

COUNCIL MEETING

FEBRUARY 8, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, February 8, 2023, at 8:34 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kualī'i
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Cowden moved for approval of the agenda, as circulated, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion? Hearing none.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: Clerk, can you read the next item?

MINUTES of the following meeting of the Council:

January 25, 2023 Council Meeting

Councilmember Kualī'i moved to approve the Minutes, as circulated, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The next item are interviews. For the Police Commission, John Calma for a term ending 12/31/2025.

INTERVIEWS:

POLICE COMMISSION:

- John C. Calma – Term ending 12/31/2025

ELLEN CHING, Boards & Commissions Administrator: Good morning, Chair and the Members of the Council. My name is Ellen Ching, Boards & Commissions Administrator. Today, I am so excited to introduce John Calma. John was born and raised in Kalihi and attended Hawai'i Mission Academy. Upon graduation, John attended Cal State Long Beach and graduated with a Bachelor's in Business and a Master's in Business Administration. After a few years working in Los Angeles (LA) in hospital administration, John decided to enter the University of California Law, San Francisco formerly UC Hastings and graduated in 1984. Now here is where anyone in their right mind would be envious, I know I am—following graduation, he took a year off and worked as the road manager for Ray Charles. Doing a nine-month tour, in thirty-six (36) states and nineteen (19) countries. After this world tour, John decided to return home and started working in the Office of the Prosecuting Attorney of the renowned Charles Marsland, Jr. In total, John was a prosecuting attorney for thirteen (13) years, three (3) on Oahu, seven (7) years on Kaua'i, and three (3) years on Maui. Then in a total twist, John spent the next sixteen (16) years on Kaua'i in the Office of the Public Defender where he retired in 2016. During his free time, John likes to golf and read mysteries, historical, and general knowledge books. Not surprising, his current read is The Mailbox Conspiracy written by Alexander Silvert, a federal public defender based on his personal involvement in the Louis and Katherine Kealoha case. He is also looking forward to traveling again, to places he has never been, like Japan and the UK. And yes, he is a "foodie" for all things spicy. During the current climate of national debate on policing, I cannot think of anyone that would be better suited for the Police Commission given his professional knowledge and experience. I am so thankful that John is willing to commit his unique expertise and time to the Commission. Thank you.

Council Chair Rapozo: Thank you. Mr. Calma, can you switch seats with Ellen. For the public, I apologize, we have a public hearing scheduled for 8:30 a.m., that I completely forgot about. Once we get done with the interviews, we will recess the Council Meeting and take care of that public hearing. Mr. Calma, thank you for being here. We will open it up for any questions from any Councilmembers.

Councilmember Cowden: Do you have anything you would like to share that did not get shared?

Mr. Calma: I have been retired for a while.

Councilmember Cowden: Can you start by stating your name?

Mr. Calma: My name is John Calma. A friend of mine approached me about applying for this position. I have been retired for about six (6) years and I have enjoyed it, but I thought it is time to contribute something back to the community. With my background and experience, I think the Police Commission position is something that I can thrive on. That is about it.

Councilmember Cowden: You were a public defender, it does not say it on your application, but that is great. How many years did you do that for?

Mr. Calma: Sixteen (16).

Councilmember Cowden: This is really exciting that you have both prosecutor and public defender experience, because it gives you an in-depth view of what is happening in our crime environment. You had six (6) years to be relaxed, so you are ready to do this. Actually, I do not have questions, just side comments. I want to thank you. This is a really important board that you are joining, a very important commission, but you have an excellent background for it. I just have more comments than questions, but, yay.

Council Chair Rapozo: Are there further questions for Mr. Calma? Thank you, sir. Is there further discussion? Councilmember DeCosta.

Councilmember DeCosta: I just want to say that as a young man growing up on Kaua'i, I had blood uncles that I called "uncle," but there are certain men in our community that our parents introduced us to, that we did not know, but they hold a high standard. I want to say that I am proud to call you Uncle John. You are that man. Thank you for being who you are.

Mr. Calma: Okay. Thank you.

Council Chair Rapozo: Are there further comments? Councilmember Carvalho.

Councilmember Carvalho: *Mahalo*. I wanted to thank you for all the work that you have done and your influence and positive standpoint in the community. Thank you for stepping up to the plate. I appreciate you.

Mr. Calma: Thank you.

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

Councilmember Cowden: Thank you for doing this. I am an active attendee at the Police Commission, because I am the Public Safety & Human Services Committee Chair. You are joining a really good group of people and you are definitely needed, we have some openings there. I am happy to see someone with so much

background, you will be a nice match to some of the skillsets that are present. It is great.

Council Chair Rapozo: Is there anyone else? If not, thank you, John. I have known John forever. He was a prosecutor, while I was a police officer. I have worked with him when he was a public defender, and in both capacities, he is extremely fair and balanced, and I appreciate that. Thank you. Next candidate.

Ms. Fountain-Tanigawa: The next candidate is for the Board of Ethics, Chantal Zarbaugh, for a term ending 12/31/2024.

BOARD OF ETHICS:

- Chantal Zarbaugh – Term ending 12/31/2024

Ms. Ching: I am pleased to introduce Chantal Zarbaugh. Chantal was born on Kaua'i and is a proud graduate of Kapa'a High School. She was taught from a young age to respect her *kūpuna* and *'ohana*. Coming from a family of *kalo* farmers and fishermen, working hard came naturally. Her grandpa Jack instilled in her to give when you can, respect the land and ocean, and it will take care of you. Right out of high school, she dove into the real world by working at Gaylord's as a hostess and became a mother of a beautiful girl. Sometime afterward, Chantal joined the Kaua'i Chamber of Commerce team as the Executive Assistant. With the full support of past, present, and the chief executive officer (CEO) Randy Francisco and past Vice President of Operations Carol Texeira, Chantal enrolled in Kaua'i Community College (KCC) as one of the first students in the Wai'ale'ale cohort. As a young working mother with a full-time job, it was not easy. She remembers the prior KCC Chancellor Helen Cox telling her, "you have to finish, or I cannot retire," and thinking, "I cannot quit, I have to keep going," and she did. In 2015, Chantal graduated with an associate degree in Technology. She has made good use of her degree and is now the Business Development Officer at the Kaua'i Federal Credit Union. Chantal is the granddaughter of the late Jack Hashimoto. Jack was well-known as a taro farmer, fisherman, veteran, and was just as renowned for his volunteerism, which garnered him the Mayor's Laulima Award and the Governor's Kilohana Award. She continues to follow in her grandpa's footsteps volunteering with the Food Bank, Lifeguard Association, Charity Walk, Kaua'i Filipino Chamber of Commerce, Friends of Kaua'i Community College, Malama Huleia, Waipā Foundation, Habitat for Humanity, Friends of Kaumuali'i, Surfriider Foundation, the Boys and Girls Club, et cetera. The balance of her free time is spent at the beach with her family, babysitting her nieces and nephews, or days and nights with her husband enjoying Japanese cuisine at her favorite Japanese restaurant, Japanese Grandma's Café or Kintaro's. Most of the volunteers on Boards & Commissions are retirees from the baby boomers generation, yet it is the generations that follow that will inherit the impact of the decisions made today. With the recent efforts of government reform, I am so excited about the prospect of Chantal taking a fresh look and bringing a new perspective to the Board of Ethics. I am so grateful that she is willing to commit her time and talent to this effort.

Council Chair Rapozo: Thank you for being here.

Ms. Zarbaugh: Thank you.

Council Chair Rapozo: Can you share a little bit about your interest in becoming a member of the Ethics Commission? It was quite a resume.

Ms. Zarbaugh: My name is Chantal Zarbaugh. I actually got interested in volunteering at a very young age, so when I was approached or asked to be part of the Boards & Commissions, it came naturally for me to want to be part of giving back to the community in whatever form that might look like. Being at the credit union with Monica being a fearless leader, she is always encouraging us to do more for the community whenever we can.

Council Chair Rapozo: Are there any questions for Chantal? You have to make sure you say it correctly, because I got scolding many years ago. Councilmember DeCosta.

Councilmember DeCosta: I am excited to ask you if your son is going to do a salmon fishing trip soon?

Ms. Zarbaugh: He would love to, yes. That was an amazing experience for him, so grateful.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I do not have any questions, because I have known Chantal for decades, well I guess I have a question. Have you attended a Board of Ethics meeting yet?

Ms. Zarbaugh: No, I have not.

Councilmember Cowden: As someone who participates there or has participated in that, it is good to be watching what is going on and to learn how the process goes. The rest of what I wanted to say is comments.

Council Chair Rapozo: Are there any questions for Chantal? Are there any comments? Go ahead.

Councilmember Cowden: I wanted to address our Boards & Commission Administrator—what I feel good about Chantal is how much you have been immerse in so many different layers of the community. Ethics is an important piece to be in. I know how well-studied you are—when you start anything new, you seem to be very able to adapt and change. But when you know the community and you know the context, context is everything. I am really happy seeing you in there, because I have a lot of faith that you would use good judgment and you will be able to just look at the broader spectrum of everything that is going on in a situation. I appreciate that you brought up your youth, because we do need to be passing the torch and to be filling our Boards & Commissions with some younger people, which is very often difficult to do because people are working two (2) jobs and they are too busy. I have a lot of gratitude to our retirees that make it all possible to have the Boards & Commissions, but thank you.

Council Chair Rapozo: Is there anyone else? Councilmember Bulosan.

Councilmember Bulosan: My first time serving on any Boards or Commissions was the Ethics Board. My experience with you with all the work that we have done in the community has really shared with me the idea of making good, sound decisions. You are always one that looks at all the angles and made sure you crossed the "Ts" and dot the "Is" and look at everything to make a good decision. We need that on the Ethics Commission, that is what we need and that is what we provide. Additionally, your experience just broadly throughout the community on having the perspectives of all points of view, you really strive to seek that and I think that is the type of Ethics Board that I would love to see. I am super excited that you will be serving there.

Council Chair Rapozo: Thank you. Councilmember DeCosta.

Councilmember DeCosta: Thank you for being my friend. We have been friends for a long time and I am so impressed with you. As a teacher, I speak to my students, especially the female students. They ask me, "Uncle Bill, who is the mentor ladies that we can look up to in our community," and Chantal, your name is mentioned a lot in my class. You are that pillar, that strong woman who does not ask for handouts, who does not whine, who made her life—that is very impressive.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Aloha Chantal, I just wanted to say *mahalo nui loa*. I really appreciate the fact that you are stepping forward. It does sound like you are already very busy, like a lot of us. I am especially excited about the role model that you are for our young people. I like hearing that you are one of the first in the Wai'ale'ale program at KCC. I have a few family members, including my niece, who is going through that with the nursing program. It is important to encourage more of our young people to follow with your example. *Mahalo*.

Council Chair Rapozo: Councilmember Evslin.

Councilmember Evslin: I will combine my comments for both John and Chantal here. John, I wanted to express my appreciation to you, your long career, and now your willingness to serve on the Police Commission is greatly needed and you are going to do great work. Chantal, I always feel like you are like a "Dennis Fujimoto," in that you are always everywhere. After hearing the long list of organizations you are involved with, I guess that makes sense why you are always somehow everywhere. Now, you are adding one more thing to your very busy plate here, but I deeply appreciate your willingness to serve the county in this role. It is certainly needed, as everyone stated. I especially appreciate as Councilmember Cowden said, the fact that you are young and bringing that perspective to the role, as needed. Thank you.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Chantal. You come from a hardworking family, your 'ohana. Uncle Jack, I have known him for a long time, your grandpa. He would

be so proud of you. All the different things you get involved in and now look, you are at the Ethics Commission, so that is another big part. As you continue to do what you were meant to be to follow through a lot of the things you grew up with, because I know the 'ohana. For you to be here on this board and continue to do great things in the community, I am very proud of you. I look forward to continuing to support you in all your different endeavors. *Mahalo.*

Council Chair Rapozo: Thank you, Chantal. Like everyone else, I have known you and your family for a long time, and to Ellen, it is refreshing as Councilmember Cowden said to see new people. It is hard to say the word "young" because when you are old like me, everyone is young...but to see new faces coming in for interviews for the commissions, because historically it is a revolving door. It is hard to find people willing to serve. You have to do a disclosure, telling everyone about yourself, and it can be a deterrent for people to serve. The Police Commission and the Ethics Commission are two (2) very important and busy commissions. In today's day and age, a lot of the controversies come out of the police departments or in ethics. We have seen it at the state level. We do not have an opportunity to chat with commission members as a Council except for the interviews. This is the only opportunity we have. I guess my advice to both of you is you have all the tools. You have been around long enough, have been experienced with so many different organizations, Chantal, that ethics is probably second nature to you. You belong to a lot of nonprofits, everything comes with rules, and my only advice is to really look at things in a way that the best interest of our public is safe and secured is important. With that, this will come up at the next Council Meeting for a vote, which is in two (2) weeks. Someone will be notifying you. It does not sound like there will be any problems. Go ask Ellen for the rules and the structure and "study up" because I would anticipate you both being appointed in two (2) weeks. Thank you so much. With that, I will call for a recess so we can address the public hearing.

There being no objections, the Council recessed at 8:54 a.m.

The meeting reconvened at 8:59 a.m., and proceeded as follows:

Council Chair Rapozo: Next item.

CONSENT CALENDAR:

C 2023-34 Communication (01/25/2023) from Council Chair Rapozo, providing written disclosure of a possible conflict of interest and recusal relating to C 2023-32, relating to a claim filed against the County of Kaua'i by Robert J. Christensen, Esq., for back pay, loss of future earnings, damage to reputation, mental anguish, loss of enjoyment of life, and punitive damages, due to his prior employment with the Office of the Prosecuting Attorney.

Councilmember Kualii moved to receive C 2023-34 for the record, seconded by Councilmember Carvalho.

(Councilmember Evslin was noted as not present.)

Council Chair Rapozo: I will state that this is a disclosure of a possible conflict. I was employed at the Office of the Prosecuting Attorney at the time of the alleged incidents and may be a potential witness, so I will be recusing myself from all matters relating to that claim. With that, is there any public testimony?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2023-34 for the record was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Evslin was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Next item, please.

(*Councilmember Evslin was noted as present.*)

COMMUNICATIONS:

C 2023-35 Communication (01/23/2023) from the Fire Chief, requesting Council approval of the indemnification clause contained in Section (4)f, of the Mutual Aid Agreement, between the United States Commander, Navy Region Hawai'i, Pacific Missile Range Facility (PMRF), the County of Kaua'i, and Koa Lani JV, LLC, providing for mutual response to emergencies when requested and within the scope of services provided by each party's fire and emergency services department.

Councilmember Kualii moved to approve C 2023-35, seconded by Councilmember Carvalho.

Council Chair Rapozo: There was a request for the Administration to be present, so I will suspend the rules at this time. Thank you, Chief for being here. If you could state your name for the record.

MICHAEL GIBSON, Fire Chief: Michael Gibson, Fire Chief, for the record.

Councilmember Cowden: I am glad that we work with the fire group at PMRF. I understand that is a sub-contractor. They have a really amazing truck. Can you tell us just a little bit about your mutual aid agreement, how you work together, and how often that might typically happen?

Mr. Gibson: Thank you for the question and thank you for your time. We participate quite a bit in mutual training with them. We respond to traffic accidents outside the base, where they will assist us, they actually let us drive through the base in order to take a shortcut to some of the beach areas, sometimes. We train together. Within the last couple of months, we had an instructor come in from the mainland to teach a specialized firefighter survival training class, which is a forty-hour, five-day class. We provided the instructor with fifteen (15) students from the Kaua'i Fire Department and five (5) students from PMRF Fire Department attended. We utilized facilities at PMRF, some over buildings that was okay for the firemen to board

up windows, making the inside dark, to make like there was a problem where they had to get out. Some walls were damaged, doors torn out, that were intended to be, but it gave them some realistic training, and it was at the expense of their facility. Other training—we shared a hazmat training costs, where we do recertification, whether using our classroom or we travel to use their classroom. We use similar products, such as breathing air packs. When a vendor comes on-island to teach or update our men that are trained to repair and get certified to repair the face pieces and similar bottles, we team up and do that training with PMRF, and we do the same with the State Fire as well. This agreement that we have in place is a ten-year renewal for this mutual aid agreement. We also have a very similar agreement in place with the State for the airport fire services, which is...the last time it was renewed was in 2009, but it will not expire until requested to be expired.

Councilmember Cowden: Do you do most of these trainings on the base or they come to wherever we are doing it too?

Mr. Gibson: Equally. There are only limitations if it is on-duty training, they are required to have seven (7) people on the base, so there are times where trainings are set up and they do not have enough personnel. It is a little advantageous for us to go to them, because they cannot leave.

Councilmember Cowden: I know I commented about the truck, but I have never seen a four-wheel drive fire truck before, with the big wheels and everything. That is four-wheel drive, correct? Can it go off-road?

Mr. Gibson: Currently, they have the big crash fire trucks, just like at the State Airport. Not beach-going. In the past they had one, but in their current fleet is aircraft firefighting trucks, there are structural fire engines, and they do have some four-wheel drive crew cab trucks, the F50 style that we have to drive on the beach. They have the mini pump on the back of them. I checked with their fire chief and they do not have the big...the ones that you are picturing, the fire engine apparatus that are beach-worthy.

Councilmember Cowden: We attended a Christmas parade, Council Vice Chair Kualii, do you remember? It seemed like that thing could go anywhere, it was a full-on fire truck, do they not have that anymore?

Mr. Gibson: The Fire Craft 1—at one-time they had a beach-worthy one.

Councilmember Cowden: When I saw that I thought, “Wow, I wonder if that can really help us with our more wildfires, because our apparatuses are typically geared towards city or more municipal fires and we do have these forest fires and so that truck, to me, it was something that could go anywhere. Do they not have that any longer?

Mr. Gibson: Correct.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there further questions for the Fire Chief?
This agreement for fire control—are the helicopters on PMRF part of this agreement?

Mr. Gibson: That is correct.

Council Chair Rapozo: This is just the Fire Department?

Mr. Gibson: Yes, mutual services that we can provide back and forth—the medical calls, traffic accidents, and structural firefighting and bush fires.

Council Chair Rapozo: Okay, thank you.

Councilmember Cowden: Do they come and help us with our forest fires?
Have they ever done that?

Mr. Gibson: Yes. For the wildland fires around the base, they have.

Councilmember Cowden: What about assisting us with fires up in Kōkeʻe? Can they go up that far? There is definitely installations for PMRF in Kōkeʻe, so do they go up there as well?

Mr. Gibson: If they have the personnel, they do, yes.

Councilmember Cowden: Yes.

Council Chair Rapozo: Thank you. Is there anyone in the audience or on Zoom wishing to testify?

Councilmember DeCosta: I wanted to say thank you for bringing your deputy, Roger Mills. We did not have a chance to thank him and I want to say great selection on Roger Mills as your deputy. Thank you for all you do. I wanted to make a constructive information comment, Chief, you mentioned all the training you folks do and I noticed that we just had a fire officer pass away on Oʻahu for some type of tragic...

Councilmember Cowden: Maui.

Councilmember DeCosta: ...duties that firemen put themselves into—harm's way, hazard situations, and I want to thank you both for allowing your men job responsibilities that sometimes they are not trained to do. We lost a life. We do not say thank you to your Department enough, so thank you Chief and thank you Deputy Chief.

Mr. Gibson: Thank you for this opportunity to employ amazing people.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Are there any further comments or discussion?

The motion to approve C 2023-35 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2023-36 Communication (01/25/2023) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 17, Section 1.1, Kaua'i County Code 1987, As Amended, Relating To The General Provisions Relating To Motor Vehicles And Traffic Regulations, to align with Hawai'i Revised Statutes (HRS) Section 286-106, which sets forth the renewal periods based on the recipient's age at the time of issuance.

Councilmember Kualii moved to receive C 2023-36 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to receive C 2023-36 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE REPORT:

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-02) submitted by the Finance & Economic Development Committee, recommending that the following be Received for the Record:

"FED 2023-01 Communication (01/25/2023) from Council Chair Rapozo, requesting the presence of the Director of Finance, for a briefing and overview of the County of Kaua'i's Real Property Tax system of the following:

- Tax relief programs that can assist property owners in reducing their real property tax bills.
- Various deadlines and important dates in the real property tax calendar.
- Overview of how real property tax valuations are determined.
- Overview of tax classifications,"

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

Council Chair Rapozo: Is there any discussion or public testimony?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2894) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, ARTICLE 1, SECTION 17-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE GENERAL PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATIONS

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2894) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 8, 2023, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this matter? Reiko, are you here to explain your bill?

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: Good morning. Reiko Matsuyama, Finance Department. I prepared a very quick presentation on this Bill. It is relatively simple. Basically in the last legislative session, the State Legislature passed a bill that extended the driver's license renewal term for those ages seventy-two (72) to seventy-nine (79). In looking at our County Code, we have ages set in each of the renewal term categories, and so what I wanted to do in this Bill is basically just remove the ages and reflect whatever Hawai'i Revised Statutes (HRS) Section 286-106 has listed. The first line is basically a cut and paste of Act 159 that was signed by the Governor last year. You see that the only change that was made was for the seventy-two (72) to seventy-nine (79) bracket and their renewal period went from two (2) years to four (4) years, so that is better reflected here on this little chart. No other changes for any other age bracket, except for those that fall within seventy-two (72) to seventy-nine (79). Bill No. 2894 is just drafted to mirror HRS Section 286-106. There are some benefits of this Bill. It will reduce the foot traffic in the Department of Motor Vehicles (DMV) for those that are of that age bracket. We can consistently apply our five-dollar per year renewal fee to all license holders and it will enable us to make any changes that HRS does. We can do that immediately within our code without any future changes. There is actually a bill in this legislative session to touch the renewal period for those ages eighty (80) and up.

Council Chair Rapozo: Thank you. Are there any questions for Reiko?

Councilmember Cowden: I have not gotten any resistance to this at all. Have you had any reason to believe anyone would be unhappy with this?

Ms. Matsuyama: Not that we have seen.

Councilmember Cowden: How many seventy-four-year-olds typically fail their test, when it has been every two (2) years? Do they have to do the entire driver's test?

Ms. Matsuyama: No. They do not have to do the driver's test unless their license is way expired and I do not remember what the timeframe is for that, but it is a long time. They do have to do the eye test, yes. They have to look in the machine and read the letters.

Councilmember Cowden: Is the main piece when they are doing the more frequent...what about if they are eighty-one (81) or older. A lot of times people's intellect is completely solid, but maybe their reflexes are not. When we are doing the eighty-one (81) and over, do you know what we are looking for? Do you do a driver's test with the eighty-one-year-olds?

Ms. Matsuyama: No. It is their approach to the window. We need to see that they are physically able walk to the window, then the eye test, but there is no other screening process.

Councilmember Cowden: I am definitely supportive of this. I started joking saying, "seventy is the new fifty," when you see how people—there are eighty-year-olds doing really great in international competitions. At any age, we can all manage differently and we have disabled people who can drive fine, but I would assume this two-year piece is about reflex, right? That is the skill that really matters when you are on the road.

Ms. Matsuyama: Yes. I cannot comment to why or what the age ranges are...that is just basically written in State law.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Councilmember Evslin.

Councilmember Evslin: Thank you, Reiko, and thank you for not doing a seventy-five-page PowerPoint presentation.

Ms. Matsuyama: You are welcome.

Councilmember Evslin: Just kidding.

Councilmember Cowden: I liked her seventy-five-page PowerPoint presentation.

Councilmember Evslin: I liked it too. It was amazing. Presumably we have to do this, right, when we are preempted by State law and have to align with HRS?

Ms. Matsuyama: In addition to that, our system is tied to theirs as well, so, yes.

Councilmember Evslin: Okay, thank you.

Council Chair Rapozo: Are there further questions? In essence, this is housekeeping.

Ms. Matsuyama: Pretty much.

Council Chair Rapozo: It is not like we have a choice.

Ms. Matsuyama: Yes, we are going to do it.

Council Chair Rapozo: I mean our County Code cannot be different—as it relates to HRS Section 186-102, cannot be different, right?

Ms. Matsuyama: That is correct.

Council Chair Rapozo: It is a matter of housekeeping. I thought I heard on the news that the State was looking at...even for the eye test that people could come in with a note from their eye doctor and it was done within six (6) months and that would be sufficient. I think that is what the legislature at this session, which would be very helpful.

Ms. Matsuyama: I have not see that, but...

Council Chair Rapozo: I am not sure if that is going to pass, but I know that is one of the items and that would really help out.

Ms. Matsuyama: Okay.

Council Chair Rapozo: Thank you. While the rules are suspended, is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion?
Councilmember Cowden.

Councilmember Cowden: I have no problem passing this and it is not like it is really up to us to do. This seems fine, I just want to make the comment that if what we are concerned about is reflex capabilities, wherever the age is, this would not catch it. That would be the reasoning. I have friends that drive fine over one-hundred-years-old.

Council Chair Rapozo: And I have friends that are under forty (40) that drive...and they should not have a license. It could go both ways. I know that

KPD has a mechanism that they come across a driver, regardless of age, but more in line with elderly drivers, but if an officer believes they need to be retested, there is an opportunity for them to submit a form to DMV and require this person to be retested.

Councilmember Cowden: Question on that. Would that retesting mean to take a driver’s test?

Council Chair Rapozo: I believe it is the entire...if they believe they need it.

Councilmember Cowden: Okay.

Council Chair Rapozo: Is there further discussion? Roll call.

The motion for passage of Proposed Draft Bill (No. 2894) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 8, 2023, and that it be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Motion is carried. I know you walked in late and I am not sure if you are here to testify?

(Note: A member of the public was asked if she was there to testify on an agenda item. She responded, “This is my first Council Meeting that I am attending. I wanted to see what it is like.”)

Council Chair Rapozo: Unfortunately, we are just about ready to end. We are going into Executive Session and I wanted to make sure you did not come in for the Real Property Tax Bill. Come next week. With that, that will end the open session of our meeting. We have Executive Sessions.

Ms. Fountain-Tanigawa: Council Chair, on ES-1089, the request is to defer in open session.

There being no objections, ES-1089 was taken out of order.

EXECUTIVE SESSION:

ES-1089 Pursuant to Hawai’i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua’i County Charter Section 3.07(E), on behalf of the Council, the

Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to defer ES-1089.

Councilmember Cowden: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Oh, okay, what are we doing with ES-1089?

Councilmember Kualii: We are deferring ES-1089.

Council Chair Rapozo: For whatever reason, we are deferring ES-1089. Council Vice Chair moved to defer ES-1089 and we need a second.

Councilmember DeCosta seconded the motion to defer ES-1089, and unanimously carried.

Council Chair Rapozo: Can we get a motion to go into Executive Session for ES-1088?

ES-1088 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(2), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of the Council, requests an Executive Session to enable Council to consult regarding the evaluation of employees of the Council Services Division of the Office of the County Clerk and to consult with the Council's legal counsel. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1088, seconded by Councilmember DeCosta.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to convene in Executive Session for ES-1088 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Evslin, Kualii, Rapozo	TOTAL - 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Council Chair Rapozo: That ends the open session of our Council Meeting. Thank you all for being here.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:18 a.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc