and take away those hurdles when we can.

Councilmember Cowden: Thank you so much.

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

Councilmember DeCosta: This may sound silly, but no question is ever silly. Would you do larger animals like horses and goats? I know a lot of people who have prized pets that are not just cats and dogs. I know sometimes horses, mules, or goats go missing. This would be a very easy way to claim their animal if they had it microchipped.

Ms. Schaefer: I have no qualms with offering that. We microchipped a pig only a couple of weeks ago that someone requested. We were more than happy to assist where we can. So, yes. We can work with you or you can work with any large animal veterinarian to get a microchip if it easier for them to come to you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just wanted to note that my ducks were stolen a few years ago. It would have been nice to have microchips in them.

Council Chair Kaneshiro: I just want to clarify that the microchips are not global positioning systems (GPS). You have to find the animal alive and then KHS is able to check the chip to identify who the owner is.

Councilmember DeCosta: This is for Councilmember Evslin. I am glad that your duck did not get that chip. When you make Chinese roast duck, you do not want to have that chip in it.

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

DAN GIOVANNI, Chairman of the Board of Directors, Kaua'i Humane Society:
I just wanted to say on behalf of the Board that this program is not brand new. We are following successful programs on the mainland like in Dallas, Texas and even the Hawaiian Humane Society on Hawai'i Island. It is a move in the right direction. I expect over time that many communities will go to this approach. I did not want the Council to feel that we were the first guinea pig in line.

Council Chair Kaneshiro: Thank you. Are there any further questions from the Members? If not, I will call the meeting back to order.

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? Councilmember DeCosta.

Councilmember DeCosta: I wanted to share some constructive information from the hunting community. We have had "sour" or uncomfortable relationships with past KHS Executive Directors when our animals would end up at the KHS and they would become neutered or spayed right away. Could you ensure our hunting community that you will give them ample time to retrieve their animals without them getting spayed or neutered? I know a lot of our local hunters have special breeds that they like to keep in their hunting line that they use to catch these large wild pigs. I would like for you to inform our community that you have a better plan than the plan that was in effect in the past.

There being no objections, the rules were suspended.

Ms. Schaefer: That is a really big benefit of microchipping. Right now, following our ordinances, a stray animal that does not have any form of identification, so we are not aware if it has an owner or not, only has to be on-hold with us for two (2) days. If it has a microchip or a license, it stays with us for nine (9) days before anything can happen to the animal. This includes being put up for adoption,

being spayed or neutered, or anything of that sort. A lot of times, when hunters' dogs were coming in, because they did not have microchip or a license potentially, because it jingles when they try to hunt, the animal is only here for two (2) days. Two (2) days goes by quickly. After that forty-eight (48) hours that animal was most likely fixed because it was going to the adoption floor to find a new home. That can be very hard on people that wanted their animal to stay unaltered. By microchipping, you are now given nine (9) days, over a week, to try to make contact and for us to contact you as well, to reunite your animal. You do not have to worry about it being spayed or neutered if that is not what you are interested in. You gain seven (7) more days of time to ensure that that spay or neuter does not take place because your animal is microchipped.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: One more question for anyone listening or for whoever is reporting on this. Can you please give us the information on your live release rate for the KHS?

Ms. Schaefer: Yes, absolutely. We have reached the point where we can call ourselves a "No-Kill Shelter." Over ninety percent (90%) of the animals that come into our shelter leave with a positive outcome. That includes a transfer an adoption, or a return to a home. That is as good as you can get, realistically. That is the ultimate goal for all shelters, and we are extremely proud that we have been able to reach that.

Councilmember Cowden: Thank you.

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

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

Councilmember Cowden: I just want to acknowledge the major strides that the KHS has made. I have worked in the past decade over deep concerns including those from the hunters. It has really moved from a place of high stress to a good partner to families with pets. This microchipping will allow for community efforts including on social media and other ways...we can even have scanners in neighborhoods. It will help in so many ways even before the animal shelter must come out to scan. As we get into this process, it is going to save us time, money, and impacts on the KHS. It is a profound step in the right direction. I am enthusiastic to support both bills and deeply appreciative of the efforts to come forward from the KHS and the extraordinary Board. This helps saves us money and it helps save emotional stress in the community to be able to trust the animal shelter.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: *Mahalo* to Reiko and the team for connecting and bridging this wonderful program. A lot of our pets are a part of our families. Reconnecting pets back to their homes are important. It is just a part of the process. Technologically, we are moving in the right direction. It is happening here on Kaua'i. I wanted to point out the accolades going out to the KHS and the partnership that it takes to move this effort forward. Please continue doing what you are doing, and I think we are on the right path to reconnecting our pets back to their families.

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

Councilmember Evslin: I just want to thank the KHS and the Department of Finance for their work here. They took something that was clearly failing and did the work to reevaluate and come up with something that is going to work. On both ends, it will save pet owners time and money, and ensure that the KHS can more quickly reunite pet owners with their animals. This saves the animal stress, saves the KHS money, and it really works for everyone. This type of success story is a good policy outcome here. Thank you for your work.

Council Chair Kaneshiro: The main point of the microchip is to connect the pet with its owner. Tags were not working. It was more expensive for the resident. I heard complaints about the tags being noisy when people are trying to sleep. Collars get lost and the animals lose tags. If that dog then gets lost, you could not identify who the owner of that dog is. The microchip is cheaper. It is twenty dollars (\$20) compared to fifty dollars (\$50.00) and recurring fees every two (2) years. It stays with the animal throughout its entire life. I think this is a great step in the right direction. It is a huge improvement and benefit for the community. One twenty dollar (\$20) microchip and the KHS will be able to identify your animal anytime it gets lost. That is going to be my comment for this item and the next item. Is there any further discussion? If not, roll call vote.

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

The motion for passage of Proposed Draft Bill (No. 2820) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 21, 2021, and that it be referred to the Finance & Economic Development 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.

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

Proposed Draft Bill (No. 2821) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2821) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 21, 2021, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Kualii.

Council Chair Kaneshiro: The first item was on cat licensing using microchips. This item is for dogs. Are there any questions or discussion from the Members on this item? Councilmember DeCosta.

Councilmember DeCosta: I just wanted to find out if there was a device that we could own to scan animals out in the field? Perhaps we could help the KHS go even further by taking that extra step if a dog wanders by our truck while we are hunting. Will those devices be available to the community?

There being no objections, the rules were suspended.

Ms. Schaefer: I think that is a really good idea and something that we are looking at developing. We do not have anything in place right now. We would love for community members to potentially sign-on with us to become these “finders” that could assist us. The devices cost around three hundred dollars (\$300). They do make cheaper ones. The reason we like the more expensive version is because it is termed a “universal scanner.” No matter what brand microchip you have, this scanner will pick it up. There are some that only pick up Pet Finder brand chips or Michaelson microchips. This scanner will pick up all brands. That is something that we would love to start working on. We want to create community advocates that are placed around the island to assist us, especially in locations further away from our shelter location. We have not developed that program quite yet. I think if this amendment goes through, we will start looking at that and making these purchases to develop that program.

Councilmember DeCosta: Thank you, Nicole.

Council Chair Kaneshiro: Are there any further 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? If not, roll call vote.

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

The motion for passage of Proposed Draft Bill (No. 2821) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 21, 2021, and that it be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

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

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

BILLS FOR SECOND READING:

Bill No. 2804 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT

Councilmember Kualī'i moved to approve Bill No. 2804 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We did receive written testimony on this item this morning. Do we have any questions from the Members? Councilmember Cowden.

There being no objections, the rules were suspended.

Councilmember Cowden: I am not sure if I should be speaking to Ka'āina. Is that who I should speak with? I had put in a possible amendment based on E-mails that we received last night. There were members of the public concerned with restaurants being placed on agricultural properties where, as an extreme example, a pancake house could go on a hardwoods farm. That is what some worry would be an extreme example. I had offered an amendment and I am accepting where this does not work. For those people who are watching, and I know there are some people very passionately watching, I had offered food offerings for restaurants. This would emphasize produce grown or raised on the property and are associated with the farm or value-added good. Basically, this is livestock raised on the property. I primarily emphasized in case they need to have quails, et cetera. I see a response that that does not work because it changes the definition used in County ordinances for restaurants and food services. Am I understanding that correctly?

KA'ĀINA S. HULL, Planning Director: Yes, Councilmember Cowden. By amending the definition of restaurant and food services to include somewhat of a requirement or an emphasis on the products being derived from the subject-property or farm, that is fine when looking at what the purpose of this Bill is for restaurants on agricultural land. But that definition of restaurant and food services applies across the entire Comprehensive Zoning Ordinance (CZO) for all districts. When you tweak definitions, much like a Rubik's Cube, you must be aware of how that tweak will affect the rest of the Code. The proposal that I saw this morning, if you amend that definition, it would thereby also require restaurants in the Commercial District and the Resort District to grow their products on property.

Councilmember Cowden: Okay.

Mr. Hull: I do not think that was your intention. The Department would not agree with it. I think for the concerns that are being voiced for restaurants on agricultural land, that is already addressed in the Bill in that restaurants and food services allowed on agricultural land with a Use Permit, there is a footnote 2 on it. Footnote 2, if you go down to the bottom of the Bill, it states that it is only for situations where only produce raised, or grown on the property and/or associated farm or value-added goods are derived primarily from the produce or livestock raised on the subject-property or associated farm. That footnote 2 in the Use Permit section for restaurants, at least in the Agricultural District, already has a requirement that their produce be grown on-site or with an associated farm.

Councilmember Cowden: I think what the concern was...I am asking you so you can speak to those people with those concerns... can you help them to understand when there is that footnote 2 for this specific element that the Planning Commission or whoever is making the decision will be required to observe that and that footnote is not going to be removed without another public process or effort.

Mr. Hull: The footnote is not like when you are reading a book or in a bibliography or sidenote. It is part of the actual ordinance. It is literally a requirement that when the Planning Department even entertains an application, should this ordinance be adopted, we have to take that application and assess whether or not the products are being grown on property. If they are not, then the application does not even get a hearing to go before the Planning Commission. It gets stopped at the front end. Should the applicant be able to demonstrate that they are in fact growing their produce or livestock on property that is being proposed to be served in a restaurant, then and only then is the application accepted. That does not even deem it approved. Then it goes to a public hearing at the Planning Commission and various analyses are made to assess the compatibility of the restaurant to the surrounding area as well as an assessment of the viability of the agriculture operation and whether it is in fact bonafide in relation to the restaurant proposal.

Councilmember Cowden: Thank you for that. It should not even make it on the agenda to go before the Planning Commission if we are putting a pancake house in a forest. If it is inappropriate, it is not even going to make it on the floor. We do not have to worry that the Planning Commission does not read the footnotes as a reader might not read footnotes in a bibliography at the bottom of the page.

Mr. Hull: Correct.

Councilmember Cowden: Essentially, that is your point?

Mr. Hull: Correct.

Councilmember Cowden: I just want to acknowledge that people have a strong concern that we do not turn our agricultural properties along strong road frontages to a secondary Urban or Commercial District. This will protect against that. Is that correct?

Mr. Hull: Correct.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Kaʻāina, I think we have gone over this at previous meetings already. I continue to feel some concern with retail uses. I just want to be crystal clear here, as you said in the past that any Use Permit for retail sales would have to have a tie-in back to agriculture per State law. Is the correct? Whether it is seed farms or selling equipment or other retail things associated with the farm. Is that correct?

(Councilmember Chock was noted as not present.)

Mr. Hull: The operation/operator has to get a special permit. It has to be tied into that. It either is associated with agriculture in some manner or that it is not going to prevent agricultural activities from occurring on this property in the future. The Special Permit process is set up specifically under the State regime to allow non-agricultural uses on agricultural land, which a retail facility would have to go through regardless of what is proposed in this draft ordinance. Insofar as someone proposes a Kwik-E-Mart on agricultural land that would prevent future agriculture from being done there, as well as would have no association with agricultural activities that are taking place on the property, that application through that process would more than likely be denied. At the end of the day, it is a discretionary process.

(Councilmember Chock was noted as present.)

Councilmember Evslin: In theory, the Kwik-E-Mart example, if it is a one thousand (1,000) square foot Kwik-E-Mart on a multi-acre property that does not prohibit agriculture on the property, the Kwik-E-Mart with no agriculture tie-in or association could theoretically get a Use Permit?

Mr. Hull: The quick analysis is that under one thousand (1,000) square feet, it would be permissible if the Kwik-E-Mart was selling agriculture grown on the property. If we are saying it is selling Twinkies and Ho Hos, then regardless of whether it is under one thousand (1,000) square feet or over, they would have to apply for a Use Permit and a Special Permit. Then it would go through the Planning Commission since it is on agricultural land, it would be very hard pressed for the Department to recommend approval or the Planning Commission to approve such a facility. Like I said, it is a discretionary permit, so I cannot give you or the Council any guarantees. I think it is a very valid point and concern about retail sales on agricultural land not having that subfooter 2 that restaurants have. The flipside though is that we really have not seen an explosion of non-agricultural uses or should I say non-agricultural sales occurring on agricultural land right now. We have been pretty good at holding the line at the Planning Department and Planning Commission to avoid the Kwik-E-Mart on agricultural land paradigm. At the same time, there is a possible need or it may be appropriate that there are some retail sales on agricultural land that are acceptable. If some of these agricultural operators wanted to sell their logo products such as t-shirts or hats. That is not a product derived from the property, but they may want to sell that. You can sell some retail products, but you would have to go through the Use Permit process. I think that would be appropriate. I believe there still is, and they received a Use Permit to get a seed and grain store up in Wailua. That seed and grain is not grown on property, but it supplements and is very specific to agricultural operations going on in the area. There is not any onsite that I am aware of, but there has been a lot of discussion about the slaughterhouses that exist on Kaua'i, as well as slaughterhouses that will exist in the future. They are an outright permissible agricultural processing facility. Should these folks want to spin up a retail sales component where they are selling the meat directly onsite to the public, the livestock or produce is not derived specifically from their property or even from their farm per se. These are ranchers bringing their livestock there. Should they want to sell that, then the slaughterhouse would have to go through the Use Permit process to allow their retail sales. If we constrict retail sales to the same standard that is being proposed to restrict restaurants, it will negate or prohibit any of those opportunities. It is a bit of a balancing act, Councilmember Evslin, in that there must be some trust in the discretionary process of the Planning Commission in order to allow avenues of retail that may be appropriate. If there is not that trust per se or if the Council's prerogative is to be a bit more conservative and be more of a purist to say that "No, it has to be agriculture derived from the property," I think that is your prerogative. The Department would have some reservations against that.

Councilmember Evslin: My own stance is that everything that you just discussed is theoretically an appropriate use. A seed and feed store. Retail sales of logo wear associated with the farm. The possibility of some tractor distributor or something similar. The concern would be the Ho Hos and Twinkies Kwik-E-Mart with no tie-in to the farm. I do not know then if...and I apologize that we are talking in-depth about this at second and final reading and did not go more into it at committee...I would certainly would feel more comfortable if there was some language that could be added that clarified that it had to be agriculture associated in some capacity, and not necessarily grown on the property. If you are confident that, that would occur through the Use Permit process and that is the legislative intent that it has an agriculture association, and not necessarily grown on the property, then it would make me a little bit more comfortable. Hopefully future Planning Commissioners reading through the minutes here will see that this was the legislative intent as they are making their decisions around this subject. I am not about to propose an amendment on second and final reading. Let me just back up one second. Is it fair to say then that the legislative intent is for this to have some type of agricultural tie-in? Not necessarily grown on the property, but it could be seed and feed, et cetera.

Mr. Hull: Yes, I would say there would be some intent behind that. At least I will say it from the Department's analysis of it. I think you may want to confer with the Council Chair as the introducer of the Bill as well.

Councilmember Evslin: Council Chair Kaneshiro, did you want to add anything?

Council Chair Kaneshiro: For me, the Use Permit is what is going to dictate whether an activity like this is going to go through or not. I think there is a lot of hesitation when people hear of a Use Permit. They think it is an over-the-counter permit that someone just goes in to fill out paperwork and they get a permit to do whatever they want. Even before this bill came up, you could do retail sales on agricultural land, but you need to get a Use Permit. When people start to look at the Use Permit, the requirements of what they need to do, and whether it is compatible with the land, I think you are going to come to the conclusion that a Kwik-E-Mart is not compatible to be put on agricultural land. I think that is where the drawbridge goes and where I am comfortable saying that I am comfortable with the way that the Bill is written and I do not want to have us start to tweak it so much to prevent the one percent (1%) of people trying to skirt the system and make it so difficult for people that are trying to do retail sales that compliments their product are going to have a more difficult time trying to get it on their property. The Use Permit is the process that is going to vet whether a Kwik-E-Mark is an appropriate use on agricultural land. I am almost one hundred percent (100%) sure the Planning Commission and Planning Department is going to say that a Kwik-E-Mart is not compatible to be on agricultural land. That is where my confidence comes in. Even if it was not written here, someone could propose anything. They could propose an airport on agricultural land if they want.

That would need to go through the Use Permit process. Just because it is not listed here does not mean they cannot go in to apply for it. If someone tries to get an airport on agricultural land, they will have to justify why it is complimentary to their agricultural land and why it is a good use on that property. I have the confidence that I do not need to put in here that airports need a Use Permit or are not permitted. I am confident that when it gets to the Planning Commission, they will say it is not an appropriate use on agricultural land and their application will get denied. For me, that is the drawbridge where I am comfortable to know that the Planning Director, Planning Department, and Planning Commission are going to justify why a use like a Kwik-E-Mart is not appropriate.

Councilmember Evslin: Thank you, Council Chair. That certainly helps reassure me. To wrap this up, is it fair to say that your intent is some agricultural tie-in in order to help direct future Planning Commissioners in their decision-making? Your intent with this Bill is that it is associated with the farm in some capacity or to help farmers in some capacity?

Council Chair Kaneshiro: I believe going through the Use Permit process it needs to complement agricultural land. If there is no agricultural tie-in, I do not see how it would be compatible with agricultural land if you are putting in a Kwik-E-Mart or something there.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Follow-up question from Councilmember Cowden.

Councilmember Cowden: Director Hull, do you see a way that something could be amended to...is there an amendment that could hit Councilmember Evslin's goal where we make sure that we do not have that Kwik-E-Mart? I am hearing that we can rely on the Commission, but is there a potential amendment that would work to ensure that?

Mr. Hull: I do not want to say, "No." But having participated in numerous agricultural criteria discussions to allow for additional types of intensified uses on agricultural land, the discussion of bonafide agriculture has been debated for decades here in Hawai'i. Is it a figure, is it a crop count, is it a livestock count, et cetera? You get into the nuances of it and it is the same philosophical debate of "how many angels dance on a pinhead." You are never going...I will never say never, but it has been hard-pressed for the last several decades to pin that down and to try to get this...the Department is open to those discussions, but I think it would take some time to at least initiate and go through it.

Councilmember Cowden: Okay. What I would like to frame, is that I have enthusiastically supported this Bill. I think we need to create ways to help our sincere agricultural people find ways to grow and sell their food. Our agricultural properties have largely become neighborhoods, so there is a lot of resistance to real agriculture happening next door. There is a question in what I am going to say here. When I see the profound changes that are coming to the island in a very short window of time, I just do not always have confidence that it is the same team that has the intention that we are holding now. I am thinking towards the future. How do we ensure what happens two (2) or three (3) years from now reflects the intention of our current Administration and Council? Councilmember Evslin has shaken my confidence a little bit in this area.

Council Chair Kaneshiro: I can ask this question...this retail sales thing has not changed. Whether it was written on here as a Use Permit or not, if someone wanted to do retail sales on their property, they would have had to get a Use Permit. Ka'āina, how many people have applied for a retail Use Permit that we can point out and say that perhaps that got approved on agricultural land that maybe should not have been approved? I have not heard of any.

Mr. Hull: In the past decade, I believe only one (1). That had to do with the seed and grain store.

Council Chair Kaneshiro: Nothing has changed from ten (10) years ago. Anyone that wanted to get a retail sales Use Permit could go through the process. Someone got a grain and feed storage store. I think that is appropriate. If someone wants to sell tractors, mowers, feed supplies, et cetera on agricultural lands, let them go through the Use Permit process. If it complements the property, I think it should be fine. If we are going to start trying to do amendments to say that they cannot do this or they cannot do that, we are going to have an infinite number of items that people cannot do, when the reality is that no one has ever tried to come in and try to actually do a retail Kwik-E-Mart on agricultural land. If they tried, then the confidence is in the Use Permit process and that they would not get through that process successfully. It feels like we are trying to legislate this ghost that could happen, then we will be legislating forever trying to define what is an appropriate or inappropriate use.

Councilmember Cowden: I will say that Mayor Bryan J. Baptiste and even before that when he was Councilmember Baptiste, that is the reason why we planted the trees along the corridor. That was intended to not allow Kwik-E-Marts and gas stations as you are coming out of the airport on agricultural land. I was a part of that whole process and you were probably in high school or something then. I am just saying that you might not have been involved then...sorry. The whole conversation at that time was all that prime Grove Farm land right there, could have been turned in to exactly what you are concerned about. We put that beautification corridor there to stop that. Thank you. I am listening.

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: I am ready to move this forward and support it because our Planning Director has expressed his position. Conversely to what Council Chair Kaneshiro's question as to how many have we seen get through, how many have been rejected that have come to your desk related to wanting to act on agricultural lands? I know there have been recent ones.

Mr. Hull: We do not have an official tabulation because we do not actually officially count a number until it is accepted and sent up to the Planning Commission. For me personally, I have several pre-consultation meetings with retail or commercial activities on agricultural lands that have nothing to do with agriculture. We tell them that they have right to apply, but the Planning Department will be recommending denial and here is why this is not appropriate. Much of what happens at the Planning Commission and I know it is oftentimes associated with approvals, and there are some denials, but a lot of them are sifted out in the beginning, particularly retail sales with no agricultural component, we just tell them why it is inappropriate and why they are not getting a supportive analysis. I am sorry, Council Vice Chair, that I do not have the exact figure. It is a fair amount.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Thank you for this intellectual conversation. It is always good to put this on the table. Grandma always told me that when the stew tastes good, do not add any additional ingredients that might mess up the taste. I am personally going to support this. I have a couple of quick questions. We as a Council use our own discretion about how we get involved with our County operations. No one tells us not to get involved. We use our discretion. That discretion needs to be in the hands of our Planning Director and Commission. I think we are in good hands. I have not seen them do anything that is alarming in my opinion. I think I am close to your age Councilmember Cowden, so I have been around as long as you. I think if there was something going on, we would catch it. We have a solid group of seven (7) Councilmembers here. I am ready to support it. I think the community polices the traffic in these areas and those that are illegally selling products that are not from the agricultural property, they would bring it to your attention. I know the Kaua'i coconut wireless police department that we have here does a good job of keeping people in check. That slaughterhouse that you are talking about that may go on agricultural land that may slaughter the animal, but which the animal did not necessarily come from that piece of agricultural land, could also be from agricultural land, if you had a large piece of property that was ten (10), twenty (20), or one hundred (100) acres. With that being said, I wanted to go back to the Twinkie story, because I personally like Twinkies. I actually think that a Twinkie could be sold on agricultural land if they had a Special Use Permit and the Twinkie filling was made from the goat milk, the goat cheese, or a product that was derived from the farm. That is a possibility, correct?

Mr. Hull: That is correct.

Councilmember DeCosta: The Planning Commission would oversee that and you would oversee them?

Mr. Hull: Correct.

Councilmember DeCosta: So, the process is in good hands, correct?

Mr. Hull: Correct.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: This is a good discussion and I totally support this Bill. Just the way it is laid out, it touches every part of agriculture and it gives opportunities for agriculture in so many ways. Having grown up in the agricultural world I had to carry meat from the back of the truck down to Kojima Store. I understand that whole process and the slaughtering of cattle and delivery. I just had a question on the zoological portion of the Bill.

Mr. Hull: In working on the draft bill with the Council Chair, he recognized that there were some uses listed in the Use Table that did not have definitions. Zoological gardens have been permissible in the Agricultural District for some time now. It is just that there was no definition of what it was. To ferret that out, a proposal for defining what it is, was inserted.

Councilmember Carvalho: Okay. I just wanted a quick clarification on that, as I was asked about it. I support the Bill itself and I think it is really going to make an impact on our community.

Council Chair Kaneshiro: Are there any other questions from the Members? Ka'aina, to get people more comfortable with the Use Permit process...you can have a project that fits all the criteria for a Use Permit and it could still get rejected in the end by the Planning Commission? You could get public testimony after notifying neighbors in the area about it. You could have a huge outcry from the neighbors about not wanting it and that could influence decisions about whether it is a compatible activity or not. Whether they check all the boxes, it can still not get a Use Permit, correct?

Mr. Hull: Yes, correct. A Use Permit in the Agricultural District would have to check certain boxes for agricultural policies and comport with agricultural principles. It should not prevent future agricultural development. It could check all the boxes. When you are in the Use Permit category, it is recognizing that it is a high-intensified use than those that are generally permitted in the District. One of

the final checks is compatibility. It is determined either by the Commission based on information from the Planning Department, agencies, or public testimony, that the proposal is going to be not compatible with the surrounding area because of impacts. It could be because of traffic, or what have you. The Planning Commission would deny it.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I want to clarify something for anyone watching. It might have been confusing as we switched back and forth talking about agricultural retail stands, which are permitted by right with this Bill that does not need a Use Permit, and a retail outlet which would require a Use Permit. The primary intent here was to allow through a simple manner, a farmer to sell products grown on his property through a retail stand. When we are talking about the Use Permit process and this long-complicated process, that is for other things like restaurants and retail sales. I just wanted to clarify that for anyone watching. Council Chair, please correct me if I am wrong if that was not the primary intent here.

Council Chair Kaneshiro: Correct, that was the primary intent. As we were going through it, we figured we would clean-up or touch-up some of the other uses in the Agricultural District. That is where you get the retail sales and other examples that came up. This includes defining zoological gardens. Are there any other questions from the Members?

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

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

Councilmember Chock: I will be supporting this Bill moving forward. I would like to thank those who provided testimony. I think there are relevant concerns that have been surfaced. It is our job as a community and as leaders here, and particularly the Planning Commission to look at and vet these permits as they come forward. The fact is, we have to look at what the data has shown and our track record has shown, which has been a need for us to move the needle in a different direction to support our agriculture and our farmers. We need to give them the tools necessary to succeed and this does that. It is a good Bill. We are listening to what our farmers are asking for. We need to be vigilant as well as we move forward. I think that to this date, the Planning Department has shown that they are doing so. That does not mean that that will not end, and we will continue to look at this and revisit it as this Bill moves forward.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualifi: I just wanted to thank you for bringing up this Bill forward. I think it is important and I will ditto what Council Vice Chair Chock has shared. It is important for our farmers and food security. It is easy to support. Thank you, Ka'āina and the Planning Department, for the work that you do and will continue to do on this item. Thank you to the Planning Commission as well.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am basically wanting to support what the Vice Chair said as well. It is so important that we allow for our farmers to have a fighting chance at being able to diversify a little bit. Most of this is vertical diversification, right? Being able to sell what they grow. It is important that our agricultural lands are providing food. When we have farms that manufacture value-added products, that is in alignment with our resilience goals and our self-reliance goals. We are going in the right direction. I respect and honor where people have concerns about how this can be exploited. We just do not want to have so much fallout for the farmers protecting against potential exploitation. I commit as a Councilmember to be very available for people who sense that they are seeing exploitation. I try to be vigilant with what goes before the Planning Commission. That is really a part of our *kuleana* to be watching out for our community. I am going to be supporting this. I appreciate that it is a step forward. For many of our farmers, it is long overdue, and well beyond their frustration threshold. Some have failed by not having this available to them yet. Nothing is simple. I support this. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Not to echo my colleagues too much, I certainly think this bill is a good, necessary, and potentially overdue. I think this is one of the most important things that we have taken up in a while in that we have clearly heard the need over and over again from farmers in trying to reduce the barriers around farming in a number of ways. One of those is getting to market. It does not make any sense that a real farmer cannot sell produce on their land. By helping them get to market easier, it also provides an avenue for neighbors to be able to get produce without having to drive all the way to town. I think the balance that we are always going to struggle with is how do we ensure that we are reducing regulations on real farmers, making it easier for farming to be viable, at the same time as not opening it up for non-farmers to do many non-farm-related things, which end up competing with real farmers. I think aside from farmers facing issues with too many regulations around how they are using their land, the other issue they are facing is that the price of agricultural land is too expensive, often because it is competing on the market with luxury homes and short-term accommodations. We want to make sure that we are not increasing the value of agricultural land but making it easier for farmers. As we got into our discussion, I've asked how we ensure that the intent of the Bill is being followed? I think some reassurance as Councilmember Cowden asked, part of it is

through the legislative process. If this is not working or if there needs to be changes made in the future...if there is abuse around the retail outlet, that is partially on us to try and modify and cater it to better apply to farmers and agricultural activity. I am a strong supporter of this Bill. I appreciate the work that has gone into it and I certainly think it is going to help. Let us always keep watch and if there are abuses, let us revisit this in the future. Thank you.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: I am going to support this Bill. I really appreciated Councilmember Evslin's and Councilmember Cowden's intellectual feedback and conversation. It is part of our job for all of us to discuss and then come to an agreement. I feel like we have come to an agreement. I am going to support this bill. I wanted to piggyback on Councilmember Kualii's reiteration of food security. If anyone is listening out there, we have learned during this pandemic and through natural disasters that food security is our number one goal, and I would like to see it come fruition on Kaua'i, we are going to forget that as soon as tourism opens. I want to remind everyone that we cannot forget. We must make that our number one goal. I think with this Bill, we are moving towards that.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: Again, I totally support this Bill. It gives hope to our farmers. It opens the door to all levels of farming. I like that opportunity and that it holds everyone accountable through the bill process. I just wanted to share my *mana'o* on that and I think it is important that we look at all types of ways to support agriculture. This Bill I think is going in the right direction. I will continue to support it.

Council Chair Kaneshiro: The basic concept of this Bill was to make it easier for farmers to get their products to consumers. Prior to COVID-19 happening, a lot of farmers were selling to restaurants, hotels, and supermarkets. When that market fell out, they really did not have a place to go to sell their products. The only thing that they could do was to try to sell their products from their property. In that situation, they would need a Use Permit. In the past, if a farmer wanted to do that, and saw that it was worth their time to have someone sit at their farm with a stand, they would get a Use Permit. Obviously for farmers, if they have the demand and hotels and restaurants are open, it is way easier for them to sell all their products to hotels and restaurants, get their products out, know how much they need to deliver all week, than to sit an agricultural stand while everyone else is farming. They can farm through the day and night to get their produce ready, get everything ready, then go back to their farm. Having an agriculture stand, someone needs to sit there and sell produce. You do not know your demand on that day. It is a little riskier. Once the pandemic hit, a lot of these farmers had to be flexible and fluid in order to start moving their product.

They did not have the hotels or restaurants to buy their food that they grew. They had a lot of food that they grew to sell. Making it easier for the agricultural retail stand was giving the farmer the ability to get their product out to the consumers and not be so reliant on hotels and restaurants. Demand was zero from them at one time. That is what the intent of the Bill was. It was to provide farmers the opportunity to sell their products. They can always sell it to hotels and restaurants, but we saw that once that market was gone, where are they going to go and how are they going to get their products out? Selling it from their land and setting up stands at their property was their next viable option in being able to sell their produce. With this step and seeing how the pandemic affected the market, I think it was reasonable to say that we are going to make it easier for them to do that and make it a permissible use. In the past when they could go to hotels and restaurants, maybe we could be a little bit more aggressive to say that if you want to do a retail stand on your property, you need to get a Use Permit. Then they would really have to have a viable opportunity to put in a retail stand. Considering the times that we are in right now; we saw that it was just another option. It is probably not their first or best option of what they wanted to do, but it was an option that they needed to take to survive. Seeing that, we needed to make it easier for them. That is how it all came about. Are there any further comments or questions from the Members? If not, I will take a roll call vote.

(Written testimony was received for Bill No. 2804 and no registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2804 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.

Bill No. 2817 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND GOLF FUND (*Golf Fund Projected Revenue Deficit—\$250,000.00*)

Councilmember Kualii moved to approve Bill No. 2817 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 comments from the Members? Again, this is to help supplement our golf course.

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

The motion to approve Bill No. 2817 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.

(Councilmember Kualii was noted as not present.)

EXECUTIVE SESSION:

ES-1038 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of Trevor Wright vs. County of Kaua'i, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). 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.

ES-1039 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of County of Kaua'i vs. KAPHA North Shore, LLC, Civil No. 18-1-0031 (Fifth Circuit Court). 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 was noted as present.)

ES-1044 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the utilization of public access, open space, natural resources preservation funds for the acquisition of real property identified by Tax Map Key No. 3-2-001-001 (55.408 acres) and Tax Map Key No. 3-1-001-012 (44.641 acres) for land conservation purposes. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1048 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of Roy Gal vs. County of Kaua'i, et al., Civil No. 20-00011 JMS-WRP (U.S. District Court for the District of Hawai'i). This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Chock moved to convene in Executive Session for ES-1038, ES-1039, ES-1044, and ES-1048, seconded by Councilmember Cowden.

Council Chair Kaneshiro: For the record, I just want to mention that Councilmembers Chock and Evslin will be recused from ES-1044.

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

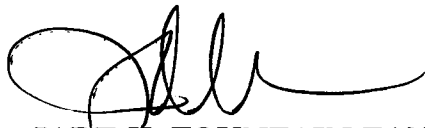
The motion to convene into Executive Session for ES-1038, ES-1039, ES-1044, and ES-1048 was then put, and unanimously carried.

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

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:23 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

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