

COUNCIL MEETING

JANUARY 12, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, January 12, 2022, at 8:47 a.m., after which the following Members answered the call of the roll:

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

Excused: Honorable Bernard P. Carvalho, Jr.

Council Chair Kaneshiro: Happy New Year and welcome back everyone! Today's meeting will be conducted pursuant to Act 220, Session Laws of Hawai'i 2021 and Governor Ige's Emergency Proclamation Related to Sunshine Law In-Person Meetings dated December 29, 2021. Councilmember Carvalho will be excused from today's meeting and Councilmember Evslin will be appearing remotely. Please note that we do not have any registered speakers this morning for any of our agenda items.

APPROVAL OF AGENDA.

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

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

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

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

Council Chair Kaneshiro: The motion is carried. Next item are the minutes.

MINUTES of the following meetings of the Council:

December 15, 2021 Council Meeting

December 15, 2021 Public Hearing re: Bill No. 2841

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

Council Chair Kaneshiro: Are there any questions or 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 for approval of the minutes, as circulated, was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

INTERVIEWS:FIRE COMMISSION:

- Rodney N. Yama – Term ending 12/31/2024

ELLEN CHING, Boards & Commissions Administrator *(via remote technology)*: Good morning, Chair and Councilmembers. Ellen Ching, Boards & Commissions Administrator. I am pleased to introduce Rodney Yama. Rodney was born and raised on Kaua'i and graduated from "Mid-Pac" or Mid-Pacific Institute. From there he went to the University of Hawai'i at Mānoa and earned his Bachelor's in Geo-Science or meteorology – to us common folk – it is all about the weather! After college, he joined the Air Force and traveled widely, being stationed in Washington state, Thailand, Hickam, Wheeler, the states of Illinois and Virginia. When Rodney left the Air Force, he returned to Kaua'i and accepted a position with the Department of Health as an Environmental Health Specialist.

In that position, he worked closely with the Kaua'i Fire Department (KFD) on open burning, agricultural burning rules, investigations, violations, and No-Burn declarations. Rodney was the Department's representative on KFD Hazardous Materials (HAZMAT) incidents. He also trained with the Fire Department on the Incident Command System and participated in tabletop and field emergency response exercises.

Since his retirement, Rodney enjoys fishing and growing vegetables in his garden, but most of his time is now spent babysitting his 5-month-old grandson, Collin.

Once Collin enters preschool, Rodney hopes that he and his wife will star in their own movie, "Under the Tuscan Sun," and enjoy the Italian wine country.

Rodney has never served on a board or commission before, and I am pleased and thankful that he is willing to lend his time, talent, and expertise to the Fire Commission. Thank you. Rodney.

RODNEY N. YAMA (*via remote technology*): Good morning, Councilmembers. My theory for the Fire Commission, I felt that my experiences, based on what Ellen mentioned, with collaboration with the Fire Department, participating in open burning rules, no burning rules, agricultural burning rules, participating in tabletop and field training exercise, and being part of the HAZMAT firefighter response team being an Incident Commander, would be a useful resource to the Commission as we go through functions and evaluating the Fire Department.

Council Chair Kaneshiro: Thank you, Rodney. Are there any questions from the Members for Rodney? Councilmember DeCosta.

Councilmember DeCosta: Good morning, Rodney. How are you?

Mr. Yama: I am good.

Councilmember DeCosta: I want to ask you a question that I feel is very important. I am going to throw out a word to you. Personally, I believe the word "culture" within a Department is very important. Whether it is fire or police, culture brings our employees and Department together. I want to ask you what is your definition of culture within the Fire Department? Your experience from growing up on Kaua'i, Mid-Pac Institute, and going to college, in your own words, can you define culture within the Fire Department.

Mr. Yama: From my experience with the Fire Department, I am proud of them as they perform their duties. With me, I think the biggest advantage was being from the Hawai'i State Department of Health (DOH), interagency cooperation was done exceptionally well. There are no issues with communication. I believe all the firefighters are top professionals and they do what is needed to resolve issues whether it be wildfires or structural fires. In my opinion, because of the culture they have, I would enjoy being an advocate for them.

Councilmember DeCosta: Thank you. I feel the same way. I have gotten to know the Fire Chief and the Fire Department. It seems that they have a very good culture that takes care of each other with respect regardless of rank. I think that it is important. Whether you are the Chief or the lowest entry-level firefighter, everyone gets treated equally and treated with respect. Thank you very much, Rodney.

Council Chair Kaneshiro: Are there any further questions for Rodney? If not, is there any discussion? Councilmember Cowden.

Councilmember Cowden: I would like to thank Mr. Yama for wanting and being willing to do this. I am quite pleased with your background and from being in the military and having the opportunity to see how things work in different places and countries. It seems like you worked with DOH. You are on point. I would like to thank you for doing this and I have confidence that you are an excellent selection for this Commission. I am really excited to have you on this.

Mr. Yama: Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. I will be supporting Mr. Yama's nomination to the Board. Thank you so much for your willingness to serve. My experience with Rodney has been exemplary. He brings experience and has always been very thorough in his investigations on-scene and at HAZMAT calls. I think that he will bring a lot to the table, and I would like to thank him for volunteering his time.

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

Councilmember DeCosta: Thank you, Rodney. I was impressed with your answer. Also, I like to see our local men and women in our community who grew up in our community, go off and become successful, and come back as a mentor. I look at you as a mentor and I believe you can bring a lot to the Fire Department that will improve the culture within the Department. Thank you, Rodney.

Council Chair Kaneshiro: With that, Rodney, I would also like to thank you for your willingness to serve. We will be voting on this at the next meeting.

Mr. Yama: Okay, thank you everyone.

Council Chair Kaneshiro: Thank you. Next interview.

POLICE COMMISSION:

- Andrew M. Bestwick – Term ending 12/31/2024

Ms. Ching: Chair and Councilmembers, Ellen Ching, Boards & Commissions Administrator. Last, but not least, I am introducing Andrew Bestwick. Andy was born in Boise, Idaho. With both parents employed with the airlines, Andy grew up in Chicago, Atlanta, and Seattle. As a track and cross-country athlete, he was granted a scholarship and earned his Bachelor's of Science degree in

Business Management from De Paul University. Upon graduation, he moved to Las Vegas to be with his future wife Angie, who was attending college at the University of Nevada at Las Vegas (UNLV) and started his working career.

For the next fifteen (15) years, he worked as an Account Executive in sales of equipment and technology. During that time, he and his wife Angie, often traveled to Hawai'i and dreamed of making Kaua'i their home. That opportunity came in 2014, when Angie accepted a position with 'Ohana Home Health as a physical therapist and Andy was offered a position with Wilcox Health Foundation, Hawai'i Pacific Health as the Senior Development Officer.

Under his leadership and with the support of the Foundation Board and its donors, they have raised over thirteen million dollars (\$13,000,000) to support the Wilcox Medical Center and its critical services. These include services like the current campaign to raise dollars to upgrade imaging technology in the areas of computerized tomography (CT), magnetic resonance imaging (MRI), and Nuclear Medicine. As Kaua'i's only Level III Trauma Center, we are all keenly aware of the essential role Wilcox Medical Center has played in the well-being of our community.

Some of you may know Andy as the founder of the Spirit of CAN, which offers a line of apparel, but is really an expression of a powerful statement to help everyone realize their potential. In his free time, he enjoys swimming, surfing, and hiking with his wife. This would be the first time for Andy to serve on a commission on Kaua'i and I am grateful he is willing to join the Police Commission and contribute his broad experiences and talents.

Council Chair Kaneshiro: Okay, Andy. Do you want to add to that?

ANDREW M. BESTWICK (*via remote technology*): I want to thank Ellen and I want to thank the Mayor for the appointment and for the opportunity to be here to be here today to speak with you folks. I have a diverse background, I guess you would say, and I had great experiences on Kaua'i. I think I could bring some insight and a different viewpoint when it comes to the goals of the Police Department, looking at budget oversight, and other aspects. I look forward to the opportunity, and any questions you guys have.

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

Councilmember DeCosta: Good morning, Andy. How are you?

Mr. Bestwick: Doing well.

Councilmember DeCosta: I need to give you a small "prop." In college, one of my best friends was from Pocatello, Idaho. They are good people, good country folks. Welcome. I am going to ask the same question that I asked the Fire Commission member, Rodney. I am big on culture within the Department, and I

want to know what is your definition of “culture” if you were to help oversee that within the Police Department?

Mr. Bestwick: First off, I think that safety is a basic human need and the Police Department is on the front lines. I think that when culture is established of trust in each other, when the community trusts what they are doing and then levels up to a sense of pride and what they are doing, I think that establishes culture. I talked about it in my application. Pride is a very important thing to establish and you do that based on levels of trust within the organization, each other, and trust from outside the community, especially when it comes to policing.

Councilmember DeCosta: Thank you, Andy. Well said.

Council Chair Kaneshiro: Is there anyone else? If not, is there any discussion from the Members? Councilmember Chock.

Councilmember Chock: I will be supporting Andy’s appointment. Thank you, Andy, for stepping up. I trust the level of competence that you bring, and some of your experience in the health care industry, I think, will go far. In particular, I am interested in our Commission taking a look at some of the recent studies that the Fire Department has gone through to see where improvements can be made. I am sorry Police. Hopefully, as Councilmember DeCosta mentioned, I think culture is a big thing. It is certainly something that we have to continue to work on and improving. Thanks.

Mr. Bestwick: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Andy, I just want to tell you my definition of “culture.” I am voting for you, you had me at Idaho. Culture is when every employee, male or female, top-down to the lowest rank, is treated with the utmost respect. They are on a level playing field, and they all trust each other. You brought up the word “trust.” If you do not have trust in the Department from the bottom rank to the top, it is not going to go. I am impressed that you brought that up. Please keep that in mind. We need to improve public safety and the public image of our Police Department. That is very important. Thank you, Andy.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to thank you for being willing to volunteer your time on this and acknowledge an impressive fundraising history and economic knowledge. The Police Department does not do as much fundraising, but I sure appreciate how you have, in your seven (7) years on island, strengthened the

well-being of Kaua'i at the hospital and our medical system. I looked at your longer work history, and it seems like you are able to adapt, shift, change, and do a lot of different things over time. So, when you are redirecting that energy to the Police Department, I think that will be having fresh eyes on the project. We welcome you and I will be supporting your nomination.

Council Chair Kaneshiro: Is there anyone else? I just want to say, thanks for the write-up, Andy. I think your write-up basically touches all the points about culture that everyone is talking about. You wrote about protecting pride in the Department, transparency, trust, community engagement. I think you hit all the points on what we expect of the Department and what we expect of the Commissioners to uphold. So, I will be voting for you going forward. Thank you for your willingness to serve on this commission.

Mr. Bestwick: I am sorry, what was the question?

Council Chair Kaneshiro: There was no question. You were just muted.

Mr. Bestwick: Thank you.

Council Chair Kaneshiro: With that, thank you Andy. Next up is the Consent Calendar.

CONSENT CALENDAR:

C 2022-01 Communication (12/03/2021) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee for the term beginning January 1, 2022 and ending no later than January 31, 2023, pursuant to Section 5 of the HSAC Bylaws of the Hawai'i State Association of Counties, Inc.

Councilmember Kualii moved to receive C 2022-01 for the record, seconded by Councilmember Cowden.

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

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

The motion to receive C 2022-01 for the record was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

COMMUNICATIONS:

C 2022-02 Communication (12/07/2021) from the Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or Grounds, including but not limited to: Kapa'a Elementary School, King Kaumuali'i Elementary School, Elsie H. Wilcox Elementary School, Chiefess Kamakahelei Middle School, Kaua'i High School, and Waimea High School, for recruitment testing/examination purposes in calendar year 2022.

Councilmember Kualii moved to approve C 2022-02, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Do you have a question Councilmember Cowden?

Councilmember Cowden: I want to understand...I do not have a problem with this. Have we used these facilities...I do not think we have done this before? What kind of recruitment testing and examination are we doing that is different than in the past?

There being no objections, the rules were suspended.

JANINE M.Z. RAPOZO, Human Resources Manager III (*via remote technology*): Good morning, Janine Rapozo, Human Resources Manager III. We have used the Department of Education (DOE) cafeterias in the past when we have larger groups for written tests. That would usually be for the Firefighter training positions, or the Police services Officer positions. Sometimes other positions have large groups as well, therefore we go to the cafeterias just for efficiency. We have been using the Kaua'i War Memorial Convention Hall, but right now that is occupied. So, we are looking at other options. We have used them in the past. The DOE cafeterias during COVID-19 have not been available. This is for a one-year indemnification request from the Council that by the end of the year, we may be able to return there.

Councilmember Cowden: Okay. That helps me understand. Our Convention Hall is currently being utilized for testing.

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

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

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

The motion to approve C 2022-02 was then put, and carried by a vote of 6:0:1 (*Councilmember Carvalho was excused*).

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

C 2022-03 Communication (12/14/2021) from the Housing Director, requesting Council approval to perform the following:

- a. Exercise the County of Kaua'i's first right to repurchase a residential unit at 4227 Kanikele Street, Kilauea, Hawai'i, 96754, Kilauea Estates, Tax Map Key (TMK): (4) 5-2-023-016-001, for a purchase price of not more than \$358,777.00, based on the payoff calculation in the Calculation of the Formula Price;
- b. Leasehold resale of 4227 Kanikele Street, Kilauea, Hawai'i, 96754, Kilauea Estates, for not more than \$358,777.00; and
- c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

Councilmember Kualii moved to approve C 2022-03, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions on this? I am going to suspend the rules. Adam, I should have asked you earlier and it might be a simple question. Do you know when the leasehold was originally occupied by this tenant? Based on the agreement...I see they get a certain percentage of the increase on the fair market value. I know that in the past, I heard people criticize this leasehold program for not allowing homeowners to be able to gain capital in their unit. In this case and if I am not mistaken, I think the lessee was able to share a portion of the gains, which ended up being one hundred forty-four thousand dollars (\$144,000). Can you clarify that?

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (*via remote technology*): Thank you, Chair. Adam Roversi, Housing Director, County of Kaua'i. I may have to get back to you with some of the historical details about the land leasehold. I think it is quite old. They may have purchased the leasehold during the initial offering when the subdivision was first built, which I think was back in the 1990s. This is a little bit of a special situation in that the leaseholder of the home passed away a couple of years ago. So we are acquiring property from the estate, which will go to the benefit of the children, the remaining family members. I believe your summary that you mentioned that they are realizing a portion of one hundred forty-four thousand dollars (\$144,000) of the appreciation of the property is correct. I do not have all the details in front of me about the history of the lease agreement and calculations on the sale price.

Council Chair Kaneshiro: Okay. In general, we have heard people say that the leasehold situation that we do is not the best, because people are living who

do not get the appreciation. I mean, in this situation, they would have walked away with one hundred forty-four thousand dollars (\$144,000), which could be used as a down payment on a new house or used in other ways. I think it shows this leasehold arrangement works. I wanted to show...it is not all the time we get a chance to show what happens. There are certain situations where it is not a common situation in this instance. We have a bunch of leaseholds around the island, and they all end up being the same. If there is appreciation in the house, they get a certain value out of that appreciation. It is not as big as if they owned the house, but their mortgage is not also as big because it is a leasehold arrangement. So, there is give and take on it, but they do gain appreciation on it.

Mr. Roversi: Chair, I agree that this leasehold program is a midway point between rental properties, where someone is going to move out in the future and leave with nothing, and fee simple sales of properties that ultimately allow properties to become unaffordable to the rest of the community. In this subdivision, when it was developed, it was a condition imposed by the Housing Policy on Princeville Corporation for a portion of their resort. This was developed before the current Housing Policy. They were only required to keep the homes affordable for ten (10) years. After ten (10) years, the bulk of the subdivision became market rate housing. All these units that started out as affordable homes for the community suddenly became unaffordable for the rest of the community. Really only a handful of homes in this neighborhood are part of our leasehold program that we can keep affordable in the long-term. In this instance, while we are buying back this house from the original purchaser, the estate is receiving a significant chunk of moneys. It enables us to turn around and offer this home again to someone in the community at a very affordable price and below four hundred thousand dollars (\$400,000). The rest of the homes in Kilauea are eight hundred thousand dollars (\$800,000) up to one million dollars (\$1,000,000), which is out of the reach of local residents. It allows us in the first instance to offer homes to people in community at prices that they otherwise would not be able to afford. If we missed the original purchase of this leasehold program of this leasehold home, it would not have been buying at home at two hundred thousand dollars (\$200,000) or less, if it included the value of the property. In the first instance, it makes the homes more affordable to a broader swath of the community and keeps them affordable over the long term as an infrastructure resource for the rest of the community so that it can be turned over and exist as an affordable home beyond the ten- or twenty-year period.

Council Chair Kaneshiro: Thank you for that, Adam. Are there any further questions for Adam while the rules are still suspended? Councilmember Cowden.

Councilmember Cowden: I have a comment, not a question.

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

Council Chair Kaneshiro: Are there any further questions for Adam on this? I will call the meeting back to order. Is there any final discussion? Councilmember Cowden.

Councilmember Cowden: I just wanted to add a little bit without going into the real details. I know that house well, I know that family super well, and I was following this through the whole process. One of the reasons why this is still in this sort of buy-back piece is because they bought it almost at the end of that original window. They did very substantial rebuilds in the house, incredibly so. So, that house was renovated very well and not that many years ago. It has been a real sad loss. This person was part of the County team at one point. Hopefully the next person who gets that will be a family that really benefits deeply. That repurchase happened just before the end of the window.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Adam. Again, you listened to all of the news media about property values and Hawai'i residents cannot afford to live here and our kids are moving away. I like to see programs like this. Hopefully we have more programs like this. I know we have something like this in 'Ele'ele right now. I am impressed that the County has these programs. Thank you for that.

Council Chair Kaneshiro: Is there anyone else? If not, the motion on the floor is to approve.

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

The motion to approve C 2022-03 was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

C 2022-04 Communication (12/16/2021) from the Fire Chief, requesting Council approval to accept a donation from Walter & Tina Marie Panzirer via the Friends of the Kaua'i Fire Department of eight (8) Physio-Control Lucas 3 Chest Compression Devices with service agreement and indemnification provisions, valued at \$134,891.44, to be used by Kaua'i Fire Department personnel.

Councilmember Kualii moved to approve C 2022-04 with a thank-you letter to follow, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions on this item?
Councilmember Cowden.

Councilmember Cowden: I am very pleased at this kindness and generosity. I am wondering if we can learn a little more about what Physio-Control Lucas 3 Chest Compression Devices are. Are they in the trucks or where will they go?

STEVEN R. GOBLE, Fire Chief (*via remote technology*): Good morning, Council Chair and Councilmembers. Steve Goble, Fire Chief, for the record. Councilmember Cowden, agreed. I am very pleased and very grateful for the generous donation of these devices from Walter and Tina Marie Panzirer. They are residents in Kōloa. This is a personal family gift from them to the Fire Department. This is work that they have done in the past across the rest of the United States. They had the occasion to be out on a morning walk and happened to see an emergency medical response with our fire crews, ocean safety, American Medical Response, Inc. crew working on a patient that had suffered from a cardiac arrest on the beach. They noted that the environment was very difficult and the Cardiopulmonary Resuscitation (CPR) and the activity that were related to treating this patient was very complex and difficult for the crews to operate in. These Lucas 3 Devices are automatic chest compression devices. When you think about CPR, you know about the breaths and chest compressions. This is a machine that straps to the patient and provides the chest compression part of CPR. The value of it is that it does it consistently, in any environment, and it does it all the time. At times when you are doing manual CPR and you are transferring the patient from one place to another, from the ground to the gurney, or moving them to the ambulance and those kinds of things, a lot of times the CPR is interrupted. But with this device strapped to them, the compressions will continue to happen. It is compact, it is portable, and it comes in a little carrying case. The donation includes extra batteries, extended service, and maintenance agreements. They have gone to great lengths to make sure this does not create a burden on us. It is just all benefit, which we are very, very grateful for. Again, the device will be assigned. Their desire is to donate eight (8) of these and we will put one (1) in every one of our fire stations on the first response units, so they will be able to put these into action upon arrival anywhere across the island. Again, very grateful for this effort from these good folks, and very pleased to have the opportunity to accept this donation.

Councilmember Cowden: Thank you. Thank you very much. Again, thank you to the Panzirer family.

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

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

Councilmember DeCosta: Hi. I just want to take the time to thank this family. You know, I want to thank all of the people on Kaua'i who have donated. From the small things like pet food for Waimea Valley Rescue Mission, Habitat Funding, to these chest compression devices. These people do not have to donate, and they do. Sometimes we think that they owe the island that, and they do not. They do it because they have a heart. So, thank you to all the people who donate from the littlest of five dollars (\$5) to a five million dollar (\$5,000,000) donation. Thank you to all the donors.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am going to thank them also. I have had three (3) different experiences in my life one (1) very difficult one where we lost a person when doing chest compression and CPR, breathing. Just knowing how intimate that experience is also helps our first responders as well. It really has a competent care going on without the—what can be a deep personal tragedy. I know they are used to the stress, but it is still very stressful to be that deeply involved. So, I thank them also for the first responders from both sides of it.

Council Chair Kaneshiro: Is there anyone else? If not, motion on the floor is to approve with a thank-you letter.

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

The motion to approve C 2022-04 with thank-you letter to follow, was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

C 2022-05 Communication (12/17/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$5,051.00 for the Fiscal Year 2022, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

Councilmember Kualii moved to approve C 2022-05, seconded by Councilmember Chock.

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

Councilmember Cowden: I just always want to extend my gratitude to the Agency on Elderly Affairs for all the good work that they do, and the continuing efforts.

Council Chair Kaneshiro: Okay. Is there anyone else?

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

The motion to approve C 2022-05 was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

C 2022-06 Communication (12/17/2021) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Public Parks And Recreation, And Chapter 22, Kaua'i County Code 1987, As Amended, Relating To General Provisions Relating To Public Health, Safety And Welfare.

Councilmember Kualii moved to receive C 2022-06 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We will be seeing the Proposed Draft Bill later on the agenda. Are there any questions or discussion from the Members?

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

The motion to receive C 2022-06 for the record was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

C 2022-07 Communication (12/21/2021) from Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Section 19-1.9, Kaua'i County Code 1987, As Amended, Relating To Schedule Of Fees And Deposits, and transmitting for Council approval, a Resolution Designating Black Pot Beach Park, Lydgate Beach Park, And Po'ipū Beach Park As Managed Parking Zones Subject To Parking Fees, to establish managed parking zones and fees for non-residents at the aforementioned County parks.

Councilmember Kualii moved to receive C 2022-07 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? It will come up later on our agenda.

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

The motion to receive C 2022-07 for the record, was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

LEGAL DOCUMENT:

C 2022-08 Communication (12/15/2021) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreement with Niu Pia Land Company for the Kaua'i Shores Property, to provide parking tire stops (bumpers) to mitigate the potential impact of the shared-use path immediately adjacent to the property situated at Tax Map Key (TMK) No. (4) 4-3-002:012, Kapa'a, Kaua'i, Hawaii. The improvements will be built using Federal Highway Administration funds.

- Property Adjustment Agreement

Councilmember Kualii moved to approve C 2022-08, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions on this item from the Members? If not, 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 2022-08 was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

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

CLAIMS:

C 2022-09 Communication (12/06/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kahealani Kolo, for damage to a vehicle and personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2022-10 Communication (12/20/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Dan Suess, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2022-09 and C 2022-10 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

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

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

The motion to refer C 2022-09 and C 2022-10 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.

RESOLUTIONS:

Resolution No. 2022-01 – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR CALENDAR YEAR 2022

Councilmember Kualii moved for adoption of Resolution No. 2022-01, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Do you have a question? Councilmember Cowden.

Councilmember Cowden: I guess I am asking Councilmember Chock, who is the President of the Hawai'i State Association of Counties (HSAC). First of all, I want to thank all for the work that you do and to recognize how important it is. Our officers for Kaua'i are the same and it looks like Maui is the same as well? Is that correct? Are all of them the same as they were?

Councilmember Chock: Are you referring to the HSAC positions?

Councilmember Cowden: Yes.

Councilmember Chock: Yes, everyone has agreed to remain in their current positions.

Councilmember Cowden: So, there are basically no significant changes and I would not call it housekeeping, but typically we would keep it going the same for two (2) years in a row.

Councilmember Chock: Correct. Our bylaws require us to revisit this on an annual basis.

Councilmember Cowden: Okay. I am just sharing also for the public who might have an interest. Thank you.

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

Councilmember Chock: If I could take the time, a lot is going on with HSAC. The Legislature is opening in a week. HSAC amended the process of the Legislature since the building is closed this year. My encouragement is for you to register ahead of time, so you can attend and provide testimony. I can get that link to you. We are also continuing to prepare, despite the case load of Omicron, to attend the National Association of Counties (NACo) legislative conference in February. Therefore, there have been discussions of what we want to present to our Federal Delegation. If I could encourage you folks to look at it, some of these are priorities from the other counties that have been shared with you today. If you have anything that you would like HSAC to represent, please forward them to me. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: Again, I want to thank you for the efforts. The opening of the Legislature is closed. We asked about that, but we can attend it virtually. Is that correct? Is that what you just said?

Councilmember Chock: What I was mentioning was how to participate from the information from the webinar. To do so, and to provide testimony, is merely to register ahead of time to get logged in and to participate.

Councilmember Cowden: Okay. I want to make sure to do that. You were speaking about the Washington, D.C. event in February.

Councilmember Chock: Correct.

Council Chair Kaneshiro: If you have questions regarding sending testimony, you can always check with our Staff, and they can help you with sending testimony to the State. Is there any other discussion from the Members? If not, I would like to say thank you, Councilmember Chock, for serving. I know it is not the easiest position to be in, but I really appreciate all the work you do. HSAC is important because it is the one time where the County Councils in the State get together and come up with their own priorities. We missed out on a few HSAC events where all the Councilmembers get to meet each other. I always thought those were very important, because you get to hear from other councilmembers and what they are doing in their counties. We have not been able to, as a Council, go to meet with the other Councils. HSAC is that string that binds everybody together. Thank you Councilmember Chock for being the President and representing Kaua'i well. Councilmember Cowden.

Councilmember Cowden: I want to echo that and to make a statement that is even more important right now. I am a face-to-face kind of person. I have valued even before being elected, to be able to go over to the Legislature to work with them. Having that relationship...Zoom meetings do not replace it by any means. Gratitude to all the Members of HSAC for the work that they do.

Council Chair Kaneshiro: Is there anyone else? If not, we will take a roll call vote on the Resolution.

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

The motion for adoption of Resolution No. 2022-01 was then put, and carried by the following vote:

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Six (6) ayes, one (1) excused.

Resolution No. 2022-02 – RESOLUTION DESIGNATING BLACK POT BEACH PARK, LYDGATE BEACH PARK, AND PO'IPŪ BEACH PARK AS MANAGED PARKING ZONES SUBJECT TO PARKING FEES

Councilmember Kuali'i moved for adoption of Resolution No. 2022-02, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received written testimony on this item, and we have no one registered to speak. I will suspend the rules. Councilmember Chock, if you would like to give a brief overview on the Resolution, which I think is pretty simple.

Councilmember Chock: This is coming from Administration. We requested the study, the study was completed, and...

Council Chair Kaneshiro: Maybe I will let you do the study. Mike, you can talk on the Resolution. Basically, it is saying that we want these certain parks to be able to charge a fee.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Managing Director: Good morning, Council Chair Kaneshiro and Councilmembers. Mike Dahilig, Managing Director, for the record. You are correct, Chair. Let me just give a little bit of background in terms of this Resolution, because it works in tandem with the Bill that is coming up later for first reading. As the Council is aware, it passed Ordinance No. 1087 back in December of 2020, and is probably one of the first Bills to come out of this present Council after it was newly inaugurated, and unanimously passed. Over the past year, the Parks staff, and hats off to them for doing this, has been working on trying to meet the objectives of implementing the Ordinance No. 1087. The Resolution that is in front of you reflects a need to be able to meet the traffic control element of being able to handle those who wish to not follow a managed parking fee that is put in place. So, that is where this designation helps meet that traffic control requirement to be able to designate Black Pot Beach Park, Lydgate Beach Park, and Po'ipū Beach Park in the event that the second Bill, which is the Bill that is up for first reading later in the agenda, is ultimately passed by Council. Ordinance No. 1087 requires a parking study and we did forward the work that William and his team did, point-in-time counts and analysis, regarding the conditions out there to help justify establishing these fees. But, at least for this Resolution, that is the first prong of a two-prong element that we were told by the Office of the County Attorney is necessary to fully implement such a program. So, I am happy to answer any questions regarding the fees now and at first reading.

Council Chair Kaneshiro: When it comes to fees, we should ask that during the other item. This basically states that Black Pot Beach Park, Lydgate Beach Park, and Po'ipū Beach Park shall be subject to parking fees. That is what this Resolution does. As far as fees and how it is going to be implemented, any of those questions should come with the Bill, which is two (2) items from now. Councilmember Cowden.

Councilmember Cowden: I want to begin with a procedural question. I do not have a question on the dollar amount fee, but I have a few questions. I see these as interchangeable. I would like to ask them now before I vote on this Resolution. How we implement it is how much I do or do not support this Resolution.

Council Chair Kaneshiro: For me, the Resolution can pass the way it is. All it does is gives us the ability to charge parking fees. What happens with the Bill and how it gets amended, if that Bill ends up not passing, we would come back and reverse the Resolution. The Resolution still does not do anything, because there is nothing there that you are charging fees. That is why I was thinking we keep most of the questions regarding fees with the Bill.

Councilmember Cowden: I still have a question.

Council Chair Kaneshiro: Okay.

Councilmember Cowden: This will then not be how we implement it, but more about the why.

Council Chair Kaneshiro: This is about which parks are going to be subject to parking fees.

Councilmember Cowden: That is correct. Okay. Can I ask the question?

Council Chair Kaneshiro: Yes.

Councilmember Cowden: Managing Director, thank you. I am in agreement that the three (3) parks that were chosen—Lydgate Beach Park, Black Pot Beach Park, and Po'ipū Beach Park—are really high use parks. I think the selection is good. In reading the study, I appreciated that it was stated relative to Black Pot Beach Park, that it was atypical for the use when it gave the numbers that were there because we had the convoy still going down there, and it was a rainy week. It was probably a low-use week. Typically, in the summertime or peak seasons, both sides of Weke Road, from the river to Anae or what we call "Grandpa's," is filled all the way up. The spillover is so far beyond what can be managed in that area. I did not think that the point-in-time in July typified it. When I read this Resolution, we have a desire to help the overuse individuation of the parks. Po'ipū Beach Park would be another one that gets overused profoundly and I the snapshot caught that. How does charging money help that overuse?

Mr. Dahilig: Thank you, Councilmember Cowden. I want to reflect that this is a policy that was already enacted by the Council as a body to use this as an implement. It saw fit, in its wisdom, in terms of the compliment of the Councilmembers that did pass this, that it was a useful tool to be able to not only manage, but also provide equity in terms of the usage of our Parks. We did not in effect rehash the policy objectives of the Ordinance, simply because it was enacted into the law by the Council. This is simply a mechanism for us to be able to utilize the law that was enacted. With that being said, we believe when you look at the models with Kē'e Beach and Kōke'e, this type of managed parking is already deployed by a sister State agency to be able to build both the accountability with the visitor industry, as well as provide equity to our residents in the manner in which it is being implemented. We feel that this is an appropriate utilization for our high utilization parks, Black Pot Beach Park included. We believe that starting off with these three (3) parks becomes an ability for us to look at a model for deploying this more heavily islandwide if we can do this. This is simply for a way to look at logistics, how we do this, and how to implement the policy that was enacted into law back in December 2020.

Councilmember Cowden: I have a follow-up. I was raising the same issues in December 2020. I was told that we would deal with that when we get to this point. When we look at what happens with Kēʻē, it is really nice. It might as well be 1975 or 1985, there is very few people out there. There are less people out there than 1985. The use is really cut back. It pushes that use to other places. It helped to really crowd Hanalei and other areas. I think that I want to ask some of these questions right now, because I was told last time in December, I would be able to ask it. If we have fees for parking in Hanalei or Poʻipū, how is that going to help stop the people from coming down there and parking in front of someone's house? They are already parking in front of someone's house. I do not see how it will help. It might help with the dollars, but I am told it is not about that in the Bill. How does this help manage the overuse of the cars down there? When we are saying that is what it is going to do, how does it help? It is not going to do what it does in Kēʻē.

Mr. Dahilig: I understood. To that question Councilmember, it is something as we look at these three (3) parks, we were in contact with Michael Moule from the Engineering Division, to look at our road networks adjacent to these parks and understand what human nature may trigger. If I can get something free further down, does that become a problem? We do not know what the net effect is of folks who do not have Hawaiʻi identification who will try to save a buck by flooding a neighborhood. We know that the possibility is there, but there is no model that we can anticipate justifying bringing a resolution up to the Council until there are actual conditions observed in that situation. If this goes into effect, we have as implementation a mechanism and plan to monitor our neighborhoods adjacent to these parks. We will come to the Council for a traffic control resolution for adjacent roads if this becomes a problem. I wish I could with certainty be able to tell you what the net impact is going to be based on the price point and the demand, but from what we have seen with places like Kēʻē and Kōkeʻe, there possibly could be on-street demand. For the large part, most people are compliant with wanting to just pay the fee and visit the park. We will be continuing to observe, and we will come to the Council with specific traffic resolutions that provide traffic control for parking issues adjacent to these areas.

Councilmember Cowden: What outreach happened to let the businesses that have the parking lots in the adjacent areas, or did you go to the community associations in these areas in the recent past to let them know that this was coming up?

Mr. Dahilig: We had informal conversations with certain stakeholders that were around some of these areas. In terms of where these places are situated, Lydgate Beach Park for example is not adjacent to any specific business per se. The hotels that are there are relatively far enough and the nature of the parking lot at Lydgate Beach Park is contained. We do not believe that was a

necessary issue. When it comes to Po'ipū Beach Park and Black Pot Beach Park, those are things that we certainly could do more and more outreach.

(Councilmember DeCosta was noted as not present.)

Mr. Dahilig: Given the fee and policy that is set forth by the Council is targeted for those who are not Hawai'i residents. The only impact that we can really get our handle around involves traffic control items that will manifest itself once we understand how the price point dynamics of the fee would necessitate people looking at on-street parking versus paying the parking fees.

(Councilmember DeCosta was noted as present.)

Councilmember Cowden: I called those businesses in that area, and they had not been called and they did not know. They were kind of in a perspective of surrender, but having owned businesses in some of those commercial areas there...it is even more extreme in Po'ipū. What happens if someone comes to your business to get the product that they are going to take a beach, and they simply walk to the beach. What then happens is those parking lots that are paid for and maintained by the businesses that have the commercial lots, they pay a lot to have those, those end up housing all that leftover parking. It is not that far of a walk, so it does have that impact. I think it is important to be communicating directly with the people that we impact. Six (6) days for people to be sitting there looking up on the County website is not enough, it is not enough outreach. At some level, I support this, but I am uncomfortable with the implementation that we do. When we do a Resolution and pass this, I am sure it will pass today, when this passes, those businesses do not get a chance to respond. When we do not give people ahead of time notice, that is tough because we really do not have real public outreach. This came up one (1) year ago when businesses were crushed, and now it is coming up again and they do not even know.

Mr. Dahilig: In response Councilmember, there were two (2) approaches that we looked at in terms of implementing this Ordinance. Whether or not a Resolution and a Bill that is before you are even necessary and if we could handle this by rule. We have gone through the analysis of whether or not there is a need if we were to go through the administrative rule route under Hawai'i Revised Statutes (HRS) Chapter 91, by State law, we would have to bring those rules before the Small Business Regulatory Review Board. It was determined that was not necessary given the way that the policy as written in the law is couched because it is simply focused on parks. Now if parks are meant as a community element to support small business, that is something the Council should determine in terms of how KCC Section 19-1.20 is written and whether we need to include that type of analysis as parks parking being a subsidy for small business operations. But absent any of that language, it was determined that implementation of this Ordinance was not

incumbent upon review if it would go under the HRS Chapter 91 route with the Small Business Regulatory Review Board. I am sure that does not necessarily meet to your satisfaction, but as an explanation, we looked at some of those concerns early on and throughout the implementation. We were focused on the policy as written that it was determined by the Council that the need to implement controls on parking was necessary at certain County parks.

Council Chair Kaneshiro: Are there any further questions?
Councilmember Chock.

Councilmember Chock: Mike, if this Resolution passes, we have these three (3) parks, have you folks gone as far as doing any feasibility as to which park would be addressed first?

Mr. Dahilig: Not to delve too deep into the implementation, but I can kind of couch and respond to your question in this way. There is potentially a cost benefit when we look at looking for a service provider to implement this work. Whether having all three (3) managed by one (1) agency versus three (3) organizations managing three (3) parks as a Request for Proposals (RFP) option. Flexibly, we could see to push one (1) park ahead of the other two (2). That is not outside of the realm of a possibility. We wanted to leave the possibility open that some of the administrative cost that could accompany managing a program like this might be less if all the parks were under one (1) umbrella. There has not been a determination in terms of how to craft an RFP to provide a request to have that service done by the private sector like it is done out at Kē'e, but there is a possibility that having all three (3) going on at once would actually provide a potential for less overhead in terms of management of the accounting and all the other fun stuff that a company has hired people. With that being said, based off of what looks the easiest...part of it relates to the area that these things are covering and the volume of how many cars in the point and time count comes in. Po'ipū Beach Park seems to have the highest counts. If you are looking at the success of the program and ability to manage, that could be a candidate if we were to lead with one (1) first. To be transparent, we have not necessarily had the depth of conversation where we put these three (3) parks in a pecking order to what would make the most sense if we went with one (1), two (2), and three (3).

Councilmember Chock: Okay, thank you.

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

Councilmember Cowden: I have discussion for the group, but not necessarily for him.

Council Chair Kaneshiro: Is it a question for us?

Councilmember Cowden: Well...question/discussion, I suppose.

Council Chair Kaneshiro: Okay.

Councilmember Cowden: Can I ask?

Council Chair Kaneshiro: I think it would probably be a question that someone would want to respond to.

Councilmember Cowden: I know that there are pending lawsuits that this could accelerate that could make it stronger. I think that we would be wise to wait a little bit. To pass this today might be problematic because there has been so much that has hurt business. For example, in Hanalei, so much has hurt business that has been an outcome of County choices. To not allow people to have an input—I know that we had the study down there. What we are doing is not inclusive of solutions. It is a penalty and a punishment; it is not a solution. I am not making a motion yet, but I am hoping that before we are done with discussion and when we are ready to vote, that we can consider if this can be considered in two (2) weeks.

Council Chair Kaneshiro: Okay. I have an answer, but it is my perspective on it. This Bill does not charge any fees.

Councilmember Cowden: It is a resolution.

Council Chair Kaneshiro: This Resolution does not charge any fees. It is not going to impact businesses. This Bill basically says which parks shall be subject to parks fees...this is a Resolution. The Bill that is coming up later is a Bill that may impact businesses based on how you want to structure it. This Resolution is basically giving the authority to be able to charge parking fees at these beach parks. This Resolution is not necessarily the “bullet” that you are thinking is going to hurt all these businesses. The Bill that is coming up later may have that impact, but again, we are going to be talking about that Bill later. This Resolution basically gives the authority to charge fees based on a Bill that comes up later, what the fees are, et cetera. This is giving the ability to charge a fee at these beach parks. That is my stance on this Resolution.

Councilmember Kualii: The Bill later is just first reading.

Council Chair Kaneshiro: The Bill later is just first reading. Which, again, you are saying the public does not have any comment period on it. That Bill is the Bill that people will be able to comment on. They will be able to comment on it

today on first reading, they would be able to comment at public hearing, Committee, and at our Council Meeting.

Councilmember Cowden: What we have is a general strategy in making policy. We will do one (1) step and say, "Okay, we will work on it next time." We will get to the next step, and we will say, "Oh, but that decision was already made." We are in the middle...when we have three (3) steps: —something that happened in December 2020, something right now in January 2022, and something in February 2022. Each one, when we use increments, where is the point? You are using the "bullet," well, maybe this is the "gun." I think we are making a mistake if we pass this today.

Council Chair Kaneshiro: Okay. I think that passing this will not affect anybody at all, at this moment, at this time. What happens with the Bill will affect paying fees, where overflow traffic goes, et cetera. I can say that passing this Bill today will not affect any businesses—it will not affect anyone. That is why I think I am ready to vote on this today.

Councilmember Cowden: Why do we have to pass it today? Why would it not work to pass it in two (2) weeks?

Council Chair Kaneshiro: I am ready to have this Resolution pass today and have everyone work on the Bill. That is my opinion, and it is up to everyone. I think we are probably getting more into discussion. Are there any other questions from the Members before we go into discussion? If not, I will call the meeting back to order. Councilmember Chock, followed by Councilmember DeCosta.

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

Councilmember Chock: Thank you, Mr. Chair. I am going to be voting to move this Resolution forward. While I appreciate Councilmember Cowden's concerns, what I think I hear her talking about is trying to look at this holistically; I often see her going through this and I appreciate that. I have a different perspective. I think that the incremental pieces are more beneficial to separate them, so we have more chances as a body and a community to have input. I understand that this is one (1) vote, it is a resolution. If there were specific reasonings outside of the legal aspects that you were talking about, that I believe are associated with the forthcoming Bill, then I might be able to support a deferral. In this case, what I believe we are really doing, and as Council Chair Kaneshiro has suggested and outlined, is really allowing the Administration to move forward with looking at these three (3) properties, of which we as a Council pass this, said we want to have by resolution to know what you will be doing. The Bill for the study was done a year ago. These parks were aligned within that Bill and that we would be looking at these. There has been a lot

of time to go through and understand who the stakeholders are. Perhaps some of that has not been done. To your point, I completely agree that more should be done. Along with that, my philosophy is this we do have a need and as a County, we need to look at solutions. I believe that this is a solution just as any other business would be looking at solutions. If we are impacting them, we should be partnering, and should have those conversations. I think that is what happens with this Resolution, it allows us now to go and start to have those conversations and that is why I will be supporting this. Thank you.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Yes. Hi, thank you. I may have to touch on what Councilmember Cowden brought up. I do not know if now is the time we are in discussion, and she brought it up. It is very important how we project what we want to discuss in front of our viewers. We have viewers. Viewers are the businesses or the local mom and dad with the baby in a stroller who wants to get to the beach that has a crowded parking lot and cannot get to it. I heard you say Hanalei when you directly named a discussion point. It is Hanalei Beach Park, Lydgate Beach Park, and Po'ipū Beach Park. Three (3) of them. Let us go with Hanalei. How many times have our locals gone to that beach and there are no parking spots, because it was all taken by tourists? Now, let us say that this Resolution and Bill pass, and we implement something with the Administration, which I think is a collaboration that I see going on. The way I look at it, this is where government is at its best, Administration and Council. We can make funding for our community and our County. This is one way to keep tourists accountable. Coming to our island and paying a fee to go to the beach. I was in a breakout session with Councilmember Kuali'i and Councilmember Chock at NACo when we discussed that other county parks do this across the nation. I remember Councilmember Chock got a glow, we all sat down for coffee, it was legal, and we talked about this in NACo. It was like "wow," this is something that Kaua'i can get. It is happening right now; this is a good thing. If they park in Hanalei and they walk to Hanalei Beach with their groceries that they bought from Hanalei stores, it is a good thing for the businesses. They are going to buy their groceries and enjoy the beach. If we have a park ranger or County security that can check tickets on the car that they have for parking there "x" amount of time, we can manage this. I believe I will be voting on this. Let me tell you why. I have vast experience driving up and down Kōke'e for over a year when we implemented that parking area. There were many residents of Kaua'i who would bypass the lookouts, because there was no parking spots, because the tourists would take them all. Once they put in that parking fee, there were spots for locals to enjoy. Yes, there was some overflow parking by tourists on the side of the road, but that is an easy fix if we had an official checking on it. I want to project that we have tourists that come to our island, we want to have high-end tourists who are willing to spend the money. If not, they do not belong at these three (3) beaches, that they are not willing to pay to go to. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. Just a few things to go over. One, to repeat what the Managing Director and everyone has said. It is in—capacity that this is in response to a Bill that we passed unanimously a year ago. We had the discussion repeatedly mentioning these three (3) parks. I think everyone sees these three (3) parks are over capacity. This is coming to us in response to Council action. I wish that being government we could snap our fingers and solve a problem in one fell swoop, but that is not how policy-making works as a legislative body. Our first step is to authorize the Administration to take these actions and to direct them to a study and come back to us with what parks they want to do with managed parking. They are following that, which we passed unanimously. I appreciate the work that the Administration has done here over the last year. They came to us, and the study was done quicker than I had expected it to be done. I am excited to see this get on the road to implementation. Addressing the idea that it is not going to make an impact, managed parking is the key to managing tourism: 1) The fees will obviously help provide infrastructure for our parks. I think those fees raised in each district must stay in that district to help support the parks themselves, and 2) While I would actually say that a ten dollar (\$10) fee is too low, the higher the fee gets will make a difference at people's willingness to park there. If you have a tourist who is deciding to go to a different beach, stay at their hotel pool, or go hiking, that is part of the intent. These are the overcapacity parks. We want to direct people to possibly go to other places. If they are willing to pay ten dollars (\$10), or one day we can hopefully raise that fee, then great. The logic of people parking at a business a mile away to save ten dollars (\$10) is not accurate. In fact, I think it would do the opposite. A properly managed parking program would increase the number of available stalls in a parking lot to ensure that there is parking available. The people are going to park a mile away is because they cannot find any parking in that lot. The reason only parking they can find is a mile away. I cannot imagine anyone parking a mile away, trucking all their stuff and their family to the beach, just to save ten dollars (\$10). It is the over-capacity lots that are forcing people to park far away, not a ten dollar (\$10) fee. If we can ensure that there is available parking in these lots, then that is a win. I agree that the impacts on the immediate surrounding neighborhood could be real. If we charge for parking at Black Pot Beach, it could certainly have an impact on places like Weke Road. I think it is warranted for us to continue addressing. As the legislative body, it is part of our role to come up with the solutions here to fix that. Councilmember Chock and I, who were the original introducers of the paid parking, bill have been talking to Public Works for over a year to try and address the potential of that problem. I know the Managing Director said that they are currently working on it. I am obviously in full support of passing this Resolution today and I appreciate the work that has been done on it.

Council Chair Kaneshiro: Councilmember Cowden, followed by Councilmember Kualii. Councilmember Kualii.

Councilmember Kualii: I will be supporting this Resolution. It is easy for me to support this Resolution. I think it is important that we honor the Council's prior decision and work with the Administration on trying to find parking solutions. We need to also honor our own legislative process. This is a Resolution. When the Bill comes up later, that will be a more deliberative and interactive process where all stakeholders can fully participate, and I hope that they do.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am good with the three (3) parks that we have picked and need managed help. I will not be supporting it today. I particularly feel that in this window of time of COVID-19 and keeping people out of government...we do not have people physically in here. They can call in or write in, but it is not the same. They are not involved. Those who we are governing deserve to be at the table and deserve to be part of the conversation. I cannot support it today. It is not a mile away to walk, it is a block, and it is an easy block to walk. It is a very easy block to walk. It does not increase business, that business would come to the stores anyway. What does not come to the stores is the additional business once there is no room in the parking lot. What you have when people come in, is very angry and frustrated people. I would have liked to have heard from Hanalei Initiative who did the study and who was part of the study. I think they are really important to be hearing from. I would have hoped that the introducers of the Bill would have brought people like that in to be an expert witness. I move to defer for two (2) weeks.

Councilmember Cowden moved to defer Resolution No. 2022-02, and failed for a lack of a second.

Council Chair Kaneshiro: Is there anyone to second? There is no second on the deferral. Is there any further discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I would like to add something. I am not going to disagree with you. There is COVID-19 going on still and there is no one sitting here to give testimony. But like you always say, you are out in the community talking to your constituents. I also, and let me tell you, there are many families that have no parking spots to bring their family with their kids and strollers to Po'ipū Beach Park and Lydgate Beach Park because it is overrun by tourist, right now, even during COVID-19. My constituents tell me that this would be a good process to control parking spots for our local families to go and enjoy. I will be supporting this.

Council Chair Kaneshiro: For me, passing this Resolution, as I mentioned, does not affect businesses today. It will not affect any businesses by passing this Resolution. It is basically stating which parks we are going to be looking at and being subject to charging a parking fee. The work, the fees, and how it is implemented, that is all going to be done with the Bill that is going to be coming up. That is where all of that information needs to be vetted. That is where we need to get the community's input on if this is a benefit or if this is not a benefit to the businesses around it. That is where a lot of the work comes in. All this Resolution states is that we are going to be able to charge fees at Black Pot Beach Park, Lydgate Beach Park, and Po'ipū Beach Park. That is all it says. Giving the ability to charge fees. It does not mention what the fees are, that comes with the Bill. How it is implemented, where people are going to park, how are we going to check it, how is it going to be enforced, that is all going to be part of the Bill. This is just a Resolution on the beach parks that will have fees. Councilmember Chock.

Councilmember Chock: Just a clarification for the record. This Resolution and Bill are by request of the Administration and Department of Parks & Recreation, based on the study that I introduced. I did not introduce these, but I do support them. I want to make that clear. The stakeholder piece is a direction for the Administration to look into.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: One more thing I wanted to add as far as process. As we go through the Bill, if we require more time and need to reach out to stakeholders, we can always defer the Bill. If you remember when we are working on the Housing Ordinance Bill, we kept deferring and working further. There is no rush necessarily, this is just the beginning. I think it is important that we do the work.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: I might have done it too many times. I just want to say that the Bill we are talking about, the best I can tell, it is pretty much to schedule the fees. It is not holistic in any way. All of this is about the parks and the reality is that whole area Po'ipū...I care about Po'ipū very much. That whole area in Po'ipū is a giant parking lot. Hanalei is effectively an entire parking lot. This is maybe fifteen percent (15%) of what that parking is. I support getting some money, because getting money will not only help Hanalei, but it helps the whole region, is my understanding of how this is written. I want that to be on record. This is not about management; it is not management of the affected the area.

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

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

The motion for adoption of Resolution No. 2022-02 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, DeCosta, Evslin, Kualī'i, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	Cowden	TOTAL – 1,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Kaneshiro: Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2842) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2842) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 9, 2022, and that it be referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: I will suspend the rules and Councilmembers Chock or Evslin, if you wanted to give a brief overview of the Bill?

Councilmember Chock: I think we can do that together briefly.

Council Chair Kaneshiro: Okay.

Councilmember Chock: I will just say briefly that this Bill is in response to a need. A few years back, the Kauai Seabird Habitat Conservation Plan (KSHCP) was enacted and adopted here. That Plan requires the County to take a role in it. This is a response to that need in terms of liability and oversight with regards to our County facilities and reducing the number of predators. That is the impetus for it and the need, which I think is the most important aspect to focus on. There are

specific strategies within this Bill. I will let Councilmember Evslin dive deeper into it if that is okay.

Councilmember Evslin: There are four (4) things that the Bill does. I will briefly run through all of them and if anyone has any questions, I am happy to answer them. Number one, it reduces the hold time for microchipped cats at the Kaua'i Humane Society from nine (9) days to five (5) days. Currently, when the Kaua'i Humane Society receives a microchipped cat, they have to hold it for nine (9) days waiting for an owner to retrieve it before they can put it on the adoption floor. This is much higher than the national average. It costs the Kaua'i Humane Society a lot of money to hold these cats separately. It reduces the amounts of cats that they can hold, because there are cats that are taking up room for longer duration. It is also a lot of stress on the cat itself. This actually came at the request of the Kaua'i Humane Society from the previous Executive Director about two (2) years ago and we had been talking about it ever since. As the Kaua'i Humane Society said in their testimony, the very large majority of cat owners come to retrieve their cat well before nine (9) days and within the five-day period.

Number two, this Bill prohibits the abandonment of cats islandwide. It adds a rule that cats cannot be abandoned on County property. There is a little bit of misconception about that in that people keep saying that it prohibits abandonment on only County property; it does both, islandwide and on County property. This also prohibits feeding only on County property. This is a clear legal requirement of the KSHCP.

Lastly, this Bill slightly modifies the definition of "owner" to remove the language of "temporarily" or "permanently" because that language is vague and unenforceable. It helps clarify what the definition of "owner" is.

I will just say that as we saw in the large amount of testimony that we received, Kaua'i is the refuge for a number of native birds including the *'Alae 'Ula*, the *Ha'o*, and the *Kōloa*. Cats certainly have a devastating impact on all of these populations, as well as their impact on monk seals through *toxoplasmosis*. It is also our legal responsibility, as Council Vice Chair Chock stated, under the KSHCP to reduce cat populations on County property. That is the intent of the Bill and what it does.

Councilmember Chock: I will just add that our County is no stranger to these Federal violations. This is really the reason why we need to respond with some sort of policy that articulates how we intend to do our part.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Sorry, I have one more thing. We asked Mahealani Krafft from the Office of the County Attorney to give a brief overview of the

KSHCP. I do not know how much we have talked about it on the floor and certainly we have heard Councilmember DeCosta state that it would be good to get an update.

There being no objections, the rules were suspended.

MAHEALANI M. KRAFFT, First Deputy County Attorney (*via remote technology*): Good morning. As Councilmember Evslin mentioned, I was asked to provide a brief summary of the KSHCP as it relates specifically to today's agenda item. Given the agenda, my briefing will be quite a bit broad. The KSHCP is almost one thousand three hundred (1,300) pages by itself. If members of the public wish to follow along or would like a copy, it is a readily available public document on the Department of Land and Natural Resources' website and a quick Google search should produce that for them. For Councilmembers and members of the public who may not be as familiar with the KSHCP, I will very quickly cover the biology and history, and then the three (3) main components of the KSHCP. I will then go over in a little more detail of the obligations related to predator control.

Councilmember Cowden: Can I ask for her to explain what that acronym means. I do not know what KSHCP means.

Ms. Krafft: The KSHCP is the Kaua'i Seabird Habitat Conservation Plan.

Councilmember Cowden: Thank you.

Ms. Krafft: Thank you for that. I will try to clarify what the acronyms are. Kaua'i is home to ninety percent (90%) of the world's population of A'o and the population has been in a steep decline for many years. The biology at issue for our discussion is that when fledglings embark upon their first nocturnal flight to sea, they use the moon to navigate. During this first flight, they can become disoriented by lights at night, which they confuse for the moon. This light attraction causes fledglings to circle the lights and they often become fatigued and then become grounded. Once grounded, fledglings cannot retake flight, so at this point, they are vulnerable to predators such as cats, dogs, ungulates, and humans. If the fledglings are not discovered, they will likely die from predation or starvation.

In 2007 the United States Fish and Wildlife Service (USFWS) and the Department of Justice (DOJ) began criminal investigations on the use of lights at night on Kaua'i and the impact it was having on protected species. The investigation continued to about 2010 at which time the County was indicted for "take" of a protected species. Under the Endangered Species Act (ESA), and Hawai'i Revised Statutes (HRS) Section 195D, which is the State counterpart to the ESA, it is illegal to take an endangered or threatened species. The disruption of normal behavioral patterns, such as the light attraction and grounding I just described, is a take. The

County entered into a plea agreement, paid fines, and was placed on probation. One requirement of the plea agreement was that the County had to apply for an Incidental Take Permit (ITP). Section 10 of the ESA allows the County to engage in an activity that is otherwise legal but may result in take of a protected species, provided an incidental take permit is obtained. For the County, the otherwise lawful activity is its use of lights at night. Since then, 2010, and until 2020 when the County was issued an Incidental Take Permit and an Incidental Take License, the County had been negotiating the terms of the KSHCP.

There are the three (3) main components of the KSHCP. I will touch on mitigation and monitoring, but the relevant component for today's discussion is minimization.

For mitigation, HRS Section 195D requires mitigation to provide a net benefit to the covered species and increase the likelihood that a species will survive and recover. Federal law is similar, it requires any "take" be minimized and mitigated to the maximum extent practicable. The take authorized under the KSHCP will be offset through mitigation measures conducted at the Kahuama'a Seabird Preserve, which is in Kōke'e.

For monitoring, the KSHCP requires three types of monitoring: (1) compliance monitoring which verifies implementation of the KSHCP, (2) effectiveness monitoring which evaluates the overall success of the KSHCP, and (3) take monitoring which compares the actual take to the authorized take.

The last component we have is the minimization. Minimization measures focus on avoiding take. For the County the primary minimization measures used are eliminating or reducing the use of lights at night, modifying the direction of light, and adjusting light output or intensity. Since probation the County has made significant improvements in minimization measures including the complete retrofitting of all lighting at stadiums, fields, and courts. Because the County still requires the use of lights at night for public health and safety reasons it cannot completely avoid potential take through the use of these minimization measures alone.

Where minimization measures are not likely to result in the avoidance of take through those minimization measures, then minimizing mortality of downed seabirds is critical. As I mentioned earlier, downed seabirds cannot retake flight so are subject to predation, those that subsequently become predated upon are considered "lethal take." To minimize lethal take and increase the likelihood of discovering a downed seabird, which can be rehabilitated and released back into the wild, the KSHCP requires the County to reduce the presence of predators at its facilities.

One tool to reduce the presence of predators is the prohibition on feeding loose, free-roaming cats and dogs. The thought is that if there is the presence of a food

source at County facilities it will likely attract predators and, thus, increase the likelihood of predation on a downed seabird. Again, this is just one tool to achieve the overall goal of reducing predators. Which tool or combination of tools is used depends upon the facility? Right now, the County is awaiting technical assistance from the regulatory agencies for site-specific predator control guidance, but the requirement to reduce the presence of predators is in effect.

To kind of tie this all together in context of today's proposed Bill, the KSHCP requires the prohibition of feeding loose, free-roaming cats and dogs. This tool will allow the County to meet its compliance obligation under the KSHCP. While the KSHCP does not require or have a prohibition on abandonment, it would further the intent of the KSHCP. Presumably it would make it easier to comply with the predator control obligations of the KSHCP; less predators to start off with means the less there are to remove. Along those lines it presumably will reduce predation and increase the likelihood of discovery of grounded seabirds.

Under a worst-case scenario, the risks of failing to prohibit or enforce the prohibition on feeding are that the County would exceed or be outside its authorized take, and/or the ITP/Incidental Take License (ITL) would be suspended or revoked. In those scenarios, any take that occurs would likely be considered an unpermitted take and a violation of the ESA and HRS 195D. The County would then be liable for any civil and/or criminal penalties associated with that Take.

If the County exceeds the take it is authorized, the KSHCP has various mechanisms which would be triggered, such as an amendment to the County's ITP/ITL to authorize more take. However, this will also require additional mitigation. Depending on the amount of additional take needed, Kahuama'a may not be available for use as a mitigation site because it could reach its carrying capacity. If this is the case, it would require the County to look at alternative mitigation sites. It is possible that no suitable site would be available to use as a mitigation site for additional take which could mean no additional take would be authorized.

From a historical perspective, it was cost prohibitive for the County to fund its own mitigation site. A primary reason the County is a participant in the KSHCP is because of the economies of scale realized in a programmatic habitat conservation plan versus an individual habitat conservation plan.

That kind of sums up the KSHCP as it relates to predator control. I think I went over my five-minute time period. If there are any questions, I am available to answer them.

Council Chair Kaneshiro: Does anyone have any questions on the presentation? This is just another measure to allow us to be compliant with the KSHCP. If not, are there any questions regarding the Bill. I will ask just one quick

one which you probably already have an answer for. There is no date in which the Ordinance shall take effect. Is there a reason for that?

Councilmember Chock: I do not know why.

Council Chair Kaneshiro: If you do not know, as the Committee Meeting gets closer, you can come up with a date for that. Councilmember Cowden.

Councilmember Cowden: Yes, I asked Nicole from the Kaua'i Humane Society to be present, so that I can ask a few key questions.

NICOLE SCHAEFER CRANE, Executive Director, Kaua'i Humane Society
(via remote technology): Yes, I am here.

Councilmember Cowden: Thank you so much for getting this letter in to us. It is very helpful. I appreciate that you are in agreement with...and if you could just explain for a moment why moving from nine (9) days to five (5) days in terms of how long you hold cats is good for you?

Ms. Schaefer Crane: Yes. I think it is kind of good for everybody really. For us, what it does is it allows the cats to move from single-housing into group housing, which is better for their socialization and their health. Also, they become more viewable. When they are on a nine-day hold, they are not viewable to the public, because we are waiting in the hopes of the owner to return and redeem the animal. Instead of being overlooked during those nine (9) days, they become more viewable, which gives them a higher chance of leaving the shelter with a positive outcome. We noticed that most of the owners of cats are coming in within five (5) days or less to redeem their animals, and that is for microchipped and those not yet microchipped. They came in on a stray hold which was only two (2) days, but we are being redeemed within that timeframe as well. So, this helps with the flow and as a shelter with a high positive outcome, it will help decrease their length of stay. The longer the animal stays in the shelter, the higher the chance of becoming sick. What other shelters have noticed is that when they decrease hold time, it makes the owners more proactive. We have already seen this proactivity and those that own cats, but it is helpful and adds a little bit more to those who lost cats to come to the shelter quicker to redeem their animal. It is also more cost-efficient and effective for them because when they come sooner, the rates of redemption are much lower as well. It is also financially better for owners who are redeeming too.

Councilmember Cowden: Thank you so much. We have had an overwhelming amount of positive support for this Bill in protection of the seabirds. I am supportive of that. I have individually spoken with people who have not written in that are "feeders." Can you please speak to KHS's perspective on the value of colony feeding in terms of reducing population?

Ms. Schaefer Crane: Yes. I think we are all in agreement that we have a large cat population on the island of Kaua'i, owned and unowned. Colony feeders, if they are properly managing a colony, which KHS supports, this means that they are very mindful of the health of the cats in their care, but they are also spaying and neutering, which is helping to decrease the cat population as well. It also allows us to have a better knowledge of the numbers. So, colony feeders who are managing their colony effectively, we support. It is colonies that are not being properly managed that are a concern for us. If you are feeding unaltered cats, what you are doing your providing a larger resource for cats, which means they could have larger litters if they are not fixed. If you are doing this for fixed cats that is not a result we are seeing. But, if you are doing it for unaltered cats that means you will have larger litters, which is going to put a higher burden on the island of Kaua'i as well as the shelter, because it is a larger intakes for us. Last year we took in almost eight hundred (800) kittens. Those were all cats born that year. That is a very large number and a lot of them are from stray cats. So, if we had people who were feeding, caring for cats, and managing them properly, that would be great, and we fully support that. For the colonies that are not being managed, that is where we need to offer the support, getting them fixed, or breaking up the population a little bit.

Councilmember Cowden: Okay. I was happy to read here that you are saying toxoplasmosis is particularly spread through these kittens. When I go to Lydgate, I spend a lot of time in these parks. There are cat colonies in these parks with quite a lot of kittens. That is my observation. Is your observation these colonies are managed well enough that there are no kittens? I am seeing kittens.

Ms. Schaefer Crane: If you are managing a colony, it means that every cat in your colony is fixed, which means there should be zero kittens. So, if we are seeing kittens, it means the colony is not managed to its full extent. We understand that is a timeline. You must catch and go through spay/neuter and then bring them back into the colony, which cannot necessarily be done all at once. Managed colonies should not be producing kittens, that is not the goal of a managed colony. Your goal is to shrink your colony through. Finding homes or getting them socialized to be adopted. Kittens are pretty much what is causing the spread of toxoplasmosis. An adult cat that ate a baby chicken or a rat, they get toxoplasmosis, they shed it and they are done. They are not going to keep shedding it, it is not going to harm or spread it through the environment. Kittens have not already eaten the bad meat—we will put it that way.

Councilmember Cowden: I have a final question. These cat colonies in the parks, we are seeing damaged and dead wildlife, would you agree with that? Does KHS go out and see where these colonies are?

Ms. Schaefer Crane: We know where some of the colonies are because we have helped people. We do not go and look for colonies or monitor them specifically. So, we are not doing that, but we offer as many services as we can. I would say not only on County property, but we are also fully aware that cats have the potential to take an animal, whether it might be a seabird, rodent, or a chicken. They are trying to survive out there. We know that they are hunting, that is what cats do. We are not monitoring what the takes are, what is in their digestive systems or anything like that, or how large the populations are. We do not have the capabilities to do that at this time.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions for Nicole while she is still here. Councilmember DeCosta.

Councilmember DeCosta: I have a question for Nicole. I had a question for the attorney.

Council Chair Kaneshiro: While Nicole is still here, if there are any questions for her, we will ask them now. If not, we will let her go.

Councilmember DeCosta: I have a question for her. Hi Nicole, how are you?

Ms. Schaefer Crane: Hi, I am well, thank you.

Councilmember DeCosta: Thank you for all you do. We appreciate all you do and the work you do in our community. I need to advocate for the hunters. The hunters appreciate you folks calling us when a hunting dog is lost and giving us the benefit of the doubt. Sometimes you folks waive the fee to pick up the hunting dogs. A lot of times people remove them from the hunting area while the hunter is trying to find his/her dog. It is not fair that the dog is at your center for two (2) or three (3) days while they are out in the mountains still looking for their dog. I appreciate that. I need to say, "He/she," because there are many girls who hunt today. They enjoy the muck boots and the strap and knife to hunt. What I am trying to get at here with this question is that we advocate for colonies of cats to be cared for by people if they are feeding them in a controlled area. Colonies can still breed and have kittens, and kittens, and more kittens. When we promote that...and I am not against cat lovers, we had a cat, I like cats, but I do not think that we should be feeding cats. Sorry to all you feeders out there. How do we monitor those babies that are being born by cats in a controlled feeding areas that we are promoting?

Ms. Schaefer Crane: Yes. That is a good question. One that has not yet been addressed by many. It is always just in talk. I think an option, and this

is my suggestion and not relevant to this Bill, it would be nice if there was a colony permitting process. I say that not in anything that is financial, but if you are a colony feeder and if you support proper managed colonies, by signing up and letting us know you have a colony, it will allow KHS to offer you low-cost or free spay/neutering of the cats. It would assist you in teaching you how to manage the health of those cats and ensuring that you have really good nutritional food. We have a pet food pantry that can supplement them. It would give us a better idea of the populations of these colonies. I think doing that without...there is no shame in being a colony feeder. I know we see a lot of people hiding, because they are worried about and thinking people will not support them, or they will want them to get rid of their cats and they are quite attached to them. So, I think we have to sort of play it both ways by supporting those that are feeding colonies, because we can help those cats and we can decrease that population. It is a complex issue, and it is going to take a lot of thinking through. But, if we could get people to come out of shadows by saying, "Yes, I am a colony feeder and I do this because I think this is important for the cats, but also I am feeding them higher nutritional value that will decrease their hunting potentially." We would say, "Yes, we really support what you are doing, here is a bunch of resources we can offer to help you manage your colony properly." I think right now, because there is so much negative finger pointing towards cats, people are worried about sharing that information. They are worried about asking for resources, like getting their cats fixed, even though they want to, but they feel hindered because of a stigma or what society maybe thinks about them, because it is hard for them to admit that they are helping these cats.

Councilmember DeCosta: Nicole, I appreciate your extensive answer, but you still did not answer my question of how we control them from having babies.

Ms. Schaefer Crane: We have got to fix them.

Councilmember DeCosta: Yes, I know, but I have seen a couple of cat colonies happening on the west side. There is one at the Russian Fort Elizabeth State Historical Park Pā'ula'ula. I do not know if you folks know, but most of them are wild, and I have seen people feeding them. They come up within ten (10) feet and take their snacks, but they run off into the grass after they get their snack. How do you catch them to spay/neuter them and then go back to release them? I understand that we have those important people who colonize and feed cats, but most of those cats are not catchable. We need to catch them so we can spay/neuter them, so we have no more inventory that keeps coming into our wildlife and ruin our birds. We have to plan that and brainstorm together.

Ms. Schaefer Crane: Good Fix which came in October. They did massive spay and nurturing while they were here. They fixed around one thousand seven hundred (1,700) cats in the two (2) weeks that they were here. They will be back two (2) more times. They will be back in February at the earliest, and they

brought with them a resource I do not think we took as much advantage as we could have. They brought in professional trappers that work in Yellowstone, in Thailand, and across the nation. That is all they do, and they are very good at it. They know how to catch those cats. They are very proficient in it, and I think it is an opportunity to take further advantage of.

Councilmember DeCosta: Here is the last one and I do not want to beat a dead horse. The one thousand seven hundred (1,700) cats that we caught and spayed and neutered, were those released back into cat colonies?

Ms. Schaefer Crane: They were all brought in from private property and by people that were caring for them. They were not from any uninhabited areas. They were all people's pets.

Councilmember DeCosta: I know, but were they released back into cat colonies? We have not touched on those people who feed wild cats. That is the question I am asking you. Have we?

Ms. Schaefer Crane: We have helped to a certain degree those who brought in, and we might have helped more, but there is a stigma that goes around it. We do not really know if these people are saying, "They are my cat." They think they are their cat if they live in a colony or if they do not, because they are not willing to admit to it because they are worried about what would potentially happen to the cats if they did admit to it. We could be doing a lot more than we think we are doing because people are not admitting to it, or we could be doing a lot more because we need to do a lot more.

Councilmember DeCosta: I have a quick fix solution that I am going to throw out there, it is the last time I am going to talk about cats. I am going to say sorry if I offend any cat feeders. I am a government official who believes in solving problems. Here is how we are going to solve this problem. We will have a trap cat week, where we trap all the colonized cats in different areas. That person or persons who are feeding cats will have that week to work with you folks. We will go from Waimea to the North Shore. We will trap the cats in that area, bring them to your place, spay and neuter them, and the cats go back to their colonized pack. They do not go back until all the cats have been caught. They can have the colonized population of cats that they can feed that is spayed and neutered and will not have any more babies. Right now, I see us not being able to solve this problem. I just gave you a perfect solution. We might offend some cat lovers and cat feeders, but I believe that we need to solve a problem. I gave you a solution, and we will see how it goes. Thank you.

Council Chair Kaneshiro: We are going to need to take a caption break. Are there any further questions for Nicole before she goes? Councilmember Chock.

Councilmember Chock: I will try to make this quick and I will turn this into a question for Nicole. Chair, thank you for making us recognize the lack of a date that this Bill will go into effect. In recalling it, our discussion around timing this with the potential of opening a sanctuary was in discussion. Nicole, I was wondering if you had insight with the partnership with Greater Good Charities as to how that project is coming along that might inform this Council as to a specific date that we might consider?

Ms. Schaefer Crane: There is a sanctuary that is being worked on through Kaua'i Animal Welfare Society. I cannot speak that much on it, because I am not part of their organization, but they have a sanctuary that they are in the process of fundraising for and being built. KHS had support from Rescue Rebuild, which is part of Greater Good Charities to build outdoor housing that has the potential to house a community of cats or feral cats that do not do well in shelter environment. The construction is half complete. We are looking to hire some positions to get it going very soon. I am sorry, I do not have a specific date though.

Councilmember Chock: Alright. We are circling back to you. This will go to public hearing, and then to committee. We have at least five (5) to six (6) weeks before this would even get passed. Let us work towards identifying that, so we can amend this Bill at committee. Thank you.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: Hi, Nicole. I read through the testimony that was submitted by you and Mr. Giovanni, and I thought it was very good and thorough. The one thing that stood out to me was the one about findings and purpose. You kept talking today about the stigma and feedings happening in the dark and in the shadows. I think this one point that you made about that language in the findings and purpose is important. You said you find it particularly troubling. You are basically giving us a strong recommendation to remove that language and keep it as simple as the Council finds that feral cats threaten human health and wildlife, and leave out all the other details about the birds, if you will? Yes?

Ms. Schaefer Crane: Yes. Let me say, in general, there is a lot of finger-pointing at cats and I feel it is because they are very visible and a little bit of an easier target. Sometimes I think the information when we are talking about predation just gets skewed so much to cats that we ignore the other animals having a negative effect on our wildlife here, and our seabirds. Dogs have a potential to "take" and have taken on Kaua'i. Rodents are extremely detrimental. Pigs do not necessarily predate that much, but what they do to habitats and nesting sites is far more detrimental than any cat can do. I think at times we need to level the language a little bit. I understood that the focus of the amendments that are being presented

were on cats. I think that when we summarize, we can say that, but if you are just reading this, and you are not reading another bill that says “dogs do this” or another bill that says “rats do this,” it makes it look a little bit more that we are strictly saying cats are the problem. Cats are involved and they have negative outcomes for seabirds, but I think we just need to kind of level it out a little bit more. We are not denying that they spread toxoplasmosis and can harm wildlife, but we want to take a step back to a little bit more level. Yes, they do, but they are not it. I think sometimes, especially in news sources and in the media, the way we talk about cats on the island, even if that is not our intention when we present it, I feel like there is so much bad information that people think, “cats are awful.” Like I said, it hurts those of us who are trying to help cats.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Are there any further questions for Nicole?
Councilmember DeCosta. Question for Nicole.

Councilmember DeCosta: Nicole, you mentioned other predators. Remember, when we speak here on television, everybody is listening. I want you to explain how you believe hunting dogs, because I believe you said dogs...did you use hunting dogs, wild dogs or dogs that are loose?

Ms. Schaefer Crane: I just said dogs.

Councilmember DeCosta: You did not say hunting dogs?

Ms. Schaefer Crane: No.

Councilmember DeCosta: Okay. I wanted to advocate that hunters have collars now with the shocking device that can be used when around cattle, cats, or a seabird. I just wanted to let you know. Thank you for that. I did not want us to bash our hunters or hunting dogs relating to the seabirds. Remember, we have seabirds in Kōkeʻe with your predator fence that is going on. This is more of a logistical question for the County Attorney. Hunting dogs do not go by cliffs to look for pigs, because pigs do not sleep or stay on the edge where birds nest. Usually, the wild pigs are more in the forest where they can get food, dig for worms and grub. They are not on the cliffs where the seabirds nest. Thank you.

Ms. Schaefer Crane: No, I agree. Yes, not targeting the hunting dogs. The one that came to mind, which I believe was in Poʻipū, was an owned dog not on leash. That is the incident that came to my mind first.

Council Chair Kaneshiro: Are there any further questions for Nicole?
Councilmember Evslin.

Councilmember Evslin: Nicole, thanks for being here today and thank you for collaborating with us for the last six plus (6+) months. You mentioned that a properly managed cat colony would have no kittens. Do you know if there are any colonies on Kaua'i that have no kittens?

Ms. Schaefer Crane: Yes, there are several. We have colony caretakers. They will not share their specific colony location with us, just out of concern. We fixed several of the cats that they care for; Good Fix fixed several of the cats that they care for. The way they are making it sound is they are neighborhood cats that probably have seven (7) owners, because they go house-to-house. There are those who are properly managing their cat colonies. So, it is out there, but I still think there are plenty that either see a financial hurdle with spaying and neutering, which we are happy to help with along with Good Fix and the Kaua'i Community Cat Project. We have a lot more of underserved stigma. I know last month a lady came to me and asked if she could make an appointment to get her cat fixed. We told her "absolutely," we signed her up for a low-cost spay. As we were talking, "Is this your only cat or do you have others?" "Well, I have two (2) more." As we continued talking, it was five (5) more. I was like, "Oh, you are taking care of a colony. This is the best first step. Thank you for doing this, because that is what we need to decrease the population."

Councilmember Evslin: Thank you. Do you know if any of those properly managed colonies are on County land?

Ms. Schaefer Crane: I do not believe any of the ones I am aware of are.

Councilmember Evslin: I guess based on what you know, you do not think that any of the colonies on County land are reproducing in some capacity?

Ms. Schaefer Crane: Yes, they probably are, because we have had calls of kittens that have been found in some of the parks. Whether it is a cat abandonment scenario, where they realized their cat was pregnant and did not want to care for it and decided to take it to the park instead of us, I am not sure. Or if it was a cat that does not have an owner. It does happen. I do not know the quantity, because Samaritans that bring kittens in do not always have the best directions.

Councilmember Evslin: Okay, thank you. Chair, I have other questions, but if we want to go to a caption break, I can address it after.

Council Chair Kaneshiro: Do you have any further questions for Nicole, Councilmember Evslin?

Councilmember Evslin: No. I did briefly want to respond to Councilmember Kualii's concerns about the findings and purpose, but we can do that in discussion.

Council Chair Kaneshiro: Okay. If there are no further questions for Nicole, we will take a ten-minute caption break right now. Thank you, Nicole for your input and insight. We will take a ten-minute caption break and we will be back for further questions.

There being no objections, the meeting recessed at 10:40 a.m.

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

Council Chair Kaneshiro: Welcome back. Do we have any further questions on this Bill? Councilmember Cowden.

Councilmember Cowden: I would like to speak with the Department of Parks & Recreation (DOPR). Do we have anyone online from DOPR?

There being no objections, the rules were suspended.

Mr. Dahilig: Councilmember Cowden, I am pinch hitting for Patrick T. Porter this morning. I have William Trugillo, who is also on the call. Director Porter is in Waimea with emergency response work. I can try to help answer any questions.

Councilmember Cowden: It might be that we need William, as these are questions regarding the details. I just want to know how this works for our DOPR staff. I would like to start with William, if that is, okay? What are the typical hours you see colonies being fed? Have you focused on that at all?

WILLIAM TRUGILLO, Chief of Planning & Development (*via remote technology*): No, we have not physically gone to try and see where the colonies are or check the timing of it. It happens all over at various times and at different locations. It really depends on the area and the person taking care of the colony.

Councilmember Cowden: Right. These questions are just trying to help us make the best policy that we can, so that we are effective. Especially during the time that we had the houseless encampments down there, I was in the parks regularly for that first year to a year and a half. I still go down there occasionally. My observation is that when there is feeding of a colony, I would see a big bag of cat food had been open and thrown. It is usually a big pile of cat food where the entire bag was put out. I have seen that occur typically in the dark and in the evening. You are nodding your head. So that might be consistent with what might be an accurate description of the situation?

Mr. Trugillo: I believe those are the traditional times that we have observed colony feedings. It occurs in the evenings.

Councilmember Cowden: Yes, that is what I observed too. Does that overlap with DOPR staff hours?

Mr. Trugillo: Parks Maintenance works from 6:00 a.m. to 2:00 p.m. or 3:00 p.m. They would not be the ones primarily enforcing this.

Councilmember Cowden: The cat feeding? Who do you think would be enforcing it? That is what I am wondering.

Mr. Trugillo: It would primarily involve the Park Caretakers, but primarily it would be the Parks Rangers. I think the other part of this Bill that is important is not so much about the enforcement or the catching of the individuals, but also helping to educate them about what is best practice for managing colonies and helping them understand what we are trying to do and the reasons why.

Councilmember Cowden: Do we have a plan for clear signage? I think signage and education is an important part of this.

Mr. Trugillo: Yes.

Councilmember Cowden: Having spent so much time in the parks, particularly in that year and a half window of time, an issue that I am concerned about in the way this Bill is written...in fact, I have an amendment, can we have that amendment circulated.

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

Councilmember Cowden moved to amend Proposed Draft Bill (No. 2842), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kuali'i.

Councilmember Cowden: A concern I have, William, is the incidental feeding of human food. I am going to agree that they are too many cats and kittens in the parks. I like cats and kittens. It is not that I do not care about them. There are quite a lot. I see the cats in the garbage cans. Would that be something that you or your team observed?

There being no objections, the rules were suspended.

Mr. Trujillo: I have not heard any reports of cats in trash cans. Do you mean actively going after food?

Councilmember Cowden: Yes. You know, people come, and they have a party and they put the garbage in the cans, then the cats are coming in and eating the food.

Mr. Trugillo: Yes.

Councilmember Cowden: In this amendment, I have adapted it to say, "It shall be unlawful to intentionally feed cats on County property. This provision is not to apply where there is unintended scavenging of human food by cats in the general area." I am putting that forward because it is good to have laws that we can enforce and that we do not have unintended consequences. You see large parties where people naturally share the rest of the foods with the birds or other animals that are right around there. There are dogs, cats, chickens, et cetera. There are all kinds of scavengers that even if you toss the food to them, it is better than having the garbage cans torn apart later. I see that happening regularly. Maybe Wally is on the call as well. I was wondering if you have a reaction to that. Are they able to see the amendment?

Council Chair Kaneshiro: Let me get this clear, this amendment has not been shared with DOPR?

Councilmember Cowden: I just did it through staff, so no, I guess not.

Council Chair Kaneshiro: Okay, so they do not know what it looks like.

Councilmember Cowden: Christiane is sending it to them. I will read it again one more time. "It shall be unlawful to intentionally feed cats on County property. This provision is not to apply where there is unintended scavenging of human food by cats in the general area." It could also be dogs or whatever. When food goes into the garbage, what I am trying to look at is addressing the problem we are trying to address. That problem is the managing of colonies in County parks, right? People are dumping cats there and managing them. That is what is alleged. I just do not want it to be where, when it is specific, "It shall be unlawful to feed cats on County property." If somebody is having a barbecue and they have their food mess there or an event, they are feeding cats on County property. They are breaking the law. That is what I am trying to bring forward. I am not trying to move away from any of the intention of the Bill. I am just trying to alleviate an unintended consequence of the Bill.

Council Chair Kaneshiro: I have a question. Did this go to the County Attorney.

Councilmember Cowden: Yes.

Council Chair Kaneshiro: Matt, does this strengthen the Bill in regard to the enforcement aspect?

MATTHEW M. BRACKEN, County Attorney (*via remote technology*): No, I do not think so. I think the reality is if a cat steals your food, you are not feeding the cat. It is additional language, but I do not actually see it as doing very much.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Does it weaken the intention of the Bill? Does it weaken it when it says, "It shall be unlawful to feed cats on County property"? People could say "We do not like those people right there, they are feeding the cats, right? It is hard to catch people smoking. It is hard catch people red-handed with the plastic bottle.

It is hard to catch people feeding a cat. When I look at the rest of this Bill, it has all kinds of general discussion that is less than very specific. Do you have a problem with this amendment?

Mr. Bracken: I would say that it is legal. You can add this additional language. I think if somebody was ever cited for feeding a cat and it was unintentional, then that would be your defense, right? "I did not feed the cat. The cat stole my sandwich," or "It dug through the trash." I would think in most situations if a cat was scavenging, I do not think anyone would get cited for that. Cats are generally afraid of humans. They do not really approach humans too often. You see them in the trash cans, but if somebody put something in a trash can, they are probably disposing of food. That would not be feeding a cat. You can add this language. I kind of see that as a defense. If someone accidentally...if a cat steals from them...I do not see a Police Officer or a Park Ranger citing someone when a cat steals food from them. If it got to a point where you are before a judge, I think that would be the same result. If you were cited for feeding a cat and you did not actually feed the cat, because it stole your food, I think you would just tell that to the judge.

Councilmember Cowden: What about if that person was houseless? This is what I see. If there are people who are without housing, people do not want those people there. There are all kinds of offenses that they can cite them for. That could include smoking, their car could not have the right safety sticker on it, et cetera. This is routine. There are all kinds of reasons to find offenses for different people if they do not want that person there. There are cat people. I watch this, especially as I get to know this community of people. I know there are a lot of people who care about the birds. There are a lot of people who care about the cats. There are less people who care about the people. I am one of those people who cares about the people. I can see that this very specific original language could simply be utilized against somebody who somebody else does not like, particularly if they seem somewhat vagrant. It tends to be a group of people who tend to have a lot of heart for those struggling around them. If someone wants to give away half of their sandwich...when we are colony feeding, it is typically a bag of cat food that is getting tossed. It is not the remainder of a fish taco. When we are wanting to be specific about enforceable laws, it should be unlawful to intentionally feed cats on County property. It is really hard to keep something out of the garbage, or a bird jumping on the table and eating your food. There are all kinds of things like that, and I want to avoid the misinterpretation of the law that I want to avoid.

Mr. Bracken: I am of the opinion that whether that language is in the Bill or not in the Bill, it is basically someone's defense, right? If someone is cited for feeding a cat and they ask whether it was intentionally, then that is their defense in court. They could say that they did not actually feed the cat and that the cat stole their food...that would be their defense. Whether that language is there or not there, that does not really change anything. Putting that language there does not actually protect anybody. They are still going to have to assert the same thing if they get cited for this. They will still have to assert that they were not feeding the cat and that it stole their food. I do not think the amendment addresses your concern, because someone could still get cited for feeding the cat, even with that language there. That is always going to be a defense. They did not actually feed it; the cat stole their food.

Councilmember Cowden: Well, I am going to say that I think we are routinely putting these cut and dry policies out that are hard. We over control our population. What we want to do is protect the birds. How are we going to then make sure that there is no food left in the garbage cans? We want to protect the birds. I see that Councilmember Evslin has a comment. Go ahead.

Council Chair Kaneshiro: You can keep talking. When it is Councilmember Evslin's turn to talk he will talk. I am trying to get clear what you are trying to accomplish. You are saying that this Bill is trying to hurt people.

Councilmember Cowden: It is not trying to, it can. What I want it to do is to be specific for the behavior that we are trying to avoid. The behavior we are trying to avoid is feeding wild cats so they do not attack birds. When we say, "It is unlawful to feed cats on County property," well, that is very specific. You are feeding cats on County property if you have a birthday party there and you leave the food. You are doing it. Somebody could say that you are doing that and that is how we can have conflict.

Council Chair Kaneshiro: I think Matt is saying that if you are disposing of your food properly, then you are not feeding the cat. That is the defense. We are not trying to hurt a certain population of people, which is what I am hearing.

Councilmember Cowden: Well, it happens. It happens regularly.

Council Chair Kaneshiro: You are either feeding the cat or you are not feeding the cat. Councilmember Evslin.

Councilmember Evslin: Council Chair Kaneshiro, you said it better than I could. That was all I was going to say.

Council Chair Kaneshiro: Okay. Are there any further questions on this amendment?

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

Council Chair Kaneshiro: Is there any final discussion on the amendment as proposed by Councilmember Cowden? Councilmember Evslin.

Councilmember Evslin: I am not going to be voting in support of the amendment. I think Matt was clear that if you are throwing your trash in the trash can, you are not feeding a cat. My concern here with language like this is that it would potentially make it much harder to enforce. Someone could throw out a bunch of human food and say that it was unintentional. I spent a lot of my life in County parks at birthday parties, canoe paddling events, et cetera. I have never once in my life had a cat walk up and steal half of my sandwich. They just do not do that. I do not think the concern is well founded and especially with our County Attorney saying clearly that if you throw your food in the trash and a cat eats it, that would not be a violation of the law.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I am responding. I did not use the word “steal.” He used the word “steal.” I gave the example that people will toss their food and all the little creatures come and scavenge it. It is a natural behavior for people to sometimes share. It is okay to share with chickens. It is okay to share with dogs. Apparently, it is not okay to share with cats. I just feel like we start to create mean-spirited laws on a routine basis that do not allow for any kind of help. I get that I am probably not going to get anybody to support my amendment here, but I note it and I state it to the public, that we make laws that somebody sometime later could be enforcing or utilizing outside of the intention. I am really sorry.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: I just want to object to the term “mean-spirited laws.” Prohibiting feeding in County parks is, as we heard today, a requirement of our KHSCP. It is necessary to not be in violation of the Endangered Species Act and to preserve our native species, which exist in many instances nowhere else on Earth. Councilmember Cowden, I would appreciate it if you did not use the term “mean-spirited law.”

Councilmember Cowden: So noted. When we make laws so severe that they have unintended consequences that can be applied in a mean-spirited way...I am supportive of the intention of being in alignment, and I will use the acronym of KHSCP to be in alignment with that. We want to be helping our birds. I just want to have responsible laws that cannot be misapplied.

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: Thank you for the amendment because it goes into the details of how poor judgment could occur. I will not be supporting the amendment. I think that in this case, we need clearcut policy here. I think when we begin to legislate into obscurity when we can supersede the law, I will have to support Councilmember Evslin in his approach that we need a clear law and make sure that we are making a stand here, particularly from the point that we have an obligation to put this into a law. That is my stance. I appreciate it, but I am not going to be supporting this. Thank you.

Council Chair Kaneshiro: Is there any final discussion on the amendment. If not, we will take a roll call vote on the amendment.

The motion to amend Proposed Draft Bill (No. 2842), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and failed by the following vote:

FOR AMENDMENT:	Cowden, Kualii	TOTAL – 2,
AGAINST AMENDMENT:	Chock, DeCosta, Evslin, Kaneshiro	TOTAL – 4,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: The amendment does not pass. We are back to the main motion. Are there any further questions on the original Bill for the introducers or for the Administration? Councilmember Cowden.

Councilmember Cowden: I just have one final follow-up for DOPR. I support the intention of this Bill. How do you envision being able to actually enforce it? Are we going to assign Park Rangers every night to be going down there to look at the area? How is enforcement going to work?

There being no objections, the rules were suspended.

Mr. Dahilig: In response, Councilmember Cowden, the Parks Rangers are responsible for a number of laws that they need to be aware of and briefed on as part of their normal duties. This would just be added to the gamut of things that they should be looking out for as they do their normal patrols.

Councilmember Cowden: So, during their normal patrol, if they are seeing it, they are likely not going to see the person throwing it...Can we add to their duties that they pick up the cat food? Would that be asked of them? Who will pick it up? I do not ever see whoever dumps the food. I just see the pile and I see all of the cats around it.

Mr. Dahilig: At the risk of saying something that could be interpreted as micromanaging what a Park Ranger can or cannot do, what we would expect is that our Parks Rangers would make the best effort to ensure that the law is followed and that if there are conditions that could run contrary to the intent of keeping our parks clean and safe, and in compliance with our obligations under Federal law, those are the things that we would have them exercise discretion as necessary.

Councilmember Cowden: Thank you.

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

Council Chair Kaneshiro: Are there any further questions from the Members? Is there any final discussion on the Bill? It is just first reading. Councilmember Cowden.

Councilmember Cowden: I want to say that I appreciate the intention of the Bill and I think it is incredibly important that we take care of our birds. I think we need to really be encouraging how the education piece of it goes out. When Good Fix was here last time there was policy that did not allow any of these cats to be fixed on public properties, because they did not want them returned. I get that. I called to find out about the sanctuary, because if we are going to get them, fix them, and do not return them to somewhere else, or if we get them and do not at least fix them, the problem will keep growing. Just as we have incremental policies to solve problems or to prevent things, we need these incremental policies...I felt good about Good Fix being able to grab these colonies and fix them all. They were able to get all those kittens. When we

have had these people come from somewhere else, they were not allowed to do it. I went over and talked to them, because their facility was right near my house. We had so many veterinarians underutilized because of policies that did not want to allow it to happen in our parks. Because of that aggressive behavior, how many more cats do we have now, to not allow a solution to move forward when it was presented. I like to look at things in a series of ways of solving it. Having spent quite a bit of time in the parks at these odd times, I know that it is not going to be very easy to catch the people who are doing it. Maybe we might be able to. I think signage, education, and allowing Good Fix to come in and do this on top of it...and for people who are active in saving the birds, maybe they can donate to the sanctuary fencing, so that we can have a win-win. I am always trying to look for a win-win rather than punishing or having penalties that are not very easy on our staff or the problem, to hit the mark. I will be supporting this. I wish there were more creative ways of addressing things. When we look for win-win solutions, we were much more likely to be successful if we respect every element of the challenge.

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

Councilmember Evslin: Thank you all for the dialogue that we had today. I want to thank the Kaua'i Humane Society for working with us on this for six (6) months and through many, many iterations. We have also been working with the Kaua'i Wildlife Coalition, which consists of a diverse membership from scientists to representatives of State agencies and others who have spent their careers trying to protect native birds. We did not touch on it too much today, but they have expressed interest in collaborating with the County on education, including educational signage, which can help make park users aware of the fragility of our native bird population and aware of the law. DOPR has sounded open to that type of collaboration. I want to thank them for their efforts and all of the testimony that we received. It came up a little bit today and in some testimony regarding concerns over the Findings and Purpose clause in the Bill. Specifically, there is the Findings and Purpose, which is not codified into the law, but it justifies the rationale in the Bill. It quotes the Hawai'i Invasive Species Council that feral cats are one of the most devastating predators of Hawai'i's unique wildlife. The quote goes on to reference the presence of *toxoplasmosis*. I believe that the Kaua'i Humane Society was concerned about that language. I just wanted to clarify that the Hawai'i Invasive Species Council is an interdepartmental collaboration of the Department of Land and Natural Resources (DLNR), Department of Agriculture (DOA), Department of Health (DOH), Department of Transportation (DOT), Department of Business, Economic Development, and Tourism (DBEDT), and the University of Hawai'i (UH). There are a number of State agencies that have stated that. *Toxoplasmosis* has killed fifteen (15) monk seals since 2000. *Toxoplasmosis* only comes through the digestive system of cats. No other animals spread *toxoplasmosis*. While you can get it from eating infected meat, that meat got it from eating something that came through the digestive system of a cat. They are the number one source or the only source of *toxoplasmosis*. If there are no more cats in close proximity to the ocean, then creatures like monk seals will not be impacted so much. Also, the testimony referenced that rats are as big or a greater threat to native birds. It cites a study by Andre Raine saying that fifty percent (50%) of predation of bird colonies was done by rats. That took that study out of context in that Andre Raine, in that study, says that the most

destructive of the introduced predators were cats. The study goes on to elaborate clearly that cats are so destructive, because they eat adult birds whereas rats eat eggs and babies. If you take an adult bird, then that bird never breeds again. If you take away a baby, the adult can go on to continue to breed. While rats will diminish populations, cats lead to extinction. I am hopeful that the Findings and Purpose can stay intact. I think it provides the justification for the Bill itself. Again, thank you for the dialogue today and I am looking forward to getting to Committee.

Council Chair Kaneshiro: Does anyone else have anything to add?
Councilmember Kualii.

Councilmember Kualii: I just wanted to say that I am supporting this on first reading, of course. I look forward to doing the work. I think it is an important Bill. I really appreciated all the testimony. We received a lot of testimony and I thought that they were all thoughtful and informative. I appreciated the Kaua'i Humane Society's testimony in that they were also able to look at it from both sides and represent the concern about the cats as well. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to add that I want to really thank the value of the testimony that came in. We had so many different voices, from so many different ways. It was not just a repeat of the same testimony. We had a lot of personal experiences and a lot of passionate and well-informed backgrounds making these statements. I want to be very clear that I absolutely understand the unique quality of the wildlife. I live right next to the Kilauea Lighthouse where I am in easy walking distance from the wildlife. I grasp how important it is. I am somebody who gets to experience walking past the remains of birds and the remains of the young birds as I go down towards Kahili Quarry or wherever else. Very often it is honestly probably a dog, but we do not want these animals killed. I very much thank the concerted effort that was put in place to protect our birds, which is our *kuleana* as the newer species to this island.

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

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

The motion for passage of Proposed Draft Bill (No. 2842) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 9, 2022, and that it be referred to the Parks & Recreation / Transportation Committee was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: Motion passes. Next item.

Proposed Draft Bill (No. 2843) – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2843) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 9, 2022, and that it be referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember Chock.

Council Chair Kaneshiro: I will suspend the rules and ask Mike to give us a brief overview of this Bill.

There being no objections, the rules were suspended.

Mr. Dahilig: Thank you. As previously discussed with the Resolution that was earlier on the Council's agenda today, this is the other prong of the package submittal that we sent to you relating to the implementation of Ordinance No. 1087 relating to managed parking fees to be implemented at certain parks across the island. After consultation with the Office of the County Attorney, it was determined that in order to keep things clean and to be in accordance with what the Hawai'i Supreme Court has laid out with regard to similar fees at places like Hanauma Bay, where there is a delineation between residents and non-residents, that having it be codified within an ordinance would make any types of challenges to the actual program be more defensible. That is where this legislation is meant to fully implement this program, to the best defensibility possible.

When the Mayor had tasked us with the prioritization of this as part of DOPR's workflow, there were many hands that contributed to this. William and his team, along with the Office of the County Attorney, looked at many options, including as I mentioned previously, rulemaking as a means of doing this. We believe that starting off with an ordinance and implementing with the rest of the fee schedules as already charged by DOPR's apparatus will make the most sense. That is why we have floated this measure as a means of implementation.

We are proposing a ten dollar (\$10) per vehicle fee for non-residents in accordance with the present law. We believe that that is on par with what you see at State parks across the island. We believe that it is at a manageable price point where that balance between pushing people to on-street parking that is not chargeable versus parking lots within our park areas would be at that psychological price point where people would be willing to pay and not seeking other means of parking their cars to visit our beaches. We think that this amount is on par, in alignment, and is not going to be an obstacle for

somebody to decide to not park in the parking lot at a park that needs to be managed accordingly. We concede that as the dialogue with the Resolution progressed, there are questions concerning how we intend to implement the program.

What we have had in DOPR is that they have been very diligent in being in contact with the State Parks department in understanding how their programs at both Kē'e and up in Kōke'e work. We are looking at outsourcing services through an RFP process, which would probably be the best option, from a competitive standpoint, innovation standpoint, and to be able to tailor an operation accordingly. We have seen at Kē'e Beach, and I know many of you have gone out there, that that is done by an attendant that does the screening of identifications and permits. When you look at places like Kōke'e, there is a combination of machines along with an attendant that roams and is able to assist people. We have many models that are available that we think would not be best to pre-prescribe, but rather provide the boundaries for implementation in accordance with both the law and operational mindless, but at the same time, it will allow for the flexibility for a private sector organization to come in and make proposals to DOPR to find the most innovative way to do this.

As questioned before during the Resolution, there has not been a determination yet whether to allow for each park to have its own RFP or whether having all the parks be in one RFP makes the most sense. However, if that is something that the Council wishes to tailor as part of an implementation or if there is anything regarding the implementation of the fees that the Council would like to see, we are certainly open to having provisos attached to the Bill to discuss and further refine some of those policy and implementation considerations. We believe that this is the appropriate vehicle to have the Council engage in this work and if those are the types of things that do need to be fleshed out from an authority standpoint, we are more than happy to work with the Council to do so.

We also would like to point out that while the fee per vehicle is flat across-the-board for parks, there is also the opportunity for the Council to look at different fees for different parks. I want to point that out as an option. We felt for clarity purposes having it consistent with what we are already seeing out there helps with messaging across the island as both State and County parks would potentially be charging the same fee for parking.

Council Chair Kaneshiro, I am available for any questions. I know that Deputy Director of Parks & Recreation Wallace G. Rezentes, Jr. has also joined the call and we are happy to assist the Council in its deliberations at this time.

Council Chair Kaneshiro: I have a question. I see Councilmember Evslin, Councilmember Cowden, and Councilmember DeCosta also have questions as well. There will be a bunch of questions. As far as moving forward with the plan, we can set a price, but to me, in moving forward, I would be interested in seeing a plan of how we

are actually going to implement as far as...I know you mentioned Po'ipū Beach Park as being one of the first ones. To me, I kind of see Lydgate Beach Park as being the easier one. With Lydgate you have a limited access point where you can control who is going in and out. I think that is a little harder to do at Po'ipū Beach Park and in Hanalei. I would be really interested in seeing how we are going to actually implement this. How are we going to get people to go where we want them to go? I am not sure what kind of timing that would be. That would be something I would be very interested in knowing prior to us moving forward in charging fees. How are we going to charge the fees? Who is going to be out there? What is it going to cost the County to have to enforce it? That type of information would be helpful. We probably mentioned a lot of that when we passed that Bill last year that we wanted to move forward with a study. Moving forward, we still want to see information on those types of questions. How is it going to look? How are we going to move people around these areas where we are trying to restrict access or have tourists pay, but make it free for locals to go to?

Mr. Dahilig: Yes, certainly. I will say that that was one of the dilemmas that we are facing. If we are too restrictive in how we would like to see the operation go versus having objectives be met through an RFP process, that is what we are currently juggling. If the Council would like to see things in more detail to that affect in terms of operations, we can certainly provide between now and the next time when there is a touch point with the Council, drafts of potential RFPs that we can circulate as a means of samples and deliberations of discussion. There is an intention by the Administration to want to see a competitive process publicly as to how this is going to be manpower enforced and implemented by the private vendors similar to what we already see at Kē'e Beach and in Kōke'e. We understand that one glove does not necessarily fit all and so we would want to have a little bit of eyes by a potential bidder to analyze what would be our policy and implementation objectives, rather than specifying exactly how it is needing to be implemented.

Council Chair Kaneshiro: Okay. I have Councilmember Evslin.

Councilmember Evslin: Thank you to DOPR and the Administration for working hard on this over the last year. Did you consider or do we even still potentially have the option to amend to do an hourly charge for parking rather than a flat rate?

Mr. Dahilig: Certainly, that can be built into the way the fee schedule is written. At this point, our interpretation was that this was a daily fee. That was predicated upon what we see as an already deployed strategy by the State at State parks. If the schedule of fees wants to reflect something that is hourly or something that is a different type of temporal charge, certainly we would take the Council's policy guidance on this if this Bill were to pass or add in via a proviso, that would have to be reflected in the RFP process to have the potential vendor spin up how they would be able to charge per hour versus per day.

Councilmember Evslin: Okay, thank you. My own quick thoughts on it are that I think an hourly fee helps encourage turnover to open up that spot. Whereas, if you are paying ten dollars (\$10) and you go at 8:00 a.m., you are going to want to stay there until 5:00 p.m. That might hold spaces up more than we would intend to. As long as there is room for further discussion there, that is fine.

Mr. Dahilig: There is some ability to do that, as we have seen at Kē'e Beach, where they have started to tailor the reservation system to half-day chunks, even though they are charging a full-day charge. We certainly see that as a consideration of the State as they evolve their program, that turnover is something of a policy objective that they try to achieve.

Councilmember Evslin: Yes, great. Something like ten dollars (\$10) for four (4) hours might work. Does the ten dollar (\$10) rate, you mentioned that the rationale was that it was not something not too high where it would encourage offsite parking. Is there a legal limit to what we could charge? Could we, at the will of the Council, increase that rate?

Mr. Dahilig: That is something that we have been cautioned by the Office of the County Attorney, that because these are fees, the benefit incurred has to relatively match the fee that is charged. For example, we would have a very hard time justifying a thousand dollars (\$1,000) per vehicle based on what we do for maintenance, operational costs of the program, et cetera. It is not necessarily predicated on value per se, but it is based on what is a fair amount to reflect a pro rata in lieu offset for what the County's effort is to maintain and operate a program at the facility. I am not giving a specific amount, but we think that with ten dollars (\$10), that falls very easily within a justifiable range to meet that state principle.

Councilmember Evslin: I am not saying that I would introduce a change to it, and certainly there is a lot of gray area there, but certainly you may have through a County Attorney's opinion or otherwise, an upper threshold limit in mind?

Mr. Dahilig: We did not go that far as to identify where Matt starts getting nervous about having to go to court.

Councilmember Evslin: Okay, thank you, Mike.

Council Chair Kaneshiro: Councilmember Cowden, then Councilmember DeCosta.

Councilmember Cowden: Where in this Bill does it determine how we would ensure management? Is there a section that would be added that would discuss management of this? I do not see it in here now.

Mr. Dahilig: Understanding where the dialogue is going with the Council, those are things that could be included as provisos to the Ordinance. If that needs to be entertained and is the further cause for dialogue, we are happy to have those conversations with the Council.

Councilmember Cowden: Okay. Have we looked at applications versus meters? I know I like old-fashioned ways of doing things, but there are also phone applications where people can pay in and if they need to add into it, they can even do it from where they are sitting at the beach. Have we looked at how we can use phone applications for the meters?

Mr. Dahilig: That is where the dialogue on the specificity on implementation versus allowing an RFP to provide strategies for meeting an objective kind of comes into play. If we were to require people to use their phones to have to purchase parking that way, we would have to ensure that there are supporting infrastructure items like connectivity and those types of elements to ensure a successful deployment. We do not necessarily believe that we would want to constrain a specific type of technology in an RFP process simply because we are not clear whether all the conditions for meeting that type of objective with mobile payment could be in fact be met by the self-service, application, or the cell phone itself. It is something that we would like to see. We obviously want it to be as touchless and as hands-off as possible, but because of the policy relating to Kaua'i residents, we anticipate that there is going to have to be some kind of element of human touch involved in order to meet that side of the program. How that is met and how that is put together from a standpoint of checking and enforcement, we want that to be fleshed out via a proposal rather than us necessarily saying how to do it.

Councilmember Cowden: Okay.

Mr. Dahilig: It seems to be predicated on a lot of factors that we cannot anticipate.

Councilmember Cowden: Okay. That leads me into why I like community-applied RFPs like at Kē'ē. For the most part, it is locally managed with people who are familiar with it. Kē'ē is a State park, but it does not have very good internet. Lydgate has very poor internet. When I think about the different areas, Po'ipū and Hanalei flood really badly. When we are putting in a metered system, we really have to give a lot of thought to how we manage that. When we look at Po'ipū and Black Pot Beach Parks, the parking is stretched out in different areas. I am hearing you say that is something that needs some work, but I think it is an important piece of the work. Who enforces this? Is it again DOPR? Or you are going to hire someone to do it?

Mr. Dahilig: I think it is a combination of both, Councilmember Cowden. Enforcement authority probably comes because of the

vendor's responsibility in ensuring that these tickets go out, but also with the Resolution that was recently passed falls in line with the authority that our Park Rangers have to ticket people. It will be a combination of both. I think that is in line with what we see with State Division of Conservation and Resources Enforcement (DOCARE) Officers and the independent contractors that are hired by the State out at Kē'e to be able to tell people that they need to leave because they did not pay.

Councilmember Cowden: Can we have time for our Committee Meeting, if we could see some sort of preliminary budgeting like how much they think they could make per day, how that would pay for whatever management team it would be and the equipment, et cetera. I would like to see that kind of information so we can determine if it is cost effective for the prices that we are charging. I would like us to look into bulk permits. I believe that the State, when you go up to Kōke'e, you are supposed to pay one time and that same ticket works for every parking lot. I think the details matter. When I go up there and I watch the State parking lots up there...I am not up there as much as you are, but when I do go up there, I am sitting there watching, Councilmember DeCosta. I watch all kinds of people get out of their cars, go do what they need to do, and get back in without paying. They do not pay, at least when I have been there. Almost no one makes the payment. We might be able to get that information from the State. They might now have enough experience to be able to tell us the percent of payments. That information would be of interest to me, to see what works. I also want to just think about bulk permits. There are people who come for one (1) or two (2) months and have long vacations. They go surfing daily or visit the beach daily. Do they pay ten dollars (\$10) every single time they drive to the beach? Can they buy a bulk pass? Those are the kinds of questions that I would like to get answers to at our Committee Meeting. Is that possible?

Mr. Dahilig: It is certainly possible, Councilmember Cowden. I would like to caution though that we can certainly put together items that we would like to have met via an RFP process. We can certainly put together sample pro forma based on the point-in-time counts and dollar figures and having that relative to what would be as foreseeable revenue. As we would have to go through competitive process for a vendor, the more detail and the more specificity that is in the objectives that is to be met by a private-sector organization that would like to bid on it, can start to begin to weed out their ability to successfully bid on a project, and then we are left with nobody that will actually be able to run the program. While I do not want to preclude the Council from exercising its authority to specify exactly how this would be implemented and exactly what needs to be achieved, if there is a level of management that becomes too detailed that we do not have a successful vendor, then we have no one to operate the project. I would just provide that caution. We can certainly provide RFP objectives and sample pro forma, but I think we are purposely not providing a degree of rigidity in our conceived strategy on this, simply because we also do need to attract the private sector to be able to run this program like how the State has gone out for their RFP.

Councilmember Cowden: I appreciate you bringing that up. It basically supports my perspective for both Po'ipū and Hanalei. We can make an RFP setup that is good so that it is effective for the narrow scope of the parking that is in our public parking lot. We need to make it make sense for that location and that provider. It helps to push the rest of the burden on to the private sector and the other easements. I am hoping that when we have that structure, that we see if there are areas, that like the State did, hold it aside for residential parking and for us to see where those are and what percentages those are. Thank you for listening and being willing to be prepared as best as you can for the Committee Meeting.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: I just wanted to thank the Administration for dealing with the emergency out on the West Side. We do not give you enough praise and enough thanks. You have to deal with this today and yesterday you had to deal with the deliveries of all of the goods. Thank you, Mike, for all that you do. Councilmember Cowden, you had very good questions. Mike answered a lot of them. I just wanted to know, and I am not a big website kind of person, but I was thinking that our County website could host a site where our visitors could log on, book their dates, and print out their own little coupon for their parking stall, and we would set the amount of parking stalls per beach, so that when it fills for the day, they cannot buy a pass anymore. That would allow our locals to have ensured spots. I think a lot of the logistical details could be taken away and it could be put on the tourists to do the website visit, buy their permit online, book the dates that they want to visit that certain beach, and if it is filled because we met our quota, then they cannot buy a pass for that day. I think that will alleviate a lot of stress on all parties. I see in Kōke'e that even though they have to pay at the meter, a lot of them park along the road and then they walk up to the lookout to bypass the meter. I am thinking that with this system, if they do not get their online permit, they do not even belong at the beach for that day. They should not be able to go to that beach for that day. They put their little paper that they print out at their own home on their printer, because everyone has their own printer today...if the tourist does not have a printer, I do not want them to come to Kaua'i. They print their own ticket, they put it on their dashboard, and it ensures them for that day, they can be at Po'ipū, Lydgate, or Hanalei. That is my suggestion. I am willing to discuss it further.

Mr. Dahilig:

To that point, Councilmember DeCosta, we have also looked at a voucher system as they do at Kē'e. Recently, on Maui, at Wainapanapa State Park, they have been using a voucher system. Their thought on Maui Island is that the voucher system could lead to a one-pass type of voucher that could be used at other State venues. To Councilmember Cowden's point, that is certainly not off the table in terms of a buildout process. Taking a lead from what they are doing on Maui Island, they are starting first at Wainapanapa and then using their

learning curve to be able to deploy that voucher system that you print out accordingly. One of the opportunities that we have seen at Wainapanapa is that they are digitally and virtually doing the Hawai'i-resident checks. I am not sure exactly how they do that, but that is something that is an option for folks who would not want to compete for the process as something to look at as a best practice for reducing the amount of human touch there to enforce that policy objective by the Council for Kaua'i-resident parking.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Early on in this exploration and as the study progressed, I had a couple of meetings. One was with DOPR on the available technology; the technology really has taken some strides on the remote management of what we are talking about with the voucher system. When I see the Bill as a schedule of fees, it somewhat seems like we are moving away from some of those options. What I am hearing from the Managing Director is that every option is open, and we want to look at what we can do. I know that Wally is on the call. As Councilmember DeCosta mentioned the part about purchasing the pass online and purchasing for the time length, et cetera, and managing it from the perspective of remotely seeing which cars are complying from a distance, are those things that we are still contemplating? I am just curious. When I think about it, I think about some of the concerns that I am hearing from my colleagues regarding management of overflow, which maybe in the long run, would help to alleviate or be a solution to that problem as well.

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation (*via remote technology*): Yes, we are open to different technologies and methods from the private sector. It is new ground for us, at least within the County, to create a system like this. We are going to see what methodologies would best fit our operations.

Councilmember Chock: I appreciate that. If the technology is there, it could mean meterless management, which aesthetically could be appealing, but also probably less of a hinderance capacity-wise. I appreciate us looking at that, and I will bring that back up at the Committee Meeting.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have another onem which is informed by watching what happens at Kē'e Beach and the State Park at Hā'ena. What we refer to as tourists are often more like part-time residents, often owning their homes for many decades and paying absolutely the highest real property tax rates. For many of those people who might be in their eighties (80s), these are real people who live a mile from Kē'e, but cannot go swim in the lagoon because they cannot get a parking space. All the parking spaces are reserved. I just wonder if we can have that situation in awareness.

For me personally, I have never seen the Kē'e parking lot more than half full. There is usually a lot of room in there. People are constantly being turned around. We leave it empty because of this prebooking. We need to think about that. If people are coming and they have the means, they might simply just reserve a space every day for their vacation so that they are assured that they can go. They do not want to not be able to go on the day that they want to go. What we start to do is only allow the wealthy to participate and we start to eliminate some of our more humble and more giving visitors who are the ones who help clean the beaches. We have these kinds of people come all the time. They come year after year. I really want us to be able to give that consideration. For myself, I just sit there and chat with people on the Hanakāpī'ai Trail. I find that they are mostly foreign, first timers, and they are fit and young. We have eliminated the ability for so many of our visitors to go use that area. We get people who think to look online, and they are young. That is probably why they are fit. They have never been there before. I do not want to be doing that to our people who have been coming for forty (40) or fifty (50) years, and they are really a part of our families. They are part of the people who donate to our churches, our nonprofits, and participate in everything else. I think we need to give consideration to that population. Has that come up in the conversation? These are the people who have a different state identification and are renting cars, but they in fact own here and pay real property taxes. Do we have plan for them or are they "tourists"?

Mr. Dahilig: That is not something that we entertained. The policy is already set under Section 19-1.20(b). It uses the phrase, "residents of the County of Kaua'i." Keeping residential status or having domicile status within the County of Kaua'i is a definition that goes beyond the language used in Chapter 19. It impacts things like taxes and all sorts of other things. We did not revisit the definition of what a resident of the County of Kaua'i means, simply because it is a longstanding definition that transcends not just this particular issue, but many other facets of our County's operations. With that being said, if that is something that is necessary as part of the dialogue, I would suggest that you may want to raise that with the Office of the County Attorney for being potentially outside the original legislation a potential substantial change issue. This may be something that you may want to bring up with the Office of the County Attorney, as we did not bring up anything relating to what is already existing policy under subsection (b) relating to residents of the County of Kaua'i.

Councilmember Cowden: Can I ask the attorney a question right now?

Mr. Dahilig: That would be up to the Council Chair.

Council Chair Kaneshiro: Yes, you may ask your question.

Councilmember Cowden: Matt, could we add a definition that could be called a "part-time resident" and determine what that definition would be. Some of these people pay more than one hundred thousand dollars (\$100,000) per year.

More of them pay approximately forty thousand dollars to fifty thousand dollars (\$40,000-\$50,000) per year in real property taxes. Perhaps they could get a County identification that is for part-time residents. Is there some way that we could create a sticker or something that could go on their dashboard? They subsidize the rest of us.

Mr. Bracken: Yes. I think that is a possibility. We would have to do an analysis. You would have to figure out how you want to define it, then we would have to analyze it. When we analyze it, we would have to analyze whether it could be done with this Bill or if it had to be done separately. It is likely possible we would get your idea in writing so we could do the analysis of it, then figure out whether it would be done via a separate bill or done with this Bill.

Councilmember Cowden: Okay. I will have staff help me with that later. Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? It is just first reading for now.

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

Council Chair Kaneshiro: Is there any final discussion on this Bill?
Councilmember DeCosta.

Councilmember DeCosta: I want to touch on what you were just saying. Again, Mike, do not forget that a website that monitors the amount of parking stalls that we have at each public beach, I think it will help keep spots open for locals and we can monitor how many spots we give to the tourists per day. Councilmember Cowden, you come with a lot of knowledge. I am amazed how you are on that Hanakāpī'ai Trail with those young people. At fifty-seven (57) years old, I have a hard time on that trail.

Councilmember Cowden: I had a broken back when I did it.

Councilmember DeCosta: Good girl. I am not in favor of making a special permit for part-time residents. Let me tell you why. I think the way the whole COVID-19 pandemic, working remotely, and working from home, has attracted so many people to our island, we are going to encourage more part-time people to come and stay. We are patting them on the back for coming for forty (40) years and paying hundreds of thousands in property taxes, but they live their summers in Colorado and their winters in Hawai'i. I have not seen one part-time resident bring their kids to two (2) different schools. I encourage people to move to Kaua'i from a different state if they want to be like us. They may want to raise their children in our schools, and they want to be a part of our culture. Those are the people I want to move here, not the part-timers. I am sorry I am not into giving out a part-time permit for those that want to go to Kē'e Beach who are in their eighties and cannot reach the lagoon to swim. Thank you.

Council Chair Kaneshiro: Is there any other discussion on the Bill?
Councilmember Evslin.

Councilmember Evslin: Again, I am in full support of the concept. I appreciate the Administration's and DOPR's work on this so far. As I have said many times before when we were deliberating on the original enabling legislation, from my personal perspective, we are at overcapacity for tourism. That is reflected in the General Plan Update and the Kaua'i Tourism Strategic Plan. At the same time, we have an infrastructure crisis. We should be better utilizing our tourism industry to help fix our infrastructure crisis and as the Kaua'i Tourism Strategic Plan and the General Plan says over and over, parking management is one of those key tools because we have limited tools at our disposal and that is one of the things that we can do. I really appreciate this direction. I would say my only difference of opinion in regard to the specifics of this Bill is that in my opinion, I feel that the fee should discourage some people from using the park at the margins. The intent is to address overcapacity at parks. The fee should reduce usage of the park by non-residents or at least open some parking stalls for residents. I think the fee, if legally possible, should be high enough to discourage at least some usage on the margins or encourage turnover through an hourly fee. I appreciate that the Managing Director said that they would be open to discussions about the possibility of an hourly fee and I guess we will get to that when we get to Committee. Thank you everyone for all your work on this.

Council Chair Kaneshiro: Does anyone else have anything to add?
Councilmember Cowden.

Councilmember Cowden: I want to encourage, as much as we can, a holistic consideration of this. Again, where I want to agree with Councilmember Evslin is that we want to have less visitor load in the parks and parking lots. We want to have that heavy visitor load help to fund the challenges that come with having that many cars everywhere. I know that we are beginning to work on this and we have a successful example at Hā'ena State Park, where we have our shuttle. We need the shuttles to be helping. I think we need to work to curtail how this might just spill out in different places like Ho'opi'i Falls and all of these different neighborhoods like up in Princeville. This burden gets shifted into different areas. We all must share the island and the planet. We have been lucky having this window of time where we have been able to see what it is like with a lower burden. I must admit that we probably all really appreciated it. We have been given a taste of what could be there. In this holistic look, when we push it into the parking lots, what it is then, is that the residents cannot go to the grocery store, because you cannot park at the grocery store and get your groceries. We need a holistic look. When we do these incremental pieces where we will fix this or that and eventually we will get back and fix all of it, my experience is that we do not eventually get back and fix all of it. I am going to play the gender card here for a second. Holistic thinking, I think, is stereotyped to a female mind. I think as a constellation and not linear. We are taking these linear approaches. I just want to say that we need to think holistically. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I think we have an easy fix too on that shopping center and going to the beach concern. I look at Po'ipū and Lydgate, they do not have many shopping centers around them, except for maybe Brennecke's Beach Broiler or the surf shop there. Hanalei does have the shopping center.

Councilmember Cowden: You cannot go grocery shopping.

Councilmember DeCosta: Today, in this one situation, I am backing you up. There is an easy fix Councilmember Cowden. There is one (1) meter that gives out a little ticket, and when the tourists park their cars to go shopping, they buy their metered ticket to put on their dashboard if they are in the store area. They make it just as, or more expensive than the beach. Then people will not park there. Perfect.

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

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

The motion for passage of Proposed Draft Bill (No. 2843) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 9, 2022, and that it be referred to the Parks & Recreation / Transportation Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, DeCosta, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: Motion passes. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:07 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

(January 12, 2022)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2842), Relating to General Provisions Relating to Public Health, Safety and Welfare

Introduced by: FELICIA COWDEN, Councilmember

1. Amend Proposed Draft Bill (No. 2842), SECTION 2, Sec. 19-1.4(a)(22), to read as follows:

“(22) It shall be unlawful to intentionally feed cats on County property. This provision is not to apply where there is unintended scavenging of human food by cats in the general area.”

2. Amend Proposed Draft Bill (No. 2842), SECTION 5, new Article 22-24.9, to read as follows:

“Sec. 22-24.9 Feeding Cats on County Property.

It shall be unlawful to intentionally feed cats on any County property. This provision is not to apply where there is unintended scavenging of human food by cats in the general area.”

(Amended material is highlighted.)

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