

COUNCIL MEETING

NOVEMBER 15, 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, November 15, 2023, at 9:16 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 Ross Kagawa (*present at 9:26 a.m.*)
Honorable Mel Rapozo

Excused: Honorable KipuKai Kuali'i

(Note: No one from the public testified on any agenda item via oral testimony via the Zoom remote technology platform.)

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there anyone in the public wishing to testify on the agenda? Seeing none, is there any discussion?

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 carried by a vote of 5:0:2 (*Councilmember Kagawa and Kuali'i were excused*).

Council Chair Rapozo: The motion carries. Clerk, can you read the next item?

MINUTES of the following meetings of the Council:

October 18, 2023 Council Meeting
November 1, 2023 Public Hearing re: Bill No. 2907, Bill No. 2908, and Bill No. 2909

Councilmember Carvalho moved to approve the Minutes, as circulated, 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 to approve the Minutes, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember Kagawa and Kualii were excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

CONSENT CALENDAR:

C 2023-239 Communication (10/27/2023) from Bernard P. Carvalho, Jr., Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2024 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2023:

- A Bill For An Act Relating To Family Leave (*County of Maui*)
- A Bill For An Act Relating to Tobacco Products (*City and County of Honolulu*)
- A Bill For An Act Relating to Traffic Regulation (*County of Hawai'i*)
- A Bill For An Act Relating to Emergency Management (*County of Hawai'i*)

Councilmember Carvalho moved to receive C 2023-239 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?
The Resolution will come up later in the agenda to discuss each item.

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

The motion to receive C 2023-239 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember Kagawa and Kualii were excused*).

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

COMMUNICATIONS:

C 2023-240 Communication (10/17/2023) from the Chief of Police, and Elliott K. Ke, Assistant Chief, Patrol Services Bureau, requesting Council approval to receive and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions, with a total anticipated amount for the Fiscal Year of \$603,918.00, and approval to indemnify the State of Hawai'i, Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contracted period of July 1, 2023 to June 30, 2024.

Councilmember Cowden moved to approve C 2023-240, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, I will suspend the rules.

(Councilmember Kagawa was noted as present.)

There being no objections, the rules were suspended.

ELLIOTT K. KE, Assistant Chief, Patrol Services Bureau: Good morning, Chair and fellow Councilmembers. Kalani Ke, for the record. Thank you for this opportunity this morning, requesting your approval to receive these funds. These funds are part of a recurring grant that we receive from the Department of Health (DOH). This grant has been in place since 2021, and we will utilize this funding to reimburse some of the cost to run the Public Safety Answering Point (PSAP). Our PSAP is staffed with employees that work around the clock, working three (3) shifts. Minimum staffing in the Dispatch Center is three (3) personnel, they run three (3) different consoles. They run 9-1-1, they run the radio; so, police, fire, and medics, dispatching and they also answer our non-emergency lines. I just pulled the numbers this morning and as of the end of October, almost fifty thousand (50,000) calls were received at the PSAP center. They work extremely hard in there. We are unfortunately short staffed in the Dispatch Center and we are actively recruiting and trying to fill those vacancies, which is ongoing. This grant will help us with some of the expenses.

Council Chair Rapozo: Are these moneys for the three (3) positions?

Mr. Ke: Yes.

Council Chair Rapozo: It helps pay the salaries of those three (3) positions?

Mr. Ke: That is correct.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: These positions are existing positions; we are not adding positions. How many dispatcher positions are we short?

Mr. Ke: Our General Fund positions is seventeen (17), and through the grant, we have three (3), and right now we have thirteen (13) of our seventeen (17) positions filled, but we are running about a forty percent (40%) vacancy in there. Some of them work their eight-hour shift, and sometimes have to work four (4) hours post-shift, or some of them come in four (4) hours pre-shift just to cover the gaps that we are seeing in the center.

Councilmember Cowden: A lot of gratitude for them for that.

Mr. Ke: Yes.

Councilmember Cowden: Can you tell me what PSAP means?

Mr. Ke: Public Safety Answering Point, all the different calls that come in for requests for services or emergencies.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there any further questions for the Kaua'i Police Department (KPD)? If not, thank you. Is there anyone in the audience 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 discussion? Councilmember Cowden.

Councilmember Cowden: I want to honor our first responders, which is our dispatch, for the people out there listening, if they want to help, please contact the County and join the team, because it is such an important job. I want to extend gratitude to all of our dispatchers that are working around the clock.

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

Councilmember Bulosan: I had a chance to do a walkthrough and learn about the operations and how much they respond to our community, and provide a safe space, that they are truly first responders and are not fully recognized at the level that they should be, especially in salaries and wages. I hope in the near future, the organizations look at really fortifying what we do to support our dispatchers, because they are our frontline people. Any increase and support we can do for them; I hope the State can look at that at this upcoming legislative session.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: We went through budget and heard concerns from some of the dispatchers, and anything we can do to help them, because they have a stressful job, not paid great. It is hard to keep them working and turnover is not a good thing when they have years of wonderful service that they can continue to provide. We need to continue to appreciate them and let them know how important they are. It is not only about the first responders, but also about the dispatchers receiving the first call, we need to make sure we keep them efficient and happy.

Council Chair Rapozo: Thank you. Is there anyone else? Councilmember Carvalho.

Councilmember Carvalho: I support the dispatchers because they are the ones who receive the first call, if you will. I am very supportive of what they do and whatever we can do to continue to support this part of our team is awesome.

Council Chair Rapozo: Is there anyone else?

The motion to approve C 2023-240 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion carried. Next item, please.

C 2023-241 Communication (11/02/2023) from Renee M. Yadao, Waterworks Controller, and Joseph E. Tait, Manager and Chief Engineer, requesting Council approval to dispose of various fiscal division records, pursuant to Hawai'i Revised Statutes Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and no longer of use or value and warrants of the County that have been paid and that bear any date over ten (10) years:

- Accounts Payable (Claim vouchers, support documents, invoices from 2013 and older)
- Asset, Inventory (Material inventory records, reports, and logs from 2013 and older)
- Reporting (Financial reports, budget reports, cash distribution reports from 2013 and older)
- Payroll (Payroll reports, registers, timesheets, leave requests from 2015 and older)
- Contracts/Purchase Orders (POs) (Closed contracts/POs, and supporting documents from 2013 and older)
- Receipts/JEs (Customer payment logs, routine journal entries from 2013 and older)

Councilmember Cowden moved to approve C 2023-241, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there any discussion?

Councilmember Cowden: I have a simple question.

There being no objections, the rules were suspended.

RENEE M. YADAO, Waterworks Controller: Good morning, Council Chair Rapozo and Members of the Council. For the record, Renee Yadao, Waterworks Controller.

Councilmember Cowden: Nice to see you, Renee. The Department of Water and all of us are lucky to have you there. Are we in a process over there digitizing any of these old records? When they go in the shredder, are they gone for good or have any of them been digitalized?

Ms. Yadao: We are going to scan the ones we need.

Councilmember Cowden: Okay. Those will probably be contract or the bigger items, correct?

Ms. Yadao: If we would need to refer to them, yes.

Councilmember Cowden: Okay. That was my only question.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: If the law says seven (7) years, but it was requested by a legal entity and it was not saved, what is the process?

Ms. Yadao: This is based on the Hawai'i Revised Statutes (HRS), and we follow (inaudible) guidelines, so we follow the State laws and regulations for retention purposes.

Councilmember Bulosan: Thank you.

Councilmember Cowden: I appreciate the entire new team in the Department of Water. Have you done any comparative analysis? Do we need to have any of that before we get rid of these old records to see points of growth or is the basic information already available among all the monthly reports? Do we need any of this?

Ms. Yadao: No.

Council Chair Rapozo: Are there any further questions? Seeing none, thank you very much. Is there anyone in the audience wishing to testify?

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

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I wanted to thank Renee for what she is doing. I am hearing good things about the Department of Water and where they are headed, and I just appreciate her going over there and doing a great job. Regarding records, HRS are meant to guide us. You do not realize the amount it piles up to and when you stop keeping things beyond seven (7) years, it becomes a question of, even if it was not in place and you had to keep everything, would you even be able to find it? It is so much clutter of paperwork, and I think that is why HRS determines what is reasonable and what is not reasonable to keep. Things pile up into clutter, if you do not set a timeline on it and follow statute of limitations, even if we were asked to find it, it would be very difficult, like finding a needle in a haystack. I appreciate these laws being in place. We only have so much storage for things, and they are just following what normal best practice is. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I want to follow and concur. Before I was elected, I always thought to myself, "Why would they throw away records," until when

I very first got here and I had a tour and saw all the records, which is really a fire hazard. There are boxes and boxes of paper that are hard to manage and so I understood when I looked at it. I am just asking about if we keep any of it digitally or if the most important things are kept, to be able to ensure and then also for viewers and the public, because until I physically saw what they were dealing with, I always thought, "Why throw anything away?" I have a lot of confidence in you and thank you for the job that you do.

Council Chair Rapozo: Thank you. The motion is to approve.

The motion to approve C 2023-241 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion carried. Next item, please.

COMMITTEE REPORTS:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (No. CR-PRT 2023-04) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Approved as Amended on second and final reading:

"Bill No. 2907 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE,"

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

PLANNING COMMITTEE:

A report (No. CR-PL 2023-04) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2023-02 – Communication (10/05/2023) from Committee Chair Carvalho, requesting the presence of the Planning Director, to provide a briefing regarding the upcoming East Kaua‘i Community Plan process,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-13) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2902, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2025*),”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2023-13) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2023-07 – Communication (10/03/2023) from Council Chair Rapozo, requesting the presence of Alice Luck of Kaua‘i Planning and

Action Alliance, to provide a briefing on the Kauaʻi Resilience Project and specific opportunities that the County has to support youth on Kauaʻi,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

A report (No. CR-COW 2023-14) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2908 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR – \$61,400.00*),”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

A report (No. CR-COW 2023-15) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2909 – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR,”

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

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

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

RESOLUTION:

Resolution No. 2023-66 – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

Councilmember Carvalho moved for adoption of Resolution No. 2023-66, seconded by Councilmember Kagawa.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: We had the Hawai'i State Association of Counties (HSAC) Meeting, and every County introduced their resolutions, which is before you.

Councilmember Cowden: I think that we should at least state what each resolution is, so it is on the record, and for the viewing public, they can hear what it is.

Council Chair Rapozo: Let me go through it. The first item in the package is relating to Family Leave. This would establish paid parental and family leave, so that all state and county employees can access leave benefits during times when they need to provide care for a family member. For the public's information, HSAC is our Hawai'i State Association of Counties made up of one (1) representative or one (1) director from each county and Councilmember Carvalho is our representative, he is also the President. Every year, HSAC puts together a package, as what we have here today, and then it goes to all the counties. All counties must approve for it to go through. If one (1) county says, "No," then it is no. The votes must be unanimous, which can be difficult to get items on the package. The first one, as I just stated, is relating to Family Leave, which is asking the Legislature to consider allowing family leave for all county and state employees. The second item is relating to Tobacco Products. It is repealing the existing law that provides all local ordinance regulations and so forth, are preempted and HSAC is now looking at having more home rule in regulation of tobacco products. HSAC wants to see the counties have the ability to regulate tobacco products in the individual counties. The

third item is relating to Traffic Regulations. It empowers counties to establish access limits to safeguard certain streets, highways, thoroughfares, much like what is being done at the end of the road, what is that diving spot in Honolulu...

Councilmember Kagawa: Hanauma Bay.

Council Chair Rapozo: Hanauma Bay. Right now, everything is regulated or governed by the state and what the counties are asking the state is to allow the counties some mobility to enforce access limits on certain areas that are over visited or overused. The fourth item is related to Emergency Management, which basically clarifies that the governor's authority includes the suspension of Chapter 667 foreclosures for up to thirty-six (36) months on any property with substantial damage resulting from a disaster under a state of emergency proclaimed by the governor. This was due because of the Maui situation. That is it, as far as the Legislative Package. In your packet, on your agenda, each item is in the actual bill, the language of the bill is in place, so you can take a look at it, if you have any questions.

Councilmember Cowden: I want to also point out that we have these legislative priorities and in that case...because we now have as HSAC has our own lobbyist, which is a step forward, we have someone who knows what they are doing actively pursuing, keeping us informed of key legislative items, so we have a list of nine (9) here, and I do not think it ends with that. I just want to acknowledge we have an executive director and we have a "lobbyist," which that word feels uncomfortable to me, but we have a registered lobbyist, so that we get our needs more effectively met through HSAC. All of that is good.

Councilmember Carvalho: Overall, we have our monthly meetings, and we go back and forth with the different counties, but this as you see before you, these are the top four (4). Chair Rapozo just went over. We also have priorities with John Okudora, is his name, so we have a good connection there, overall.

Councilmember Cowden: Yes, and I want to highlight financing residential cesspool conversions as an example. These are several things that have come up. Relating to insurance covering concerns for Hawai'i communities impacted by natural disasters including wildfires, hurricanes, and floodings. Also, extended producer responsibility with regards to solid waste. Another very important one, we had a very passionate discussion here about traditional midwifery. It is another effort—to increasing the number of mental health services and providers for children and adolescents in rural counties and even last week, we had Kaua'i Resilience Project present talking about that concern. I am just wanting to point out that we are working where we can with the state actively and as effectively as possible.

Council Chair Rapozo: Thank you. Is there any further discussion? Seeing none, the motion is to approve. Roll call, please.

The motion for adoption of Resolution No. 2023-66 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. Next item, please.

BILLS FOR SECOND READING:

Bill No. 2902, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2025*)

Councilmember Carvalho moved to approve Bill No. 2902, Draft 2, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion?

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

Councilmember Cowden: I appreciate that the Department of Finance is present and I want to acknowledge that Bill No. 2902, Draft 2, I felt the “teeth” were taken out of it. Bill No. 2901 and Bill No. 2902 were important and needed what were almost like housekeeping changes and then a few changes that I think will help a handful of households that need the help. I am comfortable with this, but what is important for me to acknowledge is the bulk of the challenge is still in front of us, and so it has not yet been addressed. The way that we moved with our tier system last summer is a very substantial change. We must be diligent, and I recognize that it is difficult for the Department of Finance and the assessors to navigate this challenging time, but we have had rapid inflation that might be softening, but our house values have gone up a lot. All of property values have gone up a lot, so owner-occupants still hold that three percent (3%) assessment cap, so people who live in homes that they own are still protected, but we need to be very careful. I want it to be clear that we are not done with real property tax because this winter budget season, it would be a late time to try to figure out the new levers that we have with tiers and rates. It is not the time that far along to change what we are doing, so in the next few months, I hope that we make a substantial evaluation of what is there. It is very significant. I do not want more people losing homes or businesses or being driven from the island because of undone homework on this difficult problem.

Council Chair Rapozo:

Thank you. Is there any further discussion?

Councilmember Kagawa: Let me go back in time a little bit. In 2012, when I was serving my first term, Council Chair Rapozo and I got rid of what we had which was similar to Proposition 48 and was a two percent (2%) cap on real property taxes. We changed to ad valorem system which is now where we are at with market values going crazy. We are trying to balance what is fair, what is advantageous for local people to make sure that their taxes do not go crazy, where they struggle financially, where property values are affected by taxes to the point where it may go to outside Kaua'i residents. When we changed that, Council Chair Rapozo and I fought to keep it, because we thought that system protected exactly what I was talking about, we lost 5:2 on that vote. Now, here we are similar to other counties in Hawai'i, we got rid of that and today we are at the point where with the property values the way they are, how do we do the same thing that we thought was working in 2012. When we talked about some of the problems with the Finance Department, we have to be very careful and make sure we work diligently with them and taking the effects of changes in policy, because what may seem to be saving people may actually be benefiting the rich, outside investors that would be saving hundreds of thousands of dollars, and then where does that burden shift to? It is going to shift to our residents and our local businesses. We need to take our time and work closely with the Finance Department. It is going to be some sort of compromise at the end, and hopefully we can do that, protecting our local families that need it the most. Thank you.

Council Chair Rapozo: Is there further discussion? As I shared at the last Committee Meeting that we will be implementing a sub-committee at our next Council Meeting, we will have the resolution that will establish that committee that will work with the Administration. The focus will have to be on the local residents. The focus will have to be on our people here, our local landowners that are facing losing their properties and being forced to sell. There are a lot of things that happen that go beyond our control, but at the end of the day, we, as this body, must figure out what is best for our residents. The Administration will ultimately have to comply with what this body directs, that is just the name of the game, right? We sit here with the Department of Parks & Recreation, "We need to buy a tree trimmer," or the Fire Department says, "We need to buy this truck because we need to take care..." even if the community that is going to receive the service from that specific might be a small demographic, we still must pay the price. I see no difference with the Department of Finance. If this Council decides that we want to implement measures in our tax code that require them to get new vendors, new software, so be it. We cannot let the existing software hold us back. We cannot reply that we cannot do that. For me, that is not...we provide the resources to finance so they can get the job done that we want to see. That is how this body works. That is how this government works. We are not restricted to what we want to do. We need to be willing to put forward the resources to make sure we can accommodate that and make that happen. I am not looking for excuses or reasons why we cannot do...my focus on the sub-committee is to determine what we are going to do, how are we going to do it, and make sure the Department of Finance has the tools to make that happen. That is how it is done. Those days of, "We cannot do this" ...every day we wait, some local family is losing their property. The longer we take, the more people lose their

properties, more people sell, and more people move. We have a little bit of time because anything we do now will not affect the tax code, the tax system until the next year. But, we will determine what we want to see and make sure it is implemented.

The motion to approve Bill No. 2902, Draft 2, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item, please.

Bill No. 2907, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE

Councilmember Kagawa moved to approve Bill No. 2907, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: Can we have Wally come up? I have a few questions and it will not affect my vote. I support this Bill.

Council Chair Rapozo: Okay, Mr. Rezentes.

Councilmember Kagawa: Thank you for being here, Wally. You may be able to answer some of the questions right now. We received some testimony from some discontented golfers who are looking at the fee increases. They are not arguing about the amounts of the increases. They are complaining about some deferred items, such as the parking lot, cart paths, clubhouse, and concession. Are there any plans to address those things? Could you reiterate? I know you answered the cart path thing a little the last time. Could you roughly talk about the plans for those four (4) items?

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation: Wally Rezentes, Deputy Director of Parks & Recreation, for the record. For the cart path, in the current Fiscal Year budget, the Administration proposed and the Council approved a Capital Improvement Project (CIP) line item of one million five hundred thousand dollars (\$1,500,000) to do the cart paths. Last week, I reported that we tried

to look in-house to see if we could get specifications done without a consultant, and after some due diligence, it was determined that it would be best to hire professional services, so we are in the process of getting that contract done. We are hoping that we get the contract executed in early-2024, with estimates of doing the work in the latter part of 2024. That is for the cart path. For the restaurant concession...I think there was a question on that. We did receive a bid and we are looking at a recommendation of award that went to the Department of Finance, Division of Purchasing yesterday. We are hoping to issue a notice to proceed in December. There will be some work that the concessionaire would have to do internally—chairs, tables, and what not—so there will be some lead time to that. We will work with the concessionaire to get that done as timely as possible. I do not have a date yet; we need to work with the selected vendor to see how quickly they can get the space operational. One option is to see if they can get the snack bar done earlier than the rest of the restaurant, but we can discuss that with the concessionaire once they have signed.

Councilmember Kagawa: The snack bar is a great idea.

Mr. Rezentes: With respect to the cart barn, that will need to be a CIP item. I briefly spoke to Reiko Matsuyama yesterday and we do acknowledge that addressing that is well past due. As far as rehabbing or redoing the entire thing, that would need to be discussed internally and with consultants, but that request would probably need to be included in the upcoming Fiscal Year budget.

Councilmember Kagawa: The final one is the parking lot.

Mr. Rezentes: We are hoping...

Councilmember Kagawa: If possible, could there be a quick repaving and a quick restriping?

Mr. Rezentes: Our priority is the cart path. If we have available funds, we can look at the parking lot, but based on the concerns of folks, the priority should be the cart paths.

Councilmember Kagawa: Is there any possibility of doing quick patches in areas where there are major potholes developing?

Mr. Rezentes: We will look into that. Yes, we can look into the larger ones.

Councilmember Kagawa: Thank you. I want to go back into...for the past thirteen (13) years...2010 was the last one, right? We averaged about one million two hundred thousand dollars (\$1,200,000) in revenues. What is the estimate? Knowing that we are proposing to raise the non-resident price by almost double...and it is still a lot cheaper than many of the other municipal courses in the State and we have the best course. I do not think it will deter play, but if we look at the amount we are proposing to raise, which was amended from eighty dollars (\$80) on weekdays and one hundred dollars (\$100) on weekends in the Committee Meeting. With those

projections, do we have any idea if that one million two hundred thousand dollars (\$1,200,000) will go up to nearly two million dollars (\$2,000,000) or one million eight hundred thousand dollars (\$1,800,000)? Is there any estimate that you can come up with or that we are hoping for?

Mr. Rezentes: If play stays the same, we are looking at approximately one million seven hundred fifty thousand dollars (\$1,750,000). That is a rough estimate.

Councilmember Kagawa: So maybe about five hundred thousand dollars (\$500,000) more?

Mr. Rezentes: Yes, and if we receive ten percent (10%) less play across the board, we are looking at one million five hundred seventy thousand dollars (\$1,570,000), so it is still higher. If we receive twenty percent (20%) less play, it is about one million four hundred thousand dollars (\$1,400,000). One of the Council's requests was to come back in six (6) months, after we get some actual data, so if this Bill passes July 1, 2024, as the effective date, we run it through, then maybe into January of the following year, we can report back and explain what the actual versus...you know, and see how that played with the estimates.

Councilmember Kagawa: The number we tried to drill home to these discontent golfers is that the subsidy for Wailua is currently two million four hundred thousand dollars (\$2,400,000). That means our expenses are about three million six hundred thousand dollars (\$3,600,000). Thirteen (13) years ago, I remember it was a little over one million dollars (\$1,000,000). In the thirteen (13) years, our expenses went up from about two million four hundred thousand dollars (\$2,400,000) to three million six hundred thousand dollars (\$3,600,000).

Mr. Rezentes: I think that is about right.

Councilmember Kagawa: That is about the going rate with collective bargaining...

Mr. Rezentes: Yes, with salaries and fringes.

Councilmember Kagawa: Collective bargaining, utilities, fertilizer, equipment, and everything else have gone up. Great job. I appreciate your feedback. Thank you.

Council Chair Rapozo: I know the original Bill was to take effect upon approval. That has changed. This will take effect in January.

Mr. Rezentes: Yes.

Council Chair Rapozo: We can plan on having an update in July or August.

Mr. Rezentes: It will probably be a July or end of July timeframe.

Council Chair Rapozo: This will give you folks some time to implement. Otherwise, you would need to do it immediately. For the golfers out there, it does not change until January 1st. Councilmember DeCosta.

Councilmember DeCosta: Thank you for all you do, Wally. I am very honored to have you as the Deputy Director of Parks & Recreation. You are a very knowledgeable person. I also want to thank my colleague, Councilmember Kagawa. We worked very diligently on this. It was a move that was brought to our attention. Actually, it was the Chair who brought the subsidy golf course to our attention, and we took it upon ourselves to increase the fees, so we could become more self-sufficient. It looks like even if the play decreases by ten percent (10%), we will still make three hundred thousand dollars (\$300,000) more, which could help with the improvements of the golf course and put back what the taxpayers are subsidizing. I want to let you know something, Wally. When you do the reevaluation in six (6) months, please visit the Visitors Bureau and make sure the numbers that are coming to Kaua'i are the same as their travel, because sometimes when travel drops, play time at the golf course will drop and that number will not be the true number that we are looking for. The main thing is that you look at how many visitors are coming, how many have been coming, that the tourist industry did not drop on travel, and we do not end up coming back and saying, "Hey, we have less pay at the golf course." It is perhaps because we have less visitors traveling. There could be winter storms across the United States, there could be catastrophic events preventing people from traveling, so let us be very *akamai* when relaying those numbers back to the Council.

Mr. Rezentes: Just so you know, we do work with Sue Kanohe and the Kaua'i Visitors Bureau (KVB) on promoting golf on the island at Wailua as well as the other courses. There are monthly or so meetings with the other golf courses. Dan Urwiler from our golf course attends those meetings. They also do promotions. In fact, there was one that was recently completed that I would be happy to send to you. I think it was really well done as it showcased the different courses, had interviews with Dan and others at the course as well as the other courses on-island. We have spent a little bit of money on promoting the course with KVB.

Council Chair Rapozo: Where are we on rounds played now compared to last year?

Mr. Rezentes: I can get that information. I do not have it with me right now.

Council Chair Rapozo: I would guess that it was higher.

Mr. Rezentes: I think Councilmember Kagawa had a piece on that. I do not have that with me, but we do have that data.

Council Chair Rapozo: I would love to see a month-to-month comparison over last year. I would guess that it is up. Everything I have read and

seen with the increase in visitors coming to our island, breaking all the records, and spending more money than ever before. I need to believe some of that is funneling through the golf course.

Mr. Rezentes: Obviously, the rounds have come back since COVID-19 times where it hit a low. It has come back quite a bit. They have a fair amount of play right now, but we can provide that data.

Council Chair Rapozo: Thank you. Are there any other questions for Wally? If not, thank you, Wally. Is there anyone in the audience wishing to testify? Seeing none. Is there any further discussion? Councilmember Kagawa.

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

Councilmember Kagawa: Thank you, Chair. I need to compliment Councilmember DeCosta for having the “guts” to bring this before the Council. It is easy to get elected to the Council and to have a policy of getting in and not raising anything, but when you hear what the expenses of the golf course have become over the thirteen (13) years and that no action has been taken, the fair share has not been collected over some time. As a regular golfer, you need to be really appreciative of previous Councils and Administrations who have basically allowed you to play for a huge discount. That is not a bad thing. Do not get me wrong. On Maui, they charge user fees for using tennis courts, baseball fields, and they even charge youth leagues for games now. In addition to collecting money for uniforms, yearly fees to the National Pony Association and whatnot, they need to pay for use of the fields as well. They either do that or fundraise. On Kauaʻi, it is at a discount. We love to provide discounts to our local residents for recreation, but when you have a fabulous golf course like Wailua and it is in the top ten for playing conditions in the nation, there is a point where fair fees need to be collected, and I think it is not. That is why I strongly stand behind this vote regardless of what stones come my way. That is why we are in the “hot seat.” It is about trying to collect a fair share and we will get more data in July. Maybe more increases are coming. From my standpoint, I want to make sure that we are not at the point where we are two million four hundred thousand dollars (\$2,400,000) subsidized. That is too much. There are a lot of non-golfers taxpayers and there are a lot of needs out there, such as affordable housing and lower property taxes, which non-golfers want as well. It is called “balance.” We need to balance and when you have balance in government, sustainability is much higher. I thank everyone on the Council for supporting this. It is not easy to tax something like golf and you receive the emails and the criticism, but sometimes it is the right thing to do, and I think this is the right thing to do at this point. Thank you, Chair.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: I appreciate what you both did with the golf course. What I really want to see is the golf course continue and not change on its application. One of the reasons I want to see the data in six (6) months, both on the economic level and the playing level, and in which categories...when we keep our seniors or any of our people healthy, because when they are out there in the sun,

moving, walking, and all of that, it is really important for that exercise, so everyone matters, including golfers. I want to make sure that we have these people who are really only getting a three-dollar a tee time increase, that is really not substantial, I want to see that those numbers are still staying up. When we talk about spending being up, that is a reflection of inflation, right? We went from what sounds like almost sustainable in 2010 to paying only one-third ($\frac{1}{3}$) the tee fees, so we are only paying one-third ($\frac{1}{3}$) of it now. We want to get closer to the mark, but when we talk about the indicators that show the visitor numbers are up, we have the flights coming in. That is really the number to see. When I hear about spending more money than ever, it is because everything costs more money than it ever has, whether it is a t-shirt, a taco, or renting a car. Spending is up because costs are up, so we want to look at how we limit it, too. One of the things I would be looking at...I know we looked at the visitor cost. The visitor cost went up the most, and when we have the cart fee on top of it, we do not really want to lose that, because that is where we really are getting our extra dollars in. I am supportive of this. I have gratitude that for our regular residents, like seniors, the monthly fee...and not even seniors, just a regular person, seventy dollars (\$70) a month is pretty darn good. That is pretty darn good. Thank you both for working on this and doing your best to have a good solution.

Council Chair Rapozo:

Thank you. Councilmember Carvalho.

Councilmember Carvalho: I just want to say *mahalo*. I am totally supportive knowing back then in 2010 to now and trying to look at progressing and moving forward. I have one (1) comment. Our HSAC conference was here. The attendees from Washington, D.C. and all over loved the course. The course itself resonated to those who came and visited the course. I was on the course with them. We were talking about the layout of the course and all of that. This movement is a positive step forward. I know it has been a while, but with the layout, how we are moving forward, looking at concessions and everything operations-wise, it is a reasonable step forward, so I totally support it and look forward to more opportunities to continue to discuss the Wailua golf course, because I believe there are a lot more good things to come, so I look forward to more opportunities coming. Thank you.

Council Chair Rapozo:

Thank you. Councilmember DeCosta.

Councilmember DeCosta: In closing and with final discussion, I need to thank my colleague, Councilmember Kagawa. Our job as legislators is to create laws. Bills are our job. Certificates, resolutions...bills are what matters. I believe that this is a really good Bill. It did not just happen because it was brought to our attention. Councilmember Kagawa and I sat in his office for a couple hours debating if we should do this. It could be a cut-throat thing and a lot of people could be upset. When you do the right thing and the right bill, it makes sense, and I believe our resident golfers know that the County of Kaua'i has been taking care of them, taking care of a world-renowned course and they appreciate it, and the incremental fee increase of a few dollars is something they are willing to support. On the non-resident side, our visitors...I think we cater all the time to the visitors. This is a good way that the visitors can cater back to the community, to offset some of the costs that our local residents deserve to have. A lot of the other golf courses are in commanding of our Bill, because it will make the fee a little more competitive among other golf courses,

and now some of the tourists may be attracted to trying out other golf courses, and that is great. Everyone needs a little bit of the “cash cow” that comes in. But when I hear things like, “Hey, let us cater to the visitors because they spin our economy,” I want to make sure we cater to our residents. This Bill ensures that the cost will be offset to our residents and our non-residents will carry the cost. Thank you, again, Councilmember Kagawa. This is probably a Bill that I am proudest to have worked on.

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

Councilmember Bulosan: I want to thank the introducers for this Bill. This is one of the first big steps that I was hoping to accomplish during my first year, and I really appreciate you folks taking it up. As you mentioned, some of these things do take great courage to do because at the first look, it may not look like a popular thing to do. Unfortunately, some of the tough decisions we need to make can be affected by making decisions that are unpopular. This one is one of them. When looking at the budget for our County and seeing how much we invest into running our awesome Wailua golf course, in my mind, one of the challenges is figuring out how we find ways to protect certain things we care about, but also start making moves on the big challenges, like housing, food insecurity, and houselessness. By addressing this one small change, it does create an after effect of really looking at how we can be fairer and more balanced in our budget, and to make sure certain resources go towards things like that. Raising costs on our community it is a very unpopular thing, but it is also important to make these tough decisions now so that we are more sustainable in the long run. I really appreciate you folks for bringing this forward. I am in full support, and I look forward to continuing working on making things more balanced and equal for our community.

Council Chair Rapozo: Thank you. Is there anyone else? Seeing none, roll call.

The motion to approve Bill No. 2907, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. Next item, please.

Bill No. 2908 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL

YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR – \$61,400.00*)

Councilmember Carvalho moved to approve Bill No. 2908, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion? Seeing none, roll call.

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

The motion to approve Bill No. 2908, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. Next item, please.

Bill No. 2909 – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR

Councilmember Carvalho moved to approve Bill No. 2909, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Go ahead, Councilmember Cowden.

Councilmember Cowden: I have a couple of questions. I am not sure who to ask, so I will start with you, Chair, if that is alright.

Council Chair Rapozo: Okay.

Councilmember Cowden: Is there a critical deadline regarding the procurement of the services for the contract auditor? Could it take a two-week deferral?

Council Chair Rapozo: I am not sure if there is a critical deadline or not. The County Clerk is saying it could wait two (2) weeks.

Councilmember Cowden: Okay. Which County department has the influence over the structure of the contract and determining the provider? Is it us?

Council Chair Rapozo: It is us.

Councilmember Cowden: I have not yet gotten what feels like a comfortable understanding of the contract, because as far as I can tell, the contract does not yet exist. I am hoping that I can have a two-week deferral so that I am comfortable with it.

Council Chair Rapozo: Let me try to explain what this process is. There are two (2) moving parts. You have a contract, but you have the enabling legislation or the authorizing legislation that allows the County, in this case, us. This could happen in any department. If any department wanted to do a multi-year contract, it would be the same thing. It would need to come here. We need to pass a bill allowing for a multi-year contract. That is what this is. This is the authorizing bill that will give the Office of the County Clerk, Council Services Division, the opportunity to move forward with securing a five-year contract. We cannot have a contract without this. This is not connected to the contract. This is not a part of the contract. This is the Charter requirement that the Council approves any multi-year contract.

Councilmember Cowden: So this is just the start of the process?

Council Chair Rapozo: That is correct.

Councilmember Cowden: We say, "Yes," to this, and as soon as we say, "Yes," I am assuming the reason why the Charter says we need to say, "Yes," is that we have contracts that are well-structured. Once we say, "Yes," to this, do we lose any and all control over what might be in that contract, how it is written, and anything like that?

Council Chair Rapozo: We, as a County Council?

Councilmember Cowden: Yes.

Council Chair Rapozo: No, not at all. We do not. We do not participate in the contract negotiations for the County Auditor. Traditionally, it has been the County Clerk and the Office of the County Clerk. We have never participated, but that does not prohibit us from having a say.

Councilmember Cowden: Having gone through the Emergency Medical Services (EMS) thing...I am not trying to jump to that other piece, but realizing when we were working on that...that was not us. It was the State, but nuances can happen, and I want to make sure that we have a good contract that is structured. If I say, "Yes," today, is there an opportunity to see what ends up in that contract?

Council Chair Rapozo: Absolutely. Again, the way the structure is set up with the Auditor's contract and historically, it has always been a contract that is pretty much a generic contract. I should not say, "Generic," but it really does not change much, because the requirements by State law and our Charter do not change as far as what is required to be audited. This is a financial audit. This is not a forensic audit. This is not an investigative audit. This is just our annual audit that our Charter requires to make sure that we are keeping our records in line with the Generally Accepted Accounting Principles (GAAP) in governmental finance. This starts the process allowing the County to move forward with the negotiations with the different vendors on the list. All the professional service contractors in the County have to be on the list. Whether you are an attorney, an auditor, or even a private investigator, you need to be on the vendor list of professional services, unlike contractor bids where you put it up. You become a professional vendor, and that is where we select from.

Councilmember Cowden: Does the procurements office handle that selection?

Council Chair Rapozo: Ultimately, the selection will be done by this office.

Councilmember Cowden: I appreciate that you brought up the Government Accounting Standards Board (GASB), if I am saying that acronym right, and then Government Finance Officers Association (GFOA). Without going deep at all, at the National Association of Counties (NACo), I attended an event that really shook my confidence in that...not that I even really understand it...all I know is that when I look at the budget structure, it is very different than what would normally be in private sector. Do you know when we changed to GFOA and GASB? Do you know when that happened? Was it before...

Council Chair Rapozo: That was probably ten (10) years ago, or eight (8) years ago. Honestly, I do not remember. It was a while ago, though.

Councilmember Cowden: Who makes that choice if that is what we do? If we ever wanted to fix that...when I look at this five-year contract that says it has to be GASB and GFOA, then it would be that we could not change it and so I am wondering if the State made that decision or if the County made that decision. Who makes that decision?

Council Chair Rapozo: That is a County decision. It is the GAAP that is set forth.

Councilmember Kagawa: If you do not follow what GASB and GAAP tell you to do, when you apply for loans, bonds, and what have you, they will not be able to give you what you are asking for because they do not know if your financial statements, which are prepared by the Administration, are fairly stated without material misstatements. These are standard things and, as Chair elaborated on, one (1) of the requirements of the auditors is they need to have experience in auditing. The firm that we have is highly qualified. Like I said, they did the County of Maui

and other counties. I do not know if there are others that are. Having experience in doing this very complicated list of tasks that they need to do in order to say these financial statements are free of material misstatements would be a main requirement.

Councilmember Cowden: Will someone here decide if we continue with N&K? Will it be determined maybe this winter?

Council Chair Rapozo: It will be determined by this Office.

Councilmember Cowden: Okay.

Council Chair Rapozo: But we cannot proceed until we obtain approval of this. This is the vehicle, because this is basically...and this is why a bill is required...it is because you are now tapping into future years' budgets. That is why this needs to come here, giving the public an opportunity to say, "No, we do not know what our financial situation will be next year," and that could very well be the case that you are in a down time. If we were expecting this economy to turn in the next year, I do not know if I would commit to a five-year contract, but at this stage in the game, because auditing costs are not as volatile as real estate, it is a relatively safe transaction. The reason I would personally like to see a five-year contract is because consistency and continuity in these audits are so critical.

Councilmember Cowden: I support the need for consistency. It is just that when we do go to these NACo conferences, it impacted me when I saw five (5) really important states react with dismay to having to use GFOA and GASB, but I appreciate what Councilmember and Finance & Economic Development Chair Kagawa said, which is that we cannot get any of these fundings and competitive bids for money without having it. I appreciate that you are reminding me of that again, and I know when we were in St. George listening to basically the Central West being so unhappy with the requirements in these bids for these Federal moneys, we lose our ability to think uniquely because we are forced into this, but I am hearing what you are saying, and I really appreciate the opportunity of having the conversation, because of the Sunshine Laws, we cannot have this conversation in the background, so we must have this learning opportunity right here on the floor that needs to be typed.

Council Chair Rapozo: Live and in color.

Councilmember Cowden: That is why it is not done earlier. It is because I did not have the opportunity to have that conversation, so I appreciate that.

Council Chair Rapozo: I do not want to go too deep into that GASB discussion. I am interested, because I did not attend that session, and I am dying to find out why NACo would even allow that discussion at the annual conference. I am curious, so I am trying to obtain a transcript of that meeting.

Councilmember Cowden: It was about preemption and GASB just came up as a comment.

Council Chair Rapozo: I understand. I remembered. We made the switch when Jay Furfaro was the Chair. That is how long ago it was. I do not know if we really have a choice. I would need to go back and research that. I do not recall us having a discussion about if we should or should not. I am not sure if it was by the State or however, if we were required to make the change. That is something we can discuss at a later time. Again, this is simply the vehicle to give the Office of the County Clerk an opportunity to at least begin the negotiation. Are there any other questions or discussions? Seeing none, the motion is to approve, roll call.

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

The motion to approve Bill No. 2909, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: The motion carries. The next items are Executive Session. Can you read us into Executive Session, please?

EXECUTIVE SESSION:

ES-1110 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by DB Insurance Company Ltd. c/o John Mullen & Company (Delfin Castillo) and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1111 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request for settlement authority in the Equal Employment Opportunity Commission ("EEOC") matter of Anthony J. Morita v. County of Kaua'i, Kaua'i Police Department, EEOC No. 486-2023-00489. 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 Kagawa moved to convene in Executive Session for ES-1110 and ES-1111, seconded by Councilmember DeCosta.

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

Councilmember Kagawa: Lonnie Sykos brought it up last time. For the public, is there anything more than what is written here that the attorney can share regarding both items? If he cannot, then you can say, "No." For instance, is the first one a traffic accident? Is the second one an employee matter? Can you briefly share anything that is not deemed Executive Session material?

There being no objections, the rules were suspended.

CHRIS DONAHOE, Deputy County Attorney: For the record, Deputy County Attorney Chris Donahoe. Mr. Michaels is handling these matters, and he was intending on coming over to brief the Council in Executive Session. The matters to be discussed do fall under the exception of HRS 92-5 and 92-4.

Councilmember Kagawa: Can you not share anything more?

Council Chair Rapozo: Chris, the redacted claim is public, right?

Mr. Donahoe: Correct.

Council Chair Rapozo: ES-1110 is obviously an insurance company. I think we can share what the event is. Like Councilmember Kagawa asked, was it a traffic accident involving a County vehicle? I do not know, because my folder is next door. I do not want to misspeak. The plaintiff is listed here, Delfin Castillo. Was it a vehicle accident?

Mr. Donahoe: Again, I believe Mr. Michaels would be in the best position to answer that. His is on his way over, if the Council wants to wait.

Council Chair Rapozo: The first one is a traffic accident involving a County refuse truck striking the claimant.

Councilmember Kagawa: Okay. What about the next one?

Council Chair Rapozo: The second one...

Mr. Donahoe: It is an action by Mr. Morita. It is the EEOC matter.

Council Chair Rapozo: It is the EEOC, so it is an employment issue with the Kaua'i Police Department.

Councilmember Kagawa: So it is an employment issue with the Kaua'i Police Department from an employee?

Mr. Donahoe: Correct. It is one of the officers.

Council Chair Rapozo: Thank you. Are there any other questions for Mr. Donahoe? If not, thank you, sir.

Mr. Donahoe: You are welcome.

Council Chair Rapozo: Is there any other discussion or public testimony? Go ahead.

Councilmember Kagawa: In the future, let us make it a regular practice to briefly go over whatever we can. I feel uncomfortable if the Council shares it, because on these types of items, I believe we should remain silent. The agenda cannot list the whole detail of what we are asking, but a lot of times, we have people from the public saying, "What is going on? We do not know anything. We do not have the documents in front of us." If we can briefly share some of these things in a nutshell so that at least the public knows what they can know about each item. I think it will go a long way for us.

Mr. Donahoe: That is fully understood.

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 other further discussion? Thank you, Councilmember Kagawa. I concur. With some of these postings, like ES-1111, it is posted that it is an EEOC complaint, which is typically an equally opportunity discrimination of some sort, and it is naming the plaintiff and defendant, which is the Police Department, but in one, like the one above that, there is no indication of what it could be. Thank you very much. It will help the public. Roll call.

The motion to convene in Executive Session for ES-1110 and ES-1111 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. With that, we will recess until after Executive Session. Councilmembers, let us take a ten-minute break, then report in the Executive Session chambers.

There being no objections, the meeting recessed at 10:26 a.m., to convene in Executive Session.

The meeting reconvened at 10:40 a.m., and proceeded as follows:

Council Chair Rapozo: Deputy County Attorney, can you please come up and give us the recap?

There being no objections, the rules were suspended.

Mr. Donahoe: Thank you. Deputy County Attorney Chris Donahoe. Pursuant to Act 19, there were several matters discussed by the County Council in Executive Session, including pending and ongoing litigation matters, and cases involving the County of Kaua'i. With regard to ES-1110, the County Council voted to approve authority for a settlement in that matter. The other Executive Session discussions regarding ES-1110 are not subject to disclosure pursuant to HRS Sections 92-4 and 92-5, since it involved consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as it related to that agenda item. With regard to ES-1111, the County Council voted to approve settlement authority in that matter, and the other Executive Session discussions regarding ES-1111, were not subject or are not subject to disclosure pursuant to HRS 92-4 and 92-5, since it involved consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as it related to that agenda item. Does the Council or the Council Chair have any questions?

Council Chair Rapozo: Are there any questions for the attorney? If not, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:31 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized loop at the beginning.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:db_dmc_ss