

COUNCIL MEETING

MAY 15, 2024

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, May 15, 2024, 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
Honorable KipuKai Kuali'i
Honorable Mel Rapozo

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

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing 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: Motion carried. Next item, please.

MINUTES of the following meetings of the Council:

April 10, 2024 Council Meeting
April 24, 2024 Council Meeting
April 24, 2024 Public Hearing re: Bill No. 2918 and Bill No. 2920

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

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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: Motion carried. Next item, please.

CONSENT CALENDAR:

C 2024-97 Communication (05/01/2024) from the Director of Human Resources, transmitting for Council information, the May 1, 2024 Human Resources Report (Vacancy Report and Recruitment Status Report), pursuant to Section 24 of Ordinance No. B-2023-891, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2023-2024.

Councilmember Kualii moved to receive C 2024-97 for the record, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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

The motion to receive C 2024-97 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2024-98 Communication (04/02/2024) from Councilmember Bulosan, requesting the presence of Yvette Amshoff, Public Health Lecturer, Waimea High School, to provide a briefing regarding Waimea High School cafeteria lunches.

Councilmember Kualii moved to receive C 2024-98 for the record, seconded by Councilmember DeCosta.

Council Chair Rapozo: Yvette, do you want to come up?
Councilmember Bulosan, do you have any comments to open this up?

Councilmember Bulosan: Sure. About a month and a half ago, we had a group of Waimea High School students who came by to do a tour and at the same time, was part of a big discussion around this matter and were interested in sharing a presentation on one of the topics they were working on in school. They are all graduates now.

There being no objections, the rules were suspended.

YVETTE AMSHOFF, Public Health Lecturer, Waimea High School: They are seniors.

Councilmember Bulosan: They are seniors. Are they graduating next year?

Ms. Amshoff: They are graduating this May.

Councilmember Bulosan: This May. They did not get the chance to present to us at that meeting, so I decided to invite them back to share more information on what they worked on, so please welcome our three (3) Waimea High School soon-to-be graduates and their teacher, Yvette Amshoff.

Ms. Amshoff: Good morning, Councilmembers. I am Yvette Amshoff, I teach Public Health at Kaua'i Community College (KCC), and we thank you for this opportunity today. In my PH202, Public Health in Hawai'i class, my students are required to do a research project on challenges in success of public health in their community, so my three (3) students—Jessica, Alliah, and Kayeleigh—decided to study the Native Hawaiian diet and they wanted to share their presentation and their findings with you all this morning. Just for clarification, it says, "Waimea High School lunches," on the agenda, but we just wanted to clarify that this is all Department of Education (DOE) school lunches. I will turn it over to them.

JESSICA SARMIENTO: Hello, my name is Jessica and we are going to be presenting our project.

Council Chair Rapozo: You will need to speak up a little bit louder.

Councilmember Cowden: It is so the room behind you can hear you.

Council Chair Rapozo: Pretend you are at school and talking with your friends.

Ms. Sarmiento: My name is Jessica Sarmiento and we are going to be presenting our project based on the Native Hawaiian diet, which also leads further into how schools in Hawai'i can have healthier lunches.

Councilmember Bulosan: The projection is coming up.

ALLIAH PABLO: Hello, my name is Alliah Pablo.

KAYELEIGH MARTINEZ: My name is Kayeleigh Martinez.

Councilmember Kagawa: For your information, Councilmember DeCosta and I went to Waimea High School.

Councilmember DeCosta: I want to say that it is because of people like you that Councilmember Kagawa and I passed Waimea High School. We copied off of you smart individuals.

Ms. Sarmiento: This is our Native Hawaiian diet presentation.

Councilmember Cowden: Be nice and loud for the room.

Ms. Sarmiento: The background on Native Hawaiian health. Back before countries made contact with Hawaiians, their diet consisted of *poi*, fish, birds, breadfruit, pigs, yams, shellfish, and seaweed. It actually used to be one of the healthiest in the world. It was a simple, high starch, high fiber, low saturated fat, low sodium, and low cholesterol diet. This specific diet satisfied their needs of food consumption with carbohydrates, starch, and protein.

Ms. Martinez: The problem we will be discussing is that Native Hawaiians' food was colonized due to the annexation in 1898. That caused what we know today as local Hawaiian foods, is more processed, and because of this Western influence, foods were altered so we do not have as healthy food options anymore.

Ms. Pablo: The main problem is that local food is unhealthy. This caused obesity rates in Hawai'i to increase. Of course, your favorites consist of SPAM musubi, loco moco, pork hash, saimin, and shave ice. Hawaiian food became a mixture of various cultural dishes, rather than traditional native Hawaiian meals.

Ms. Sarmiento: For Native Hawaiians, the diet portions consisted of twelve percent (12%) protein, eighteen percent (18%) fat, and seventy percent (70%) carbohydrates, while the average American diet consisted of fifteen percent (15%) protein, forty percent (40%) fat, and forty-five percent (45%) carbohydrates. This was specified for Native Hawaiians as it matched their lifestyle of exercise before they were colonized.

Ms. Martinez: We will talk about what is currently being done. There are a lot of initiatives that are going on in public schools to help promote healthier options. A lot of it is promoting student health, protecting the environment, and giving more support to gardening, especially when it comes to reducing waste. These are two (2) sources in Hawai'i that try to help produce more greens in our diets at school.

Ms. Pablo: What is currently being done? Spreading standards of fresh and local food across schools in Hawai'i since 2014, but is it really being done for our community?

Ms. Sarmiento: I took some photographs over the past years of my lunch at Waimea High School, but I want to note that this is similar to what all the Hawai'i high schools eat on a daily basis at school.

Ms. Martinez: It is not just high schools. It is also elementary schools. I sometimes work with Kekaha Elementary School and I noticed that their school lunches are exactly like ours.

Ms. Sarmiento: You can see that there are options of the main meal, and also some vegetables and fruits, but throughout the slides you can tell that they are basically just choices and not necessarily put on your food. Here is the breakfast. It looks a little less than what most people would usually eat for their breakfast, and this is coming from the school.

Ms. Pablo: We gave our opinions of the school lunch. I said I did not have a strong opinion about the food. I wish water was an option since there may be people who are lactose intolerant and maybe other options when there are religious holidays, such as Lent.

Ms. Sarmiento: For me, food can be really good at school, but I know that for most people, there can just be a substitution for what they do not have at home and they rely on the food that is at the school, especially for lunch.

Ms. Martinez: For me, the school lunch is "hit or miss." Because our milk is not from the island and is shipped, we sometimes get spoiled milk due to shipment. That is why I feel very indifferent to school lunch and I would rather bring home lunch, instead.

Ms. Sarmiento: For the nutrition that we can find about on lunch, it is on Nutrislice, which is a website that holds all of the information based on what we eat from breakfast to lunch. Our school does provide nutrients that we need, but there is not enough effort to bring back foods native to the island. It is not just our high school, but all the high schools on Kaua'i and in Hawai'i. There are no traces of *poi*, fish, birds, breadfruit, or anything that consisted of the original Native Hawaiian diet.

Ms. Martinez: Of course, the ones affected by this are not only the students, but also the Native Hawaiians and locals in Hawai'i, in general. We are the most overworked state in Hawai'i [sic], are also underpaid, and because of our lifestyle, we are forced to be sleep deprived and have our food habits affected. Because we are overworked and underpaid, we tend to have processed foods because it is easier to access, easier to get, and is more convenient.

We will be talking about three (3) different organizations on Kaua'i that help promote healthier food options. They are all local, nonprofit organizations that help provide programs, resources, and healthier options. We will be talking about Mālama Kaua'i, Hale Puna, and Iwikua.

Mālama Kaua'i started in 2006 and is a nonprofit organization that helps with food production and access on Kaua'i. In the first photograph to the left is their gardening resources. They teach *keiki* how to garden and also give resources, like tools. This middle photograph is them actually picking fruit for our local food bank. They also have a food program where they deliver food to elderly and they also take food stamps, such as electronic benefits transfer (EBT).

For Hale Puna, Alliah and I are in United States (U.S.) Army Junior Reserve Officers' Training Corps (JROTC) and we actually helped restore the land over there.

They help restore not only historic sites, but also local culture and food production. They are the only Farmer's Market on the Westside, which is on Thursdays from 3:30 p.m. to 5:30 p.m. I actually went there, but the options are smaller compared to the one in Līhu'e. They also take EBT and have a Senior Farmer's Market.

Iwikua also works directly with Waimea High School. They are actually a part of the Stupski program that all three (3) of us graduated from through KCC. They help with educational resources and cultural education. Josh Mori runs this and he is also the owner of the only gym in Waimea. He actually promotes education and fitness by giving students free membership if they have a 3.0 grade point average (GPA) or higher. These are photographs that we took from the farm. They actually sell produce to teachers. We will later talk about how we can implement that as a solution to all schools.

Ms. Pablo: What are the negative health outcomes if the problem is not fixed? Cardiovascular disease (CVD) and coronary heart disease (CHD) both result in a stroke. They are the first and third leading causes of death in Native Hawaiians, compared to other ethnic groups in Hawai'i. The prevalence of CHD has increased over the past four (4) years for Native Hawaiians compared to the other U.S. Pacific Islands. The prevalence of overweight and obesity exceeds ninety percent (90%) and diabetes approaches fifty percent (50%) all for Native Hawaiians. Some other chronic health conditions that Native Hawaiians suffer from are higher rates of smoking, alcohol consumption, and obesity compared to other populations. Native Hawaiians were ten percent (10%) more likely to have been diagnosed with coronary heart disease.

These are some statistics we read in an article for our public health class. The ones circled in red are for Native Hawaiians. For overweight, it is averaged between all of the ethnicities in Hawai'i. For obesity, coronary heart disease, and stroke, as you can see, Native Hawaiians have a higher likelihood of getting the disease.

Ms. Sarmiento: Some solutions to the problem that we have is that the organization 'Aina Pono should branch out to more schools, especially higher education schools with not much funding to constantly use fresh and local foods. Our high school should use their gardens to provide fresh fruits and vegetables to the students. It was actually proven with a senior project that we had two (2) years ago. A student worked with our agricultural and culinary teachers and decided which meals would be made and what types of ingredients would be used. I believe that same project can be implemented as an initiative to improve Waimea High School's meals, as well as other high schools on Kaua'i. It would give back to our students with healthy food options, plus the meals would look really good.

Here are some examples of what the food looked like from that senior project. It consisted of *poi* with blueberries and granola, and also our favorite, brown rice and chicken papaya. These healthy and appealing foods only come by occasionally, though. It is not part of our regular meal plans. All the foods in the pictures are locally sourced from the food farm and they were made by the schools' culinary class.

Ms. Martinez: Other solutions to the problem, other than our local garden at school, is naturally preserving our foods by using old, traditional

practices, such as using *pa'akai*, or salt. I also want to talk about this, because we want to say, "Thank you," to you folks for helping preserve the Hanapēpē Salt Pans. Recently, we had a storm and it was flooded, so thank you, folks, for that. We also just want to bring back natural preservatives for our foods and not use as many chemicals in our foods. We also want to talk about our local community gardens, other than the one (1) we have at school, because there are not many community gardens. We had one (1) in Kekaha, but that got shut down because of the church that we were using. We also want to talk about more nonprofit organizations, like God's Country Waimanalo, which I am pretty sure is on O'ahu. We also ask to get more financial freedom when it comes to getting food to our schools, because just getting the food to us is one of our bigger problems, as well.

Ms. Sarmiento: Here are some of the resources that we used for our research. Thank you. Kayeleigh mentioned earlier that our school farm gave produce to teachers every week. From my memory, it consisted of lettuce, cherry tomatoes, *daikon*, *bok choy*, field peas, and all of those microgreens. They gave them out to teachers every week, and it basically just shows that we have enough produce to at least start something at our school to improve healthier lunches at least one (1) day a week and could further go into how we can improve our school lunches every day.

Council Chair Rapozo: You did an awesome job. I need to ask one (1) question. It is on slide 14 and is about the spoiled milk. You said, "Sometimes." How often is "sometimes"?

Ms. Martinez: It is to the point that we do not even grab the milk anymore, and would rather go without any drinks for our meals, because it happens a little too often.

Council Chair Rapozo: That is sort of embarrassing. Councilmember DeCosta.

Councilmember DeCosta: I am very impressed. You are from our alumni, Councilmember Kagawa and I, but I am also impressed with Councilmember Bulosan and his executive staff Yvette for bringing the children here. They are the future leaders. They are future leaders telling us adults what we need. All of you sitting back there should self-reflect right now on these three (3) young adults. One, spoiled milk. Fourteen (14) day shelf life. I worked for Meadow Gold Dairy on O'ahu when I first came out of college. I ran that milk plant. For three (3) years, I crunched numbers, and crunching milk that came from the Mainland U.S. One of the last dairy's was in Waimānalo. We have the most beautiful temperature, greenest grass, land that is available, yet we do not have a dairy on the island. Why do we not have a dairy on the island where we can provide fresh milk for our youth? A small dairy. An environmentally friendly dairy.

Council Chair Rapozo: Relax. Do you have any questions for them? You will have an opportunity to have a discussion, but right now it is for questions.

Councilmember DeCosta: Could you folks pilot a program at the KCC level to see if we could have fresh milk on this island, as a small-scale dairy to provide fresh milk for the citizens of Kaua'i? Could you folks do a pilot lesson looking into that as you go through this health program at KCC? Thank you.

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

Councilmember Kualii: It is a follow-up to the milk thing. One of you said you wanted water as an option. Is it not an option now?

Ms. Pablo: No, it is not.

Council Chair Rapozo: Do they not serve you any water?

Councilmember Kualii: Do they tell you to bring your own container and go to the fountain?

Ms. Pablo: There are water fountains available, I do not think there is one nearby.

Ms. Martinez: It is not by the cafeteria. We need to walk to the office or another building on campus for water. We are not allowed to bring school lunches outside of the cafeteria, so we would have to finish our meal first, then get water.

Councilmember Kualii: I would think it is a simple thing. If the students pushed, advocated, protested, or whatever, they should at least be able to get water. Maybe start by talking to your State Representatives. Our Senate President comes from Kaua'i. It can be done and it should be done.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Mine were comments.

Council Chair Rapozo: Are there any questions? Councilmember Kagawa.

Councilmember Kagawa: Thank you, folks. During the COVID-19 pandemic, I used to run the food pantry. We used to give food away, so I saw how many plates were being thrown away. Did you folks do any numbers or small polls among your peers about how many students were actually eating lunch? I do not know if I have ever seen those numbers. Is it fifty percent (50%) of the students who eat? If the quality of the lunches was better, then the percentage would be much higher, right? If I look at these pictures, I would maybe eat one (1) out of five (5). I would basically eat twenty percent (20%) of the time.

Ms. Martinez: I do not think we did a survey on our classmates, but we can just see by looking at the lunch lines that it is only on certain days that the line is long.

Councilmember Kagawa: When the food is good. It is crazy that is happening without some accountability from the Administration. Thank you.

Council Chair Rapozo: Councilmember DeCosta, followed by Councilmember Cowden.

Councilmember DeCosta: You showed a slide with a hamburger patty, mayonnaise, and the Rock. That hamburger patty looked pretty thin. Is that local beef or is it a processed burger from Australia? What is that burger? Do you folks know?

Ms. Martinez: I believe it is a frozen patty that they heat up.

Councilmember DeCosta: Do you know where it comes from?

Ms. Martinez: We do not know.

Councilmember DeCosta: It definitely does not look like a fresh burger. Thank you.

Council Chair Rapozo: Councilmember Cowden, followed by Councilmember Bulosan.

Councilmember Cowden: Jessica, Alliah, and Kayeleigh, great job. Are you folks on the running start program? Is that how you managed to be in high school and college at the same time?

Ms. Sarmiento: Yes, we have the early college program.

Councilmember Cowden: You have the early college program. For anyone watching, I like how you are inspiring these folks to do very relevant work. Did you see in the press today they were showing how Hanalei *poi* is starting to be in the school food program? That is a little bit in the right direction. Do you not have it yet in your school though?

Ms. Sarmiento: No.

Councilmember Cowden: I love what you are doing.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: Great job. I have a lot of questions. In your research, did you see any opportunity for providing feedback to the Administration regarding your food? Since your research is on public health and you are researching information and solutions, did you find any ways to communicate to those serving

you? Was there a feedback place where you could write comments, “We would like better food”? Was there any of that?

Ms. Sarmiento: We would have to go out of our way to talk to those people, whoever they are, about our food.

Councilmember Bulosan: In your research, you did a historical piece and showed what was relevant now, did you find out what is driving the decision on what food you get? What is the reason you have those meals versus something more sustainable and healthy?

Ms. Sarmiento: It is more so based on the funding that we get. It is either cheap foods that are processed and do not require that much funding, or we get healthier foods, but they require more effort to be cooked from our local farms and more funding, of course. That is really just the main theme of our slides. It is to talk about how we do not have enough funding and how it is not as recognized as we need it to be.

Ms. Pablo: I would like to add to that. There was an article recently on KHON2. It was on February 5th, 2024. It talked about how the State had to return seven million dollars (\$7,000,000) for schools across the State to produce local foods for the schools.

Councilmember Bulosan: When you folks were researching solutions, did you find any legislative solutions? Aside from sourcing from local nonprofit organizations, were there any systemic changes that we could make in the system that would allow us to access more funding, source more locally? I am sorry. I am being really challenging for you folks.

Ms. Martinez: There is an organization called ‘Aina Pono that is slowly implementing healthier foods and more resources to get it to us. It is just because it is on a State level that it is slower to get to us.

Councilmember Bulosan: Because this is your project and you folks are passionate about it, if you had a general sense of your cohort and people who are coming up in age groups, do you feel that there is a consensus in wanting better foods and feel like we deserve better food or is everyone okay with it? Does everyone love the food? What is the general consensus amongst your student body?

Ms. Martinez: It is that we want better food. I feel like we always eat the same thing every single day. We watch the news that we have at school in the morning—the morning announcements. We ask what is for lunch, and they are like, “It is chicken tenders, again,” or it is pizza with a thick bread. It is always cheese and bread. That is mostly what we have every day.

Councilmember Bulosan: I will circle all the way back to the first question. What would be the best way for us to get your feedback so that we could make a positive change? Unfortunately, we are on the County side, so we do not have any budget. We do not affect the school’s budget or the Department of Education, but

if they were watching and listening right now and we had State officials who could make better decisions, what would be the best way for us to get information from you folks? How can we get information from you to understand what you folks want to eat?

Ms. Sarmiento: I feel like this exact project is how you can reach out to us. I feel that there would be more students who are willing to do this type of project and research, so just team up with schools and reach out to them in a way that says, "We want to hear your opinion," and things like that. I think that would be more than helpful to know what we would need at our school.

Council Chair Rapozo: Are there any other questions?
Councilmember Carvalho.

Councilmember Carvalho: I think you said it, but were there any attempt for surveys in the school for the children? I think I would maybe want to hear it from them, too.

Ms. Sarmiento: We have not looked at what other students have to say, but I would think that from what our first period class with the Stupski foundation...that they would agree with how we presented our slides.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: Just a simple "yes" or "no". Do you think the people who make the decision for funding for your school lunches in the Department of Education should eat these lunches every day for a month, and then maybe...yes or no...would they change their mind on how much funding they should give for school lunches?

Ms. Sarmiento: Yes.

Councilmember DeCosta: Yes.

Ms. Martinez: Absolutely.

Councilmember DeCosta: Absolutely.

Council Chair Rapozo: Are there any more questions? Go ahead.

Councilmember Kualii: Do you every have special days or special occasions, like maybe around the Prince Kūhiō Day holiday, where they actually try to do a Hawaiian lunch? Maybe they cannot exactly do *kalua pig* or *laulau*, but they could do a baked version. What is it called? *Haole laulau*. You put spinach, pork, and tomatoes. You can make a semblance of it, I would think. Have they ever even tried?

Ms. Martinez: They have it towards Thanksgiving, but it comes around every "blue moon", pretty much.

Council Chair Rapozo: Are there any other questions? Is there anyone in the audience wishing to testify? I will ask if you can sit down really quick and we will get the public testimony. I have quite a few comments. Mr. Hart, you can come up. You can stay there.

BRUCE HART: For the record, Bruce Hart. First, I want to thank Councilmember Bulosan, Yvette, and the students for putting on this presentation. The subject of diet has been a part of my life for over fifty (50) years, out of necessity and out of interest. It is my opinion, conservatively speaking, that seventy-five percent (75%) of our health problems could be addressed by diet. I think it is a shame that the medical colleges give so little time to a medical student in regard to diet. I think it should be the other way around. Instead of teaching them about drugs, I think they ought to teach them about how to change people's diet. Overcoming the cultural barriers is the biggest issue. How you are raised and the diet you are raised on tends to become the predominant diet of your entire life. I am wanting to encourage all of the Council and everyone in the room to improve and to be proactive in bringing about a change in the attitude and the perception of people as to what is good and what is not. When I started this diet journey fifty (50) years ago, there was not any of the types of things that have made a good diet convenient. You go to some of the local stores and you buy one of these tins of prewashed salad makings. It is incredible. There was not any of that. It is not difficult to eat well anymore in America. I am for funding. That is also one of the biggest hurdles. The funding is just not there. To gear up to produce the types of diet that these young adults are promoting would be costly, but once we were geared up and we were doing it, the benefits would be immense—financially and health-wise. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? Seeing none. Is there any further discussion? Councilmember Kagawa.

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

Councilmember Kagawa: Thank you. I want to thank the Waimea High School students and Yvette for coordinating and doing this project. I do not know what could be more important, because it is a real problem that has just gotten worse and worse and worse. I went to 'Ele'ele Elementary School in the '70s and the food there was amazing. The food was so good every day. It was better than home at times, though my mom would be mad. The shoyu chicken and the desserts at 'Ele'ele Elementary School would just blow you away. You would go home and brag to your parents about how good the food was. It was all cooked. Now, it is all microwaved foods they throw in. At Waimea, I would always see that Y. Hata & Co., Limited (Y.Hata) truck. Y. Hata must make tons of money on the public school food. It is all these processed things that the Y. Hata truck just drops off. Like you folks said, we need to do whatever we can to be sustainable. Why are we exporting vegetables when we could be using it at our schools? Even if they prices are expensive, local people can make meals under five dollars (\$5), right? We will not use a much pork. We might use more vegetables. Local people, especially Filipino people, can cook cheap meals, even though the food is expensive right now, because they are resourceful and smart. Their food tastes so delicious. It is about knowing how to cook,

not just using expensive things. Sometimes, if you do not know how to cook, even if you use expensive items, the food is not as good, right? There is a way. It is like the Grassroots Institutes, Council Chair Rapozo. They tell us the problem with government is the government needs to get out of the way. That is how you bring the cost down. There is so much red tape. That is the problem. In that way, I am very disappointed with all of our principals who allow dog food to be served to our students. It is a shame. They expect you folks to study and concentrate from 7:45 a.m. to 2:30 p.m., perform your best, and do all of your work, while they serve you food that you would not eat at home. That is shameful. You folks are not getting nutrition. If you are making quick meals at school, I am sure they are not the healthiest, then you folks should be fed by the school. That is what the government pays for. The District Superintendent and everyone in that office...they have tons of them...they all need to do much better with school lunches. It is embarrassing. If I gave them a grade, I would give them and the principals an "F" because the school lunches have been neglected for a long time. It is shameful, it is a waste of money, it is government waste, and I hope you folks carry out this mission and spread it to the younger generation, because we need to stay on top of them until we have change. You folks are graduating out, but the change you are making is because you care about your community, and you want the younger generations to get better meals through school than you did, so I applaud you folks. Keep spreading the message and let us make sure that the folks out there and the folks in the legislature wake up and make a change. Thank you. Thank you, Chair.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: Thank you, presenters, for being brave enough to share this information, and to your teacher for allowing us to learn about your research and get more connected about some solutions that we could do immediately. One of the things I took away from your presentation is that there are solutions that could immediately be implemented across our community right now, so I hope that anyone watching the presentation and anyone who can make the decisions will make the decisions as fast as possible, so that we can make that happen. It is weird to say that I also remember that in my day school food was good. We had a salad bar at Kaua'i High School. It was all salad. Every day, you could opt-in to eat a salad, and the craziest thing is that was the only time I ate vegetables. It was at school, which is awesome, but I do not think that is a thing anymore. There is no salad bar. It was just weird thing to be talking about this right now. Of all the things that could get better in this world, with all this technological advancement, with all the new knowledge, with all the access to information, how is food going backwards, especially at our fundamental level, which is at schools? That is a very big, big, big problem and I would not stop at our local superintendents. I would actually push this all the way to the top and I would say this is where the Governor and our State legislators...I know there were several bills that were in legislation this year that were around 'Aina Pono, farm to school, and were things that would transform our whole DOE system around food that could have made a huge difference, but somehow was not prioritized and was not passed, therefore we are back to the same situation that we are in right now, which is we are not getting the best foods to our community so that you folks can be healthy, strong, and do all the right things. The tough part about this presentation is that it is so obvious. It just makes no sense why we cannot

flip the switch right now. In my mind, there is no barrier. To tie this to an economic perspective, if economics was the hardship...if the excuse is that we do not have money to spend on this, that this is the lower level of expectations...if we only had one hundred dollars (\$100) and had to choose certain things, and we need to spend more money on whatever you feel is more important than food...right now, our State looks at a budget that majority gets their funding from tourism. If we just do a simple economics perspective, if every institution in Hawai'i started sourcing from within rather than from outside of Hawai'i, we would literally transform our entire economics. One, be sustainable, but two, every dollar would stay here, and three, we get all the healthy outcomes. We eat healthier, reduce the cost of living, reduce the cost of food production, reduce transportation. It is a given. Tomorrow, if the government says it is one hundred percent (100%) mandated that every school must source all local food or as much as possible over the course of ten (10) years, we would save every dollar. Instead of shipping it out to someone else, we would just ship it to the farmer right down the street, we would feel healthier, we would not need to ship it, and life would be better, so it is really hard to sit in this seat and come up with an excuse of why we are not doing that right now.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: I will try to be brief. Building on what everyone else said and the questions that he asked of you, which is, how do we make a difference? You folks framed the problem, you framed the challenge. He is asking how you solve it. It is at the State level and it is down to State contracts. I know something in the next legislative session had come up here about breaking out school districts a little bit more to the neighboring islands. My children chose to go to private school for high school. When we put the children on the bus in the morning...I live on the North Shore...what was going right on the bus with the children was the farmers and many of them were parents of children, but also farmers. There would be boxes of fresh produce going right on the bus and they were organized with the cafeteria at the school, so they did not always know what they were going to have every day, but they got all these fresh fruits and vegetables. There was an organization. At a small local level, especially when we have an abundant island like we live on, that can work. When we have these State contracts that are really mostly focused on the city, it does not reflect our strengths. They were not charged for a lot of the food that was put on those buses, because they have excess. It is the farmers. There was some. It was worked around. I want to just comment on slide 16 when you are talking about the challenge and you said Hawai'i is also the most sleep deprived State and also the most overworked. Overworked, sleep deprived, and underpaid. I will say I am overworked and sleep deprived. People go for convenience and that has been another thing that we talk about here all the time—it is just fighting this incredible cost of living. When the State is fighting the incredible cost of living, a lot of these schools do not even have kitchens that cook anymore. Some do, some do not. Some do, they ship their food over to the other schools, and it gets reheated. It is a complex problem, but you are a great start highlighting at least what should be obvious to all of us, which is Hawai'i was one of the healthiest populations on the planet, so they hardly even needed to have an immune system, because they never got sick because they were isolated and healthy. You are looking at what was right and you are comparing it to what we are dealing with, so I honor the question that you are asking and we

need to help you get this to Dana Hazelton across the street, our Governor's Liaison. There are many people. Everyone does care about you, so I do not want you to think that we do not care about you. We do and you are right. We will help you, but it is the State.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: I am sorry for getting a little passionate. I am passionate because this problem has been decades and we still have not moved on it. As a County, we can only do so much. This is the Governor's issue. He and his Administration allocate money for the Department of Education. I believe the Superintendent then allocates it to different school districts. Principals have a small piece of that pie which they need to manage, so this is coming from your State officials. Your Senate and House of Representatives need to advocate for you folks. It is really simple. It is not hard. It is not a complex thing. I looked at the menu. I looked at the lunches. I did not see one lunch with shrimp. We have a shrimp farm out on the Westside. Can we not buy some shrimp for our children to have in their lunch? We have one of the largest cattle ranches out on the Westside. The Robinson's have a cattle ranch. If you come across the island, we have many large ranchers. Why can we not have fresh hamburger patties for you folks to have a hamburger? They did a study about a decade ago. It said that every cow in Hawai'i that is raised on each island was processed for the DOE lunches whether it be stew meat, hamburger patties, spaghetti, or chili, we do not have enough cattle in Hawai'i to feed just our DOE children. How embarrassing is it that when I drive across Kaua'i and I see land that does not have cattle grazing on it, when our children eat a certain percentage of protein in their school lunches? That is a shame. Hats off to the Director of the Office of Economic Development (OED), Nalani Brun. She heads our Agricultural Department. We give funding to many small agricultural entities. We need to support that. We have our own community farm in Kilauea, yet we do not have a high school in Kilauea. Can you imagine if we would have a community farm like that in Waimea? That same farm that sometimes the County subsidizes. We give money to that farm in Kilauea. How nice would it be for us to have a community farm in the Waimea 400? There are plenty of things we can do. Please be the leaders that make the change. Thank you.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: I appreciate you folks. You did an awesome job. I really like the layout of your presentation. You need to go to the State Legislature and do the same thing there. At the same time, I totally support it. I went to public schools as well. In the times when we were in school, the food was really good at the time. Now we can all see. You did an awesome job in putting this program or this presentation together. It lays it out like the first slide with the Native Hawaiian diet from before, right? That is what it is. But knowing that you need the support and whatever else you need to do, but we are here to assure that you have the support. Know that you are on the right track and you will make a difference, because just by this presentation alone and taking it to different levels. Good job, keep continuing to go, and we are here to support you.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I have one more thing to add. You had a great...there are places where we can help at the State level, but there is at this level. I just want to say you did mention a solution to the problem is that there is a lack of community gardens. That is an opportunity at a Council level, especially at the Department of Parks & Recreation where we have tons of parks that are underutilized and that have the potential for community gardens that could serve generally to the community, but even specifically to students. One fine example of this change that we are making is actually on Rice Street. On Rice Street, now there are three (3) community gardens where there used to be only one (1), so imagine every unused park that has some unused space at the County level leveraged to create community gardens for our community. That might be a "bug in our ear" at our Council seat here and maybe our Parks and Recreation team. As the Chair of the Parks & Recreation / Transportation Committee, I will definitely look at how we can do that for our community this year, so thank you for that idea.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: Just one (1) final observation. A little over fifty percent (50%) are on free and reduced lunch. You are looking at almost fifty percent (50%) at Waimea who are needs to pay for that. The cost of that is four dollars and fifty cents (\$4.50). When the plate looks that bad, do you think those who are not on free and reduced lunch will buy the lunch? The answer is no. It is a big no. I would say by that alone, almost fifty percent (50%) are not eating, because it is not worth four dollars and fifty cents (\$4.50). I am serious. It is another reason why we need to do something soon and I am glad you folks came up. I am going to make it a priority of mine to push it to the DOE and the Legislature, because I really get upset when I think about how bad they were. They were even bad at Kapa'a when I was there for eighteen (18) years, but I did want to make too many waves over there, because that was not my turf. Thank you. Thank you, Chair.

Council Chair Rapozo:

Is there anyone else? Go ahead.

Councilmember Kualii'i: I just wanted to say if we can help you in any way, please let us know. I am sure Councilmember Bulosan and I...if we need to sponsor something or write letters on your behalf. I think what is really important is to break down tangible, measurable goals that you are trying to accomplish. To me, the lowest hanging fruit is for you to have water in your cafeteria. If you have a fountain five (5) classrooms away or whatever, why do you not have one right there in the cafeteria? Some type of water dispense even with paper cups. You can help yourself or if you bring your personal containers...I do not know if that is allowed. Break it down, tackle it, and check it off, because it would be unreasonable for our State officials to say no to something so simple and basic, and however we can help.

Council Chair Rapozo: Is there anyone else? Every so often, someone hits those seats and the switch is flipped. You folks are heroes. I will just say that. It takes a lot. Let me tell you a story really quickly. My daughter is almost thirty (30) years old. She was at Wilcox Elementary School, she came home one day, and said,

“Daddy, the bathrooms do not have doors, so if I am sitting on the toilet and someone walks in, they can see.” I asked, “Really?” I would not remember when I was a Wilcox Elementary School, and we stand up. We are not sitting down. I went and looked, and sure enough, so I said, “Sweetie, go write a letter to the Governor,” because it was a State issue. She did. This girl was young and she wrote an amazing letter. I sent it to the Governor, and I also sent it to the media—the Star Advertiser, and the Garden Island—and they picked up on the story, they got her picture, and it made the front page. I got a call from the Governor’s Chief of Staff, I knew him, and he asked, “What the hell are you doing? Are you trying to make the Governor look bad?” I said, “Listen. You go to the Governor’s bathroom right now and take the door off, and then I will shut up. If my daughter has to sit on the toilet and allow everyone to see that, then if the Governor is okay with it, then I am okay with it.” Do you know what? They fixed the door. They put doors on all the bathrooms at Wilcox Elementary School, because one (1) child did what you did. I know it is not easy. What you folks showed today is an embarrassment. It is an embarrassment. The State Legislature sets deadlines, “We need to be one hundred percent (100%) renewable by this year, we need to be off of cesspools by this year,” but where is the deadline to get healthy food in our schools? It does not exist, because they do not care. On the list, there are checkboxes that superintendents need to do and they checked that box, because they served you a lunch, even if it is not edible. That crap that you showed in those pictures...I went to Immaculate Conception School where Councilmember Kuali’s aunt Audrey was our chef. We had homecooked meals every single day. Then I went to public school, and I need to say that we had good food for a child—hamburgers, hotdogs, fish sticks—but I cannot believe what they are serving today even passes any test. What you are doing today by coming up here and exposing this...you, too. You might be fired tomorrow when you go back to work. It is remarkable courage to do what you folks are doing right now. Do you know what? Yes, it is a State issue, but it is not a new State issue. As Councilmember DeCosta, Councilmember Kagawa, and we all know, this has been going on for decades. Years ago, the schools were throwing away food into the pig barrel because the student’s card was out of balance. You have those cards that you or your parents have to pay and you go there. Once you touch the plate, the Department of Health says you can no longer serve that food, so they were throwing that food away. Rather than feed a child, they were throwing that food away. This Council at the time did a Resolution to the State to not do that and to feed the child. I got calls from legislators, I will not mention names, some that you all know quite well. “What the hell are you doing? Are you trying to make us look bad?” I said, “For some of these children, that is the only meal they get, and because their parents either forgot or just did not have the money, and they did not fill up that card, you throw the food away. You would rather give that food to a pig than to give it to a hungry child.” It is just not human. I will get pissed off and I will get emotional, because it is wrong, and when you folks come up here...this is what I am going to do. I am going to ask Max from Hō’ike to edit out this segment, I will throw it on a YouTube video, and I will put it on YouTube. I will send it to the Governor, along with this amazing presentation, I will send it to every single legislator in the Senate and House of Representatives, I will send it to every single Senator and Representative in Congress, and I will send it to all the media outlets. You folks will be famous, because this is intolerable. We can sit here and say, “Yes, I appreciate it. At least put water.” Water. Our prisoners get better food and water, but our children do not get that. I know someone will call me from the Legislature saying, “What the hell are you doing?”

Are you trying to make me look bad?" Yes, because sometimes the only way to get action is when we expose the truth, and that is what you folks did today. I am so proud of you folks. My children are old already and it is getting worse with every single generation. Where is it going to be with the next generation when your children are in school? What will they have? Will it be wind biscuits or space food where you need to put water and dehydrated nonsense, because all they had to check the block that said, "We provided a meal"? It is wrong. When you look at the State's budget, it is not about the money. This is not a money issue. Trust me. It is a priority issue. The priority is not the children in school, it is not providing healthy meals for our children. Mr. Hart, you were right on target. Let us start feeding our children healthily with a salad. How much is salad when you have all these farms on Kaua'i. They talk about sustainability. Our Legislature keeps harping on that. "We need food security." What better way than to mandate that every single government operation uses local food? Do you know what that would do? That would create more farmers, more ranchers, and more food, because there would be a market. Why will the State not do that? They are telling us we need to get off of fuel at an exorbitant cost, but that is their priority. The children's food is not, because if it was, they would just come out with a mandate that said, "By 2025, all schools will have to use local foods." That is all they have to do. Yes, it is at the Governor's level, and yes, it is at the Legislature, but until they are put on notice...again, this is not something that is new. They talk about it at every session, but nothing ever gets done, because as the priorities are listed, all of a sudden, the children's at school just get lower and lower, because there are so many other priorities that we have. I need to check if I can use this. This is a public meeting, so I think I can use this clip. I can assure you that within a week, everyone will know about this, and they can answer to the constituents of what they are doing. It might be complex, but it is not difficult. It is just the political will to say we will start feeding our children right so that they get a good meal, they want to eat, and they are in class with a brain that is energized with healthy food. It is simple.

Councilmember DeCosta: I have one (1) last thing.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: I just got an important text while we were all talking. The County gives out grants to those nonprofit organizations that you mentioned. Hats off to OED, Nalani Brun and her team, for supporting that. If we can at the County level, the State should. Let us march all together on this. Thank you.

Council Chair Rapozo: Is there any other discussion? If not, thank you so much.

The motion to receive C 2024-98 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. We will take a ten-minute caption break.

There being no objections, the meeting recessed at 10:18 a.m., for a caption break.

The meeting reconvened at 10:34 a.m., and proceeded as follows:

Council Chair Rapozo: Next item please.

C 2024-99 Communication (04/12/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$156,685.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2024. This award is through September 30, 2025.

Councilmember Kualifi moved to approve C 2024-99, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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

The motion to approve C 2024-99 was then put, and unanimously carried.

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

C 2024-100 Communication (04/15/2024) from the Managing Director, transmitting for Council consideration, a proposed Emergency Ordinance to fund emergency expenditures in the amount \$2,000,000.00 caused by the heavy rains and severe flooding which started on April 11, 2024.

Councilmember Kualifi moved to receive C 2024-100 for the record, seconded by Councilmember DeCosta.

Council Chair Rapozo: This is the Communication for the Bill that will come up later. Is there anyone in the audience wishing to testify on the communication?
Seeing none.

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

The motion to receive C 2024-100 for the record was then put, and unanimously carried.

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

C 2024-101 Communication (04/15/2024) from the Director of Finance, requesting Council approval of the acceptance of terms and conditions from the Bluefin PayConex payment gateway, to process credit card transactions associated with various

services rendered by the Kaua'i Police Department (KPD), the Department of Motor Vehicles (DMV), Driver's License and other departments that collect payments of fees.

Councilmember Kualii moved to approve C 2024-101, seconded by Councilmember Carvalho.

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

Councilmember Cowden: I just want to very, very quickly ask.

Council Chair Rapozo: Okay. Del, I am assuming it is you. There is a lot of fine print in this.

Councilmember Cowden: There is a lot of fine print and I thank you for highlighting a bunch in yellow. I do not want to make you go through all of this in yellow. I like how it basically says we do not have a choice for something different, you said, "Except these are normal anymore," and "normal anymore" is not really very normal for what it was. When you highlighted what is in yellow, were you highlighting it for any particular concern? Is there anything you need us to know so we make a good decision?

There being no objections, the rules were suspended.

DEL SHERMAN, Information Technology (IT) Manager: Del Sherman, IT Manager for the County, for the record. The yellow highlighted items were not to flag them as being of particular interest or required special attention. We just highlighted everything that might fall into a category that would require Council review and approval. As you mentioned, it is a long document full of things and for you to have to read through the entire thing would have been pretty daunting, so the yellow highlights were just for your sake to try to bring out what was needed.

Councilmember Cowden: I appreciated that. I did scan it and it sounds like what is normal now, although this is basically how we are going to use credit cards for anything that someone would normally have to pay either with cash or check for, right?

Mr. Sherman: Yes, that is the idea. This will open up the opportunity to begin accepting credit cards for additional items that we were previously unable to, so I think your statement is accurate.

Councilmember Cowden: Credit cards and debit cards, right? Is this just credit cards?

Mr. Sherman: Credit cards.

Councilmember Cowden: Credit cards. Okay. It is a lot of work to look through it, but thank you for the yellow, because I did not look through the rest.

Mr. Sherman: You are welcome. On Zoom, we do have one of the representatives from the company, Terry Bechtel. Did he drop off? Okay. He was here previously. He was going to answer any questions if you had any, but I should be able to field any other questions you have.

Councilmember Cowden: We are hearing that your staff has looked at it. Even the fact that you went through and flagged it all tells me that you are looking at what is our *kuleana* and you folks are comfortable with the choice.

Mr. Sherman: We are. It has been reviewed by our attorney as to form and legality, and nothing stood out to them as being of particular interest or concern. It is pretty standard.

Councilmember Cowden: Okay. That is my question.

Council Chair Rapozo: Is PayPal going to be a part of this, or just credit cards? I notice in the agreement there is reference to PayPal and other methods of payment. Do you know?

Mr. Sherman: I do know. Initially, no, we will not be able to accept things like PayPal, Apple Pay, or Samsung Pay. The discussion came up regarding if we want to exclude those things from the agreement entirely. The response was, "No, we would like to maybe entertain the possibility of accepting those methods of payments someday." At present, the main issue with those services is some of the extra fees and things they would charge, it would have to be passed on to our residents, which we did not want to do.

Council Chair Rapozo: It is just a viable option. I prefer PayPal over credit cards. I know when I use PayPal, I pay an extra fee. I saw it in there, so I was just wondering. Is there an opportunity down the road?

Mr. Sherman: We hope so, yes. We are planning to someday be able to expand our services to allow for use of all of those.

Council Chair Rapozo: Okay. Thank you. Are there any other questions for the Department of Finance? If not, thank you very much.

Mr. Sherman: Thank you.

Council Chair Rapozo: 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 want to thank the Department of Finance. Do you remember the day when we worked on getting Wailua Golf Course to accept credit cards? It took a long time, but we kept pushing and with the help of former Mayor Carvalho, we made it happen. It was a really long time before

the golf course was able to do that, and now when you watch the window, there are so many people who pay via credit card. That is just the world we live. I am glad we are trying to enhance whatever we can in that direction, because days of writing checks are over. Thank you, Chair. Thank you, Finance team.

Council Chair Rapozo: Thank you. I would add that this is something I have asking for a long time. My vehicle tax registration is done online. They mail it to me. I do not need to worry about any appointments. Yes, I pay a little extra, but my time is worth money and gas is not cheap, so I appreciate the effort and look forward to getting these things going so we can keep people off the roads and be able to do their things right from home. Thank you. Is there any other discussion? Seeing none.

The motion to approve C 2024-101 was then put, and unanimously carried.

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

C 2024-102 Communication (04/18/2024) from the Director of Economic Development, requesting Council approval of the indemnification provisions contained in the United States Department of Energy Office of State and Community Energy Programs terms and conditions, for the Energy Efficiency and Conservation Block Grant (EECBG) Formula Funds Program.

Councilmember Kuali'i moved to approve C 2024-102, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

Councilmember Cowden: This is basically the plugs, right? The vehicle
chargers. We went through it.

Council Chair Rapozo: Yes.

Councilmember Cowden: We got it.

Council Chair Rapozo: That is perfect. Is there anyone in the audience
wishing to testify? Seeing none.

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

The motion to approve C 2024-102 was then put, and unanimously carried.

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

C 2024-103 Communication (04/30/2024) from Council Chair Rapozo, requesting the presence of the Department of Water Manager & Chief Engineer to provide a briefing on the Kaua'i Water Use and Development Plan (KWUDP),

including the revisions to the 2023 version of the KWUDP and any other recent revisions.

Councilmember Kualii moved to receive C 2024-103 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Welcome.

There being no objections, the rules were suspended.

JOSEPH E. TAIT, Manager & Chief Engineer: Thank you, Chair, Vice Chair, former Mayor, and Councilmembers.

Councilmember Cowden: State your name.

Mr. Tait: Joe Tait, Manager and Chief Engineer with the Department of Water. We are here to answer any questions or provide comments. A brief update is the order of the day. Since prior to the COVID-19 pandemic, the Department of Water has completed seventeen (17) public meetings. Five (5) before the pandemic, twelve (12) following the reopening after the pandemic. Those meetings have included all areas of the island and several different locations. Two (2) of those most recent meetings were not only in respective areas of the island, but also included the Department of Hawaiian Home Land (DHHL) beneficiaries. We have tried to include the masses as we can on the island, and hear all comments, angles, and questions. Michael Hinazumi, the Deputy Manager with us today, I believe many of the questions were actually directed to DHHL and not to the Department of Water.

MICHAEL K. HINAZUMI, Civil Engineer VII Manager: Yes. Michael Hinazumi, for the record. Thank you, Council Chair and Members of the Council. Yes, many of the questions related to the Water Use and Development Plan were directed more toward the Commission of Water Resource Management (CWRM) and DHHL Management.

Mr. Tait: Thank you, Chair Rapozo, for the meeting about just shy of a year ago when we had DHHL and CWRM in the room. I think that did spur some follow-up from those folks to us. It was probably not as much as we expected, but they did come back to us and have discussions. Our Water Use and Development Plan update is only as good as Kaua'i can assemble. Unfortunately, we are at the bottom of the organizational food chain. There are four (4) agencies that sit above us that really hold the official data that we have to recognize. Our situation on Kaua'i...I used a term this morning and am trying to remember it now...we are unfortunately blessed. By that, I mean we have a fantastic abundance of water. Unfortunately, we have an inadequate water storage and distribution system, because of a lack of financial investment over the last thirty (30) or forty (40) years. I was in Washington, D.C. last month meeting with our Representative from Hawai'i, but also meeting with other Senators and Congress folks imploring our situation, simply because we sit in a situation right now where we have much more growth and much more overgrowth than Maui did prior to the fires. We have an inadequate delivery system in the event we had an activity like Maui in putting out fires. That, combined

with the State looking at decommissioning open-air reservoirs, you can see where that could go. I was just briefing folks back there that this is what our situation is. While we do have an abundance of water, the consultants report, as of a couple months ago when they concluded their work, did verify that we will never overbuild to the extent where we do not have a sustainable yield of water on this island. Unfortunately, we cannot deliver that sustainable water. That is our update for the Water Use and Development Plan. It is not a surprise to CWRM. They know what our rainfall is. They know what our water situation is. They also know what our delivery system and lack of storage is. We did not want to wait for them to update their data. That is why we took the lead, met with the public, hired the firm that did the studies, and pretty much verified where we were years ago, which is we will very likely never exceed the sustainable yield of our water system on Kaua'i.

Council Chair Rapozo: Several months ago, Councilmember Cowden and I met with you and your team. I think my take away was the data that you need to put this plan together was not up-to-date.

Mr. Tait: It still is not from CWRM. We can only do what we can do on Kaua'i and verify what we have, but that is not the official recognized data with the State of Hawai'i.

Council Chair Rapozo: You can get an idea, but it is not official?

Mr. Tait: Yes.

Council Chair Rapozo: Before I open it up to questions, I want to invite you and your team. We, the County...not just the Council, but the County belongs to the National Association of Counties (NACo) and there is a wealth of resources that they offer in so many different areas, whether it is technical assistance or lobbying assistance. At some point, we need to get together, share that information, and get you folks logged in so you can communicate with them. They are a very helpful organization that we pay for, and it is for the whole County.

Mr. Tait: Thank you.

Council Chair Rapozo: With that, Councilmember Kualii.

Councilmember Kualii: Hearing you make the very basic and broad statements of us having an abundance of water...of course, we all know that. We live on one of the wettest places on the planet, but unfortunately, we have an inadequate water delivery system and water storage system. What are the plans to improve and increase our delivery system and our storage system? My primary concern is along the lines of you also stating, "We will never build beyond the sustainable yield." If the sustainable yield is behind our ability to build affordable housing and if we put everything else there, but then we are stopped and slowed down by the sustainable yield, then we obviously have to be investing in improving that so it does not slow us down when it comes to affordable housing.

Mr. Tait: Yes. Michael, you can correct me if my language is wrong. My point was I believe the document delivered by the consultants confirmed what we knew years ago. It is that we can build on every acre of property on the island of Kaua'i and not exceed the sustainable yield. Our challenge is not the water supply. It is how do we capture it, store it, and deliver it. Tomorrow at our Board meeting, we will be delivering an update from the consultants to the Board of the status of our Water System Investment Plan. That Water System Investment Plan was commissioned right after I arrived, because we did not have an infrastructure plan that supported what your question was. It is not completed yet. It is a few months away, but it is far enough along where we sort of know what our needs are to fill the gaps on the island that we cannot fill today. That Water System Investment Plan is broken into a few parts. The first part is a five-year capital investment plan. What we need in the next five (5) years to implement a pipeline replacement program, a geographic information system (GIS) that identifies all of the water assets on the island—everything from meters, hydrants, valves, pumps, wells, and tanks—in one (1) system where all of our staff can go to that system in an emergency or just routine day-to-day and understand where everything is. Secondly, it has a twenty-year Capital Improvement Project (CIP), so it is a forward-looking investment that looks at what we are going to need over the next twenty (20) years to complete our systemwide. There are two (2) caveats with both the five-year and twenty-year plan. There is no chance, in reality, that we have the internal capacity to complete a five-year or twenty-year investment plan with our existing staff, so a lot of it will be outside help. As one of the subjects that came up earlier was about low pay and overwork, because of the low pay, every time we outsource a project, it is many-fold times what we could complete that project in-house if we were offering a salary to hire those engineers, but since we are not, we are dependent on outside resources and that markup is tremendous.

(Councilmember Kagawa was noted as not present.)

Mr. Tait: That, combined with inflation with the bids we received in the last couple of years, in many cases, it is just about double what it would have cost us before the COVID-19 pandemic. If we put a project out to bid and the engineers—Michael and the team's—estimate is five million dollars (\$5,000,000), it is coming in closer to ten million dollars (\$10,000,000). We just put out our two (2) largest projects ever—twenty-three million dollars (\$23,000,000) and twenty-two million dollars (\$22,000,000). They are the two (2) largest projects in the Department's history. They are both storage and pipelines, because that is what we need. We did not wait for the study to be finished. We just went ahead and commissioned them and they are underway. Because those projects are so expensive and so large, that pretty much caps us with an investment plan of what the funding is available from revenue. That is one of the reasons why I went to Washington, D.C. There is no chance we can implement our Water System Investment Plan without large federal investments. That is why I was there. Yes, we barely came under the gun on the two (2) big ones we have with the existing revenue, but it is going to be a stretch budget after budget without that external funding to complete that infrastructure plan. Also as part of that infrastructure plan, which is upcoming, will be a rate study and rate recommendations that will give us guidance and options versus how we implement rates today. Whether it is a change in Facilities Reserve Charge (FRC) to a conversion of charging by faucets and fixtures, or whether it is a graduated rate year-over-year, which is what I am used to, so that we do

not get hit with a massive increase, which is what we are facing right now. I do not know that for a fact, because they have not done the rate work yet, but that is what I am anticipating.

Councilmember Kualii: When you are completed with this Water System Investment Plan, will you come back and present it to us?

Mr. Tait: Not only will we come back and present it to you, but we need to also do outreach with the public, because the emails I get on an hourly basis are from folks who live in those areas that are short. I have been educated by Michael, Jason, and the other staff. It pains me that some of those areas have been promised service for many, many decades, and they just have not received it. We just did not take a proactive approach. That is what we are trying to do with this study and with our visits to the funders, because without money, the study is only on the shelf. I am not a big fan of collecting dust on a study when it should have been done thirty (30) or forty (40) years ago.

Councilmember Kualii: Along those lines when you say, "Funding available," that you went to Washington, D.C. and that we need large federal investment, are you then going after grants? What is available?

Mr. Tait: We are. In fact, we just released a position description and advertisement for finding a specific grant person for water systems. We plan on filling that in-house. As soon as we fill that in-house, we are going to save money on consultants. That is our strategy there. Again, Vice Chair, it may be a challenge because of the pay and what the expected return on what that person's investment is, but right now it is a combination approach between consultants and, hopefully, that person who we hire, and turn the keys over to that person.

Councilmember Kualii: Thank you.

Council Chair Rapozo: I know we had this discussion when we first met a long time ago. It is almost two (2) years now. Because you are semi-autonomous, the Council does not fund the Department of Water, but there was a time when, because the Department of Water, based on revenue, you do not qualify for bond floats or loans because of the limited amount of revenue.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Years back...I am not sure, but I think Councilmember Carvalho was the Mayor, we did a joint bond float where Department of Water and the County floated bonds together collectively and then split the proceeds. Is that something that you are possibly considering going down the road?

Mr. Tait: We are, depending on the...usually it is a two-year or two-and-a-half-year cycle on receiving your first wave of Federal money. You never get it your first year out. They have changed the appropriation techniques in Washington, D.C. where it was straight appropriations to now where you are really hunting for the same pockets of money with thousands of water agencies looking for the

same pockets. It is a little more competitive today as far as securing those funds through who you know, versus now where it is wide open and you compete against someone else. We do have some advantages. Relationships that we have with some long-term folks there, I think are going to pay dividends. The other side of it is in some pockets, we do qualify for disadvantaged funding. That is going to be one of our heavy focuses because of the economic situation and what our cost of living, wages, and income levels look like. There is a variety of options that we are going to explore, but right now, just starting out, I wish we would have a regular cycle of Federal money, but the thing that is difficult for me in coming from a big, populated, metropolitan area is no different here. We are paying for a bridge in New York, we are paying for streets in Cincinnati, we are paying for baseball fields somewhere else, but we have never received any of that on a major scale from Federal moneys, so it is about time we got caught up.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: Thank you for your folks' knowledge and helping us understand this. I, too, had a meeting with you and Mr. Hinazumi. I am really interested in having you explain to us about the faucets. Currently, if I was to build a new home, I would be asking to purchase a five-eighths (5/8) meter. Is that correct?

Council Chair Rapozo, the Presiding Officer, relinquished Chairmanship to Councilmember Kualii.

(Council Chair Rapozo was noted as not present.)

Mr. Tait:

That is correct.

Councilmember Cowden:

Is this about water use?

Councilmember DeCosta:

What was that?

Councilmember Cowden: I thought we were talking about the Water Use and Development Plan. I am sorry.

Councilmember DeCosta: Yes. I am asking a clarifying question about the faucets, because he mentioned faucets. Did you mention faucets?

Mr. Tait:

Yes.

Councilmember DeCosta: Is it that you might be going to a rate based on how many faucets you have in a home?

Mr. Tait: It is an option used throughout the country, instead of just depending on a tiered rate structure and FRC.

Councilmember DeCosta: That is why I am addressing the question. Thank you.

Mr. Tait: Yes, sir.

Councilmember DeCosta: May I please continue?

Councilmember Kualii: I am the Chair. Yes, you can.

Councilmember DeCosta: Thank you, Chair. That is why I am asking.
May I continue?

Councilmember Kualii: Sure.

Councilmember DeCosta: On that five-eighths (5/8) meter, if I was to build a home in Kalāheo, would I pay the same price as a home being built on top of that hill in Kukui'ula? Would I have to put a five-eighth (5/8) meter and that same home in Kukui'ula put that same five-eighths (5/8) meters, and they would pay the same price, because right now we do not have the faucets included and we just have a residential meter? Currently, will the person building a three-bedroom home in Kalāheo or Līhu'e need to pay the same five-eighths (5/8) meter rate as the home built in Kukui'ula.

Mr. Tait: I will jump to Michael, but I think the answer is yes. I also think it depends on square footage.

Mr. Hinazumi: Based on the existing rules of the Department, the faucets and fixtures idea that we will be proposing to the Board for their consideration has not been adopted by rule, yet. Currently, based on our impact fee, which is our FRC, dwellings fall into certain categories. A single-family dwelling has an FRC rate for a five-eighths (5/8) inch meter. A lot of times people confuse the five-eighths (5/8) inch meter with the impact fee, but the impact fee is based on the type of dwelling that is trying to be constructed.

Councilmember DeCosta: Do you have square footage on that type of building? For example, a maximum of three thousand (3,000) square feet and over would pay a bigger impact fee versus a smaller square footage home?

Mr. Hinazumi: At the present time, if it is considered a single-family dwelling, the impact fee is the same.

Councilmember DeCosta: Could my single-family dwelling at one thousand (1,000) square feet be the same as a single-family dwelling at five thousand (5,000) square feet?

Mr. Hinazumi: Yes, sir.

Councilmember DeCosta: There is a flaw there.

Mr. Hinazumi: Yes, sir.

Councilmember DeCosta: Somehow, that needs to be fixed. I cannot see our local resident paying the same price on a one thousand (1,000) square foot as a five

thousand (5,000) square foot home. I want to ask you a clarifying question, because you mentioned the storage tanks. I believe it was the Department of Water that put a new storage tank in 'Ōma'o. There is a new storage tank right past the church Jesus Coming Soon. I see the Department of Water trucks checking the tank. Was that storage tank put in by the Department of Water or was it put in by Alexander & Baldwin (A&B)?

Mr. Hinazumi: Across the highway...

Councilmember DeCosta: ...of Jesus Coming Soon going down to 'Ōma'o, you folks have a new water tank. It is possibly five (5) to seven (7) years old. It was put in to service the 'Ōma'o and Kōloa area.

Mr. Hinazumi: There is a water tank on 'Ōma'o Road just below the park.

Councilmember DeCosta: It is above that. If you continue up the road to Kaumuali'i Highway, you have another large water tank. I believe it sits on David Rita's property right now.

Mr. Hinazumi: Yes, that was put in by Kukui'ula Development.

Mr. Tait: A&B.

Councilmember DeCosta: Do you folks manage it?

Mr. Hinazumi: Yes.

Councilmember DeCosta: Is it that they put the storage in, you folks manage the tank, and the water feeds Kukui'ula?

Mr. Hinazumi: That is correct.

Councilmember DeCosta: You folks still charge your Department of Water constituents funding to manage that tank, but they do not have the purview of using that storage.

Mr. Hinazumi: The Development by Kukui'ula has two (2) wells and two (2) tanks on the *mauka* side of Kaumuali'i Highway. That was constructed as part of Kukui'ula's Master Plan Development for their Kōloa and Po'ipū development. All of those infrastructures have been conveyed over to the County's Department of Water.

Councilmember DeCosta: I understand that.

Mr. Hinazumi: In part of that, what they were required to use for their development has been accounted for in their impact fees for the FRC. Whatever balance we have available is being provided to the community that those water tanks can serve.

Councilmember DeCosta: There is some development that will happen in Kōloa that will benefit regular community members, not just the Kukui‘ula community members. Am I correct?

Mr. Hinazumi: Yes.

Councilmember DeCosta: Okay. I was just worried that you were using your workers at the Department of Water to manage those tanks and it only services Kukui‘ula. Thank you for that. Thank you, Joe.

Councilmember Kualī‘i: Going back to the available funding issue, what is your reserves, what is your reserve policy, and do you have funding available in the reserves? Are you exceeding the amount that, by policy, you are required to have in the reserve? We just got through our Budget, where we were talking about reserves.

Mr. Tait: We are just finishing ours, so thank you for the question. I believe the minimum balance required is nine million dollars (\$9,000,000).

Mr. Hinazumi: The Board recently changed the policy. I believe it was last year. The reserve policy is similar, if not the same as the County’s. It is thirty percent (30%) of the audited revenue.

Mr. Tait: Our revenue is a little over thirty million dollars (\$30,000,000). I think our reserve is about nine million dollars (\$9,000,000). This is by policy.

Councilmember Kualī‘i: Are you just there at that level?

Mr. Tait: We are basically proposing a zero-sum budget for next calendar year. We are within a few thousand dollars of that right now.

Councilmember Kualī‘i: Members, are there any more questions on the funding part of it? Are there questions on anything else?

Councilmember Cowden: I have questions.

Councilmember Kualī‘i: Go ahead.

Councilmember Cowden: You discussed the Water System Investment Plan. Is the accuracy of that plan current? Is it accurate to our current conditions or does it have to be accurate to the Kaua‘i Water Use and Development Plan (KWUDP), as is drafted?

Mr. Tait: It is current as of today.

Councilmember Cowden: It is current.

Mr. Tait: The Water System Investment Plan is current as of today.

Councilmember Cowden: Okay. Does it need to have a completed KWUDP as a prerequisite or are they independent of each other?

Mr. Tait: No. They are not combined. The Water System Investment Plan was a need that I unfortunately saw when I came to the Department of Water and we could not wait for one of the State agencies to update their data, so we just said, "Okay. We cannot wait. Let us figure out what we need for our island." That is why rates were included. We need to know how we are going to fund what comes out of the Water System Investment Plan, instead of just hoping the residents on the island are going to be able to fund that when there is no chance that they can do that. With the population we have, it is not feasible.

Councilmember Cowden: I am hearing that this is a responsible plan. You know I put a lot of work into looking at the draft KWUDP. I want to acknowledge my personal staff for their help with that also. I would say it is based on decades of inaccurate State plans. The best I can test, the information that is fueling the KWUDP is dominantly a reflection of 2004. There has been a few little updates, but it is not accurate.

(Council Chair Rapozo was noted as present.)

Councilmember Kualii returned Chairmanship to Council Chair Rapozo.

Councilmember Cowden: I want to make sure that when we are making planning decisions or County decisions, that we are working with reality. Is this Water System Investment Plan reality?

Mr. Tait: Yes.

Councilmember Cowden: How is this KWUDP that I am uncomfortable with...can you speak to what it means when we are proposing a KWUDP with really antiquated information. I will state my worry, so you can put it in that context. My worry is the plumbing and litigation process is a lot more robust than our water system, as it exists right now, so if the County is facing lawsuits or looking at things, when we sign off on a KWUDP that is knowingly inaccurate, how will the County be impacted?

Mr. Tait: I am not certain the term "signed off on it" is ours to do.

Councilmember Cowden: I believe it is the Council's.

Mr. Hinazumi: The KWUDP is a document prepared for the Commission on Water Resource Management. It is for their Commission to review, adopt, and accept.

Councilmember Cowden: When they adopt and accept something that is wrong, how does it impact us?

Mr. Tait: We are basically verifying our situation. If they sign off on something that is different than what our findings are, that is out of our control. When we say a revision or when you say a revision, our action has been not really viewed by us as a revision. It is a confirmation. We are confirming that the water supply on the island is still robust enough that for whatever reason development were to skyrocket all of a sudden, we have enough water from our sources to sustain that development.

(Councilmember Kagawa was noted as not present.)

Mr. Tait: Again, the gap is not the water supply. It is the storage and transmission. The Water System Investment Plan has identified where you folks at the Department of Water should look for wells, should look at applying storage, and should upsize pipes. In most cases, the Department should replace pipes because of the age. We have pipes that go back to the early 1900s and maybe even the late 1800s. That is what the Water System Investment Plan was to address.

Councilmember Cowden: Okay. I just want to say Maui's plan is what I would like to see. That document seemed like it really showed accuracy, but we do not have enough information to create something like that. Is that correct?

Mr. Tait: I think we did.

Councilmember Cowden: It is very different.

Mr. Hinazumi: We are similar in data, but the plan itself was done by a different consulting team, so the fit and finish might be a little different.

Councilmember Cowden: Significantly. I respect everything that you folks are doing, but it was very significant in terms of...like I am worried about the County's fire flow protection and how they are going to be able to manage it. I appreciate that you spoke about when you were at the Federal government, you were talking about the difference between what Maui's situation is, what Kaua'i's situation is, and how we are arguably at least as vulnerable, if not more.

Council Chair Rapozo: Councilmember Kualii.

Mr. Tait: I believe that until I see the implementation of all of the assets proposed in the Water System Investment Plan.

Councilmember Cowden: Can I not ask my last question?

Council Chair Rapozo: Yes, if you have one.

Councilmember Cowden: I do. I have another one.

Council Chair Rapozo: Okay.

(Councilmember Kagawa was noted as present.)

Councilmember Cowden: I am curious how much the consultant was for this particular KWUDP, because it is basically the 2004 information with minor changes.

Mr. Hinazumi: I do not have that information off the top of my head, but I can get it prepared and submit it to the Council.

Councilmember Cowden: I hope it was not a lot. I know they had to do public outreach. I saw that there are appendices that show what questions were asked.

Mr. Hinazumi: I am a little embarrassed to say this, but the contract spans from at least 2009, because the only official KWUDP that the Kaua'i Department of Water has is from 1990.

Councilmember Cowden: That is correct.

Mr. Hinazumi: I do not know what led to some of the challenges in the beginning because I was not there, but there was a stoppage between 2019 and approximately 2022 when Joe came to the Department of Water, because we did not feel it was right to hold public meetings during the COVID-19 shutdowns when representation by the public was not going to be adequate in our opinion.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I do not have the latest draft of the KWUDP before me and I do not know if it includes the State DHHL water reservations, but I am interested in that as far as when did you get the latest request...I do not know if you call it a request or an application...from the State DHHL for water reservations and is it something that they can continuously come to you with or do they come to you once a year or a couple of times a year? The reason why I am asking this question is because we have been hearing how Grove Farm is making lands available in Lihu'e and the State DHHL is going after a considerable amount of land and is looking to do a considerable affordable housing development...all their housing is affordable...in Lihu'e. If that all starts moving, are they going to be able to get a water reservation from you and move that project or is water, maybe possibly like wastewater, going to be the infrastructure need and challenge that holds it up.

Mr. Hinazumi: Water reservations are identified in the KWUDP. I can get that information over to you. As far as water reservations, they are through the CWRM, so they have identified those and sad to say, they are longstanding decades of reservations. As far as what the current water needs for DHHL are, Joe and I have been working with DHHL's consulting team on their proposed developments in Lihu'e and Hanapepe, especially, to identify needs and plan accordingly with our Water System Investment Plan to provide water infrastructure needed for their developments.

Councilmember Kuali'i: You are working directly with the State DHHL even though they have to get the reservations through CWRM. Does CWRM then come to you with the reservations?

Mr. Hinazumi: For the current one, they have not worked through CWRM, but we are just working as a willing partner.

Councilmember Kuali'i: When you talk about longstanding water reservations, if it turns out that certain projects do not move, then can they realign that and give priority to the one that is moving?

Mr. Hinazumi: I believe the way it is identified from the CWRM is the reservations are per water area.

Council Chair Rapozo: Let me clarify really quickly. Does CWRM issue the reservations? It is not the counties.

Mr. Hinazumi: That is correct. Yes.

Council Chair Rapozo: Is what shows up in your KWUDP the reservations that have already been granted by CWRM?

Mr. Hinazumi: Yes.

Council Chair Rapozo: I understand. Councilmember DeCosta.

Councilmember Kuali'i: Wait.

Council Chair Rapozo: I am sorry.

Councilmember Kuali'i: The other part of my question which I think you did not answer is if it is an going process that the State DHHL could request updates, changes, or additions to water reservations.

Mr. Hinazumi: I would have to defer to the CWRM, but I believe they could request to amend their reservations.

Councilmember Kuali'i: Finally, in your discussions, because you said you were working directly with the State DHHL, have you been talking about the Līhu'e housing development?

Mr. Hinazumi: Yes, we have been talking about it.

Mr. Tait: We have been talking with DHHL about various spots on the island where they have property and we would either have to supply them or increase infrastructure to supply them, so there is a balance of trade between us and DHHL. We have a very good start. We have been talking with them for a number of months now leading up to the culmination of some of these developments that may indeed replace some of the developments that may have been planned by other

folks, either Grove Farm themselves or someone other than Grove Farm, using those same properties. It is just what comes first and what is the easiest infrastructure solution for their priority list of where they would like to do development versus where we have infrastructure or not today.

Councilmember Kualii: Are you aware of three hundred (300) acres, possibly one thousand (1,000) homes? Granted, they are phased in over time, but as it happens in the next five (5), ten (10), or fifteen (15) years, will water be available, too?

Mr. Tait: If you look at the master plan, it may change names and titles, but what we are geared towards is that adopted master plan.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Thank you. Joe and Michael, I want you folks to talk a little bit about the facility that you currently are supposed to have either adopted or purchased from Grove Farm in Līhu'e, but have not done so yet. Also, why have you not, since I believe the time period has expired and you have the right to either purchase or adopt it. If so, when do you plan to take over that water system and why has it not been taken over yet?

Mr. Tait: There was no plan deadline. There was never and there still is not. There was no plan deadline. As you know, with acquisition of any asset, there are a whole bunch of moving parts. In this case, there are several moving parts. The issue of permitting from the State Department of Health (DOH) is one issue. The issue of the master plan and how the adoption of that facility over time meets the development activities downstream. All of that is playing into it.

(Councilmember Bulosan was noted as not present.)

Mr. Tait: The Board has had a desire and an objective for multiple years. It was from before I arrived. Those discussions have become more close, more harmonious, and more intense over the past seven (7) or eight (8) months. It is all a timing issue, because if you look at the entire Līhu'e and Hanamā'ulu watershed, if you look at that whole stretch of where the water runs, we have other infrastructure issues besides the treatment plant that we would have to account for. If you have your desired flow out of the treatment plant, but you need to replace old pipes, that is an issue. You do not want to overtax the system that may not be able to bear it today. As I call it, there is a plate of spaghetti and when you pull a noodle, other noodles move. That is sort of the way this discussion has been going. If we do this, DOH says you need to do this. If we do this, the development down by the airport...no, we need to do this. It is not just the facility. It is everything that comes out of the facility that is running.

Councilmember DeCosta: Do you need to purchase that facility from them or are they just going to turn it over to you?

Mr. Tait: That is under discussion right now. That is not a set decision yet, because with the facility comes lands, easements, right-of-entry, permits to go on to folks'...it is not just the facility, because if you look at the water system and the plans for the master plan long before my time, you need storage, right? You could acquire the plant tomorrow and if you change nothing, yes, things will continue to operate, but if the plant is to meet the master plan downstream, then you are going need storage tanks on that same area. You are going to need all of that. It is not just the facility.

Councilmember DeCosta: Yes, but it is a cost benefit analysis. Right now, the Department of Water is paying a fee to Grove Farm for that facility, and if you had the opportunity to either purchase it or it would revert back to you...I am not sure what the contract states.

Mr. Tait: It is not a "revert back." It would be them dedicating the facility to us and how we consummate that exchange is under negotiation right now. It could be a combination of land, other assets that Grove Farm has that we may look at as viable for a future well site, or some other issue over here. It is not just a "pay this and you get this."

Councilmember DeCosta: Thank you for explaining, but again, Grove Farm has this stored water facility that they use for their developments, and you also use water from that facility for your constituents, yet you need to pay them a fee to use that water. I am just looking at the cost benefit and if it was worth more for the Department of Water to have that facility than to pay a fee to another company, because it is over time.

Mr. Tait: If you look at the master plan...I am sorry that I keep going back to that, but that is all I can look at right now, because that is all that is official. If you look at the master plan, it is definitely more advantageous for the Department of Water to control that facility for several reasons, not of which is just financial, but regulatory.

Councilmember DeCosta: But you are not right now, right?

Mr. Tait: We are not, but we are assisting with that preemptive move where the regulatory bodies would be supportive of us taking it. I have had several folks, both in the regulation side and the business side, say they see it as an advantage if the Department of Water was owning and operating that facility, because then they do not need to worry about regulation. You folks are going to need it, because inherently, that is what the Department of Water does. We cannot produce non-potable water out of any of our facilities, whether it is a well or whatever. They know we are going to meet the regulations and they know we are going to budget to meet the regulations in perpetuity. If that becomes our facility, that is just another asset for us.

Councilmember DeCosta: Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I know from being at the Board of Water Supply meeting that the funding for the Kīlauea well was absorbed into helping to fund the Kalāheo well because you lost the easement...if I am understanding that correctly when I was there. There is a middle school and high school in Kīlauea. It is an agricultural-based Charter school wanting to open in the Fall of 2025. It is dependent on water. Where are you at with Kīlauea and that extra million gallons?

Mr. Tait: I will turn that one over to Michael.

Mr. Hinazumi: Kīlauea water tank is under design and due to the some of the timing constraints, because this project had been slated to go to construction in 2018, but was later deferred, we are updating permits and revising our environmental assessment (EA) documents. Since that time, the *ka pa'akai* ruling came out, so we are also taking care of that. We are working to become in compliance with that.

Councilmember Cowden: Do you think the timing is going to work for the school? As you know, there is the affordable housing right across from the school.

Mr. Hinazumi: At the present time, we are looking to finalize the design. First, we need to finalize the environmental compliance documents. Once that is done and we can receive our permitting, we are hopeful that we can go to request solicitations sometime in the latter part of next fiscal year.

Councilmember Cowden: Does that mean the Spring of 2026?

Mr. Hinazumi: It is the Spring of 2025.

Councilmember Cowden: Okay. It is unknown if it will be done for that school to open. I am not trying to "grill you" for long. Can you speak to Moloa'a? You mentioned people waiting for decades. What is the story on Moloa'a?

(Councilmember Bulosan was noted as present.)

Mr. Hinazumi: Moloa'a is a private water system. At the present time, we have seven (7) customers who...

Councilmember Cowden: The private water system is listening [sic]. Can you folks stop talking. I want him to be able to hear this. I am asking the question for you. Go ahead.

Mr. Hinazumi: We receive water from a private water system, but at the present time, there are some challenges with the water system, so we are providing water from the Department of Water to fill its tanks for the Moloa'a customers who we serve.

Mr. Tait: The system that has the challenge is not ours.

Councilmember Cowden: The system is not yours, so there are all those farms that are not even on the private system that are all having these plumbing problems or their pumps are not working because the wells are...this goes back to the KWUDP, because that is what is really important in the KWUDP. There does not seem to be enough water in the ground at Moloa'a to feed those wells that are dependent on what it says is there but is not there. That is where we are seeing an inaccuracy. How do you deal with an approval at the CWRM on an inaccurate water plan when the water is not under the ground, and it says it can feed those wells, but it does not?

Mr. Hinazumi: The CWRM has jurisdiction on those wells. Just for clarification, the KWUDP and the sustainable yield is the amount of water that can be extracted without negatively impacting the aquifers for the island of Kaua'i. The ability to extract the water from groundwater has been the challenging part for the Department as well as other developers. While there is water under the ground, there may be a need for a battery of wells in order to supply, and at a certain depth, we do not...I am not a hydrologist, so I cannot tell you for certain, but a potential battery of wells may be required to supply what a development would need.

Councilmember Cowden: Relative to the KWUDP, which is the agenda item, there are roughly sixty-five (65) private wells in a square mile of that area that seem to be risking going dry. I just want to leave you with that, because when I am saying that it is important to have accuracy in this document, it seems like that is a significant inaccuracy in the document.

Mr. Hinazumi: Thank you for the information. I am unsure, but I believe it was you and some others...

Councilmember Cowden: Yes, we sent it to you multiple times.

Mr. Hinazumi: It was presented in a public meeting as well. Again, the KWUDP is basically to identify the policies of the County relative to the availability of water. As far as infrastructure required or the upgrades required of infrastructure to tap into those sources, it would be up to the private developers in this particular case. If it is in areas that we have a water system, it would be up to the Department of Water.

Councilmember Cowden: My last comment on that...

Council Chair Rapozo: Question, not comment.

Councilmember Cowden: My question, alright...I just wonder if I can have quiet in the room at the back. It is really distracting me. Is it the County that gives the permits or is it the State that gives the permits to drill those wells, because those wells have been drilled based on what it says is in the KWUDP, which is from 1990? Who will be looking at it and continue to give permits for wells, because there are a bunch of other people who want wells? We just subdivided another big parcel down there and they are all going to have to drill wells. I think it is the KWUDP that is supposed to be saying it, so we are going to be making more mistakes based on an inaccurate document.

Mr. Hinazumi: All of the well permits run through the WRM.

Councilmember Cowden: Is it not the County?

Mr. Hinazumi: It is not the County.

Mr. Tait: This is even for our wells.

Mr. Hinazumi: In fact, when we want to drill wells, we also need to apply for permits through the CWRM.

Councilmember Cowden: When we submit an inaccurate document to the CWRM that they adopt, are we going to get more wells? These people think they are getting wells. They really think they are getting wells already, but they are not going to get any water out of those wells. What do I really know, but we are supposed to have an accurate document to tell them. We just did the subdivision.

Mr. Hinazumi: Based on the information available, adopted by and provided to us by the State agencies involved, I believe our document is as accurate as it can be.

Mr. Tait: Our document.

Mr. Hinazumi: Our document. It is a living document, so as new information becomes available, we are tasked to update our documents. As far as recordkeeping for the CWRM, I cannot speak to that.

Mr. Tait: We would be required to update our document when we receive new data from CWRM. It is not the other way around.

Councilmember Cowden: When I asked you earlier if you can bring water out to those dry farms, is it that you cannot do it, because it is not your *kuleana*?

Mr. Tait: It is not. In many cases, even if we wanted to, we do not have an easement, right-of-entry permit, or access beyond our legal authority to do that. As Michael said, right now, we are delivering water to the tank because the system that is not ours and an easement that we do not own is not in our control.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I just want to help us along. How much oversight does the County Council have over you folks? How can we help you folks or how have we ever helped you folks answer detailed problems such as this?

Mr. Tait: I cannot answer past 2022.

Councilmember Kagawa: Is it the Board of Water Supply that oversees you folks?

Mr. Tait: That is correct.

Councilmember Kagawa: What is the process of a meeting like this? How does this help address specific problems like Councilmember Cowden is asking? You folks are here today. Where does it go from here?

Mr. Tait: It goes back to our Board. The KWUDP, as well as the Water System Investment Plan goes to the Board. They make a decision on adoption and funding, and then we take that direction. We will definitely make recommendations of what we need. Because we have had these discussions for a couple of years now with them, they sort of know where we are headed. As I said, we are getting a pretty extensive briefing from the consultant tomorrow as to what they have found. I am sure the Board will see that information and say, "Okay. This is what type of money we need." For us, I think we have identified what our needs are. I think the issue now is how to pay for it.

Councilmember Kagawa: For me, it is great to get the details from you, but being that we do not have much oversight, I just want to know how this Council can help you besides taking an hour of random questions about different areas. How can the Council help?

Mr. Tait: Councilmember Kagawa, let me answer it in a different way. I am the new person. All you folks have much greater connections at the State and Federal levels than I do, especially your former Mayor and Council Chair. You folks who have been on the Council more than once have much more influence than I will ever have. I can provide them with the need, but I cannot provide them with the money. It is always wonderful for us to appear here, because we feel like we get support from you folks, but we can only go so far in our civil service jobs. You folks can then influence folks who have that avenue to funding.

Councilmember Kagawa: From my end, we have a Planning Director and a County Engineer who sits on the Board of Water Supply.

Mr. Tait: We do.

Councilmember Kagawa: What has been lacking for me is if there are so many requests that have not been lobbied well enough for at the State or Federal levels, and you are saying that perhaps the Councilmembers can help with the lobbying of these things for Kaua'i, but I guess that communication has not been coming from the County Engineer or the Planning Director as far as these things that we are perhaps missing out on. As you have your Board meetings, please tell them what we should be helping you folks with so that we can actually accomplish something, rather than wait eight (8) years down the line and then say, "What about Moloa'a? What about Kukui'ula? What about Kōloa?" We have these meetings at random times and I have never seen an area where the Council can help, so I just want to perhaps change the

direction. Let the Council help you with your priorities so that we can have more success and more good stories to tell.

Mr. Tait: Thank you. That is also on us, Councilmember Kagawa. We need to reach out more than we have. I am not a big fan of passing the burden on to others, but in this case, we definitely see a need for a partnership where we can accomplish these. It is on me as much as it is on you.

Councilmember Kagawa: It is on us as well, because we have a housing crisis and we need to somehow fill the gaps with the infrastructure so that we can get to that point where we are starting to keep our children living here.

Mr. Tait: Yes.

Councilmember Kagawa: Thank you, Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a short follow-up. Thank you for your excellent question. It was a very excellent question. I appreciate it. Am I hearing that I should put this on your agenda, because you know that I have gone heavily to you folks? I have certainly brought this issue to the Department of Public Works and the Planning Department. I have sent them similar materials. I have been asking for about five (5) years, since before you were there. I have met with Bryan Wienand out there. I have been asking and asking. I assumed that you folks set your own agenda. Should I ask to be on your agenda?

Mr. Tait: We do not. The Chair is responsible for the agenda. Usually what happens is whether it is you folks, or a member of the public, submits a document or a request to our Board officer, she takes that to the Chair and the Chair says to put it on the agenda for this month or next month. That is the Chair's call.

Councilmember Cowden: I will do that. I will look at this new subdivision that is going in and wants the water with some of those other farms. We will bring it to you. It should be certainly familiar to the Planning Department and the Department of Public Works. Maybe that is the right place to do it. Thank you, Councilmember Kagawa, for asking the right question. I had hoped that we were going to have an updated one, because it is going to be at KCC on the 22nd.

Member of the public: The 21st.

Councilmember Cowden: The 21st. CWRM is going to be with the Department of Water for the KWUDP on 21st. For anyone listening, that is the place to go. I had hoped we were going to get an updating thing that had more of what my team has been sending you.

Council Chair Rapozo: Are there any other questions for the Department of Water? If not, thank you very much.

Mr. Tait:

Thank you, Chair and Councilmembers.

Council Chair Rapozo:
testify on the KWUDP?

Is there anyone in the audience wishing to

JEFF LINDNER: *Aloha*, Councilmembers. Jeff Lindner, for the record. I would like to ask the question on agricultural (Ag) water. I did not hear. No one covered that. Typically, when you do an Ag subdivision, they require you to have Ag water, which basically sort of restricts the ability to do a subdivision. Then I think they did things where you had to somehow have so much...I am not exactly sure. They created something to get around it, but there should still be some sort of plan that if the Ag subdivision is going to be required to have Ag water, how are you going to get it and it should be included. Also, on the question about the water tanks, in some cases, like in Kilauea, they put the water tanks at the same level to get the equal pressure. They would not do a pressure reducer because it was a mechanical thing and they thought that would fail. I am sure Joe knows all about that. When you put a tank higher, you get that pressure, so you are getting the pressure as opposed to having to go back to put the pump in. If they allow a developer to put it higher than the other ones, how are the other people going to use it if it creates too much pressure somewhere further down the road. The agricultural thing really...they were trying to tell you that you had to have our own agricultural water and you could not use that. As far as Moloa'a, I think some of it was that for a long time the Department of Water wanted to acquire everything because it is cheap, and get it as cheap as they could, but in 1996...and I am not sure about the bank of wells that you are talking about, but they were pumping three million (3,000,000) gallons a day out of there and the Department of Land and Natural Resources (DLNR) was ready sign a long-term lease, but it was the Department of Water that stepped in and said they wanted to look at it. That has never gotten resolved. Now, we have water to supply...Department of Water...but there was never a contract for many years and then when they found that out...

Council Chair Rapozo:
minutes.

I need to stop you. That was your first three (3)

Mr. Lindner:

Yes.

Council Chair Rapozo:
testify? Okay. You can come back for your second three (3) minutes. Bruce.

Is there anyone else in the audience wishing to

Mr. Hart: For the record, Bruce Hart. The presentation was good. I have an understanding. I had some understanding. I have more understanding of what we are looking at in the future. My question through the whole discussion was asked by Councilmember Kagawa. What can we do to help? That is what it comes down to. We are trying to work with the State. How much can the County do and whatever we can do, because this is vital. Affordable housing...I have taken to calling it subsidized housing or below market value housing that we want to provide as much as we can to the community. If we do not have infrastructure, we are not going to be able to do it. That is our job. It is to fund or do whatever we can as a Council, as the legislative body, to work with the Administration to provide the infrastructure, so that

the private industry can go into gear and build these affordable houses and housing in general. Again, I am with Councilmember Kagawa. What can we do to help? Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? Is there anyone else who wants to speak for the second time? Mr. Lindner.

Mr. Lindner: Yes. When you talk about private, I think the question is there was an issue about a private person owning a water company, so even now...and I basically offered the Department of Water as much water as they wanted, because if I gave it to them, I would have to buy water from them with an FRC, but I think now, I guess I am not clear why they would not want to enter...even though we never had an agreement, and I supplied water for twenty-six (26) years or something...why they would not want it now and why they are hauling water to a five thousand (5,000) gallon tank. I think that is part of a bigger issue than just the supply. That is all. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? If not, is there any further discussion? Councilmember Kagawa.

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

Councilmember Kagawa: I just want to thank Michael and Joe. There has been so much turn over in the past years of the Department of Water's Manager position. It has been a revolving door for a while. I think Joe has been trying to be real with the truth about what is going on and how it can be better. I appreciate that from Joe as he attends public meetings and speaks the truth as he sees it and says what needs to be done going forward. Like many of the County's infrastructure, the County has relied on the old infrastructure from the '60s and '70s, which was built to maybe handle forty thousand (40,000) people, residences, and businesses. Today, the County is double that. The County has eighty thousand (80,000) people, there are way more tourists than ever before and what has been lacking from all areas...when you talk about agriculture, the State was so reliant on the plantations. All they cared about were the plantations. When they shut down, they did not expand or maintain a lot of these systems so that it could provide other uses like for individuals or small farms. To have the property for Ag and have these requirements without the State having done the planning and setting everything up is so difficult. It is almost impossible for many. There is a lot of catch up to do, but I think Joe and Michael are "taking the bull by the horns" and ask how they move forward and make up for the years. The Department of Water was so concerned about fixing what it had and taking care of what it had, but it did not do enough of going forward with the growing population while fixing and improving the system or even building a new system. A lot of that has not been done. The same can be said about the County's infrastructure—roads and bridges. There are one-hundred-year-old bridges. There is no excuse. There should not be any one-hundred-year-old bridges. It should have been fixed, but it has not. It is a reality all over the place. Now, the County is addressing it with the General Excise Tax (GET) and is starting to move forward to fix many of those bridges. I think the Department of Water is in the same area. It will only happen if there are big changes. The County needs big funding, big plans, and a Council and Mayor who supports it. The County will

have to support it financially. It will not be free. I think those are things that need to be done, and we are lucky to have Joe who is willing to take the initiative, move forward, and try to change and catch up to where the County needs to be, going forward. I appreciate you folks and I appreciate the work of the Department of Water. It is something that cannot be put off. The County needs to move forward. Thank you, Chair.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: First, I want to also thank Joe and Michael for taking a lot of time out of their morning when I know they have a lot more things that they need to be working on. I appreciate that it is important for the left hand to know what the right hand is doing. Coming into the Council in a time right after the term limits happened...we had a pretty new Council and it is not getting a lot of teaching, so it just got something that seems like...someone over these five (5) or six (6) years should have just said to me, "You can put this on the Department of Water's agenda." I try to be respectful, I ask and I ask and I ask, and I have found that there are questions that I am not supposed to ask. I never understand why I am not supposed to ask. I try and work with everyone. I am not suggesting that right here and right now, but I have certainly since...I believe this started in 2009. In 2010, I started going...2014...to the KWUDP that was supposed to predate the General Plan update. I went through so many of those plans. All of this...it matters where and what we can do, and what I am just seeing in different places, like Kilauea—my own town where I live—we are having crisis in Hanalei, Wainiha. There is not enough fire flow protection to put out a fire when the fire truck is there before the fire starts. We have a lot of issues that we are dealing with. It is really important. I appreciate the Department of Water coming here, spending the morning waiting to be able to share this window of time. I am going to put it on. I am going to work, though. First, I am going to work with Moloa'a. I am looking at the private water person, but there are those people who are not getting their water. We need to get everyone in there and ask how we get on the agenda to get taken care of, because the people who are building these properties usually do not have anything, especially the ones that are already built, so they did it as little as they can. It is both the Ag water, because now that stream has a low flow, and then when the wells are dry, particularly in the summertime, we have challenges. Thank you so much. I will certainly be attending the CWRM meeting at Kaua'i Community College next week.

Council Chair Rapozo:
Councilmember Bulosan.

Thank you. Is there anyone else?

Councilmember Bulosan: I just want to ditto everything and echo the *mahalo*. There has been a noticeable change in the Department of Water and the efforts that you folks are making. Promises were made and you folks are executing on those promises, particularly to this KWUDP, so I really appreciate that you folks are delivering on it. Thank you.

Council Chair Rapozo:

Is there anyone else? Councilmember Kualii.

Councilmember Kualii: I, too, just want to say *mahalo nui loa*. Thank you so very much for all your hard work. It is critically important...I keep saying it...for our affordable housing crisis. The Council just took historic action yesterday and an

additional seven million five hundred thousand dollars (\$7,500,000) will go into the Housing Development Fund, so the County will build housing. The County needs to do more and they need your help. Thank you.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: I just want to say *mahalo* to Joe and his team. You folks have been doing so much. There is always this clarification of who is responsible for what, what resources there are that we can bring home to help you folks, and how you folks can help. That is the clarification that we need to continue to talk about, but in general, you folks have taken it to a different level already. We are on the right path. It is just making sure we can connect and that we have the resources. You folks have that in place, so good job on that. I look forward to talking story more and having more opportunities. *Mahalo*.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: Thank you, Joe and Micheal, for providing some solutions. Thank you for coming up with ways to get some funding and for holding larger square foot homes accountable for the same size water meter. I am very impressed today. I am sorry for taking up your time, but let us know how we can help you.

Council Chair Rapozo: Is there anyone else? Thank you. I always say, "We do not know what we do not know." That is why these briefings are so necessary. This is where we, as a County, find out what we would otherwise not know. The situation with the Department of Water is strange, because it is said they are semi-autonomous, but they are autonomous. We have no control over the Department of Water, zero (0). We have an opportunity to work with them. Again, as you said, Mr. Tait, what we have is influence. We do have influence. We have the political influence, we have relationships with funding sources, and that is where we can offer a hand. Again, I extend the invitation. Joe, let us hook up next week. We will sit at the computer, we will get you logged into NACo, and we will get you introduced with some of the key people. Councilmember Kualii is one of our Board of Directors for NACo. There are amazing resources there and that is what it is going to take. It will take Federal funding, State funding, and even County funding. I am not going to quote the number you gave me a year ago or a year and a half ago, Joe, because I think it is significantly higher now that you have been there for a while, but I know that whatever that number is, you are not going to get there with facility reserve charges and water rates. There will need to be an infusion of cash. That infusion will need to come from the federal government, the State, and possibly the local government. That is what we did before—some creative work...I do not know if it was Ken folks, I cannot remember who it was that was in the Department of Finance at the time. Perhaps it was Wally. It may have been Wally, that is how long ago it was. Working together with the Department of Water, being able to join forces, if you will, and come up with a funding package that at the time I believe was sixty million dollars (\$60,000,000)...we will need a whole lot more, but that is what we have to do. The longer we wait with the deferred maintenance, the more it will cost. You talked about some pipes being over one hundred (100) years old. Those need to be fixed, they need to be replaced. I appreciate

the work that you are doing and just know that we, here on the County Council...whoever is sitting on these seven (7) seats should be willing to stand up and ask, "What can we do to help," because it is all our constituents. It is not just your constituents. It is ours as well, and it is our duty to provide that resource to our people. Is there any further discussion? Seeing none.

The motion to receive C 2024-103 for the record was then put, and unanimously carried.

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

C 2024-104 Communication (04/30/2024) from the Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Refreshment Concessions And Intoxicating Liquor In Parks Facilities, to allow the sale, possession, and consumption of intoxicating liquor under specified circumstances and in specified places at the Wailua Golf Course, and to allow the sale of intoxicating liquor under specified circumstances at County stadium facilities.

Councilmember Kualii moved to receive C 2024-104 for the record, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. This is the Communication for the Bill that will come up later, but I will take any public testimony if there is any. If not, the motion is to receive.

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

The motion to receive C 2024-104 for the record was then put, and unanimously carried.

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

CLAIMS:

C 2024-105 Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Christopher Monterrosa, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-106 Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Elliott Ke, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-107 Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sally French, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-108 Communication (05/06/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by 21st Century Centennial Insurance Company as subrogee of Jamie Kain, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2024-105, C 2024-106, C 2024-107, and C 2024-108 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony? Again, I will say I have never seen this many claims in all my years on the County Council. I am not sure how many of you read the claims, but again, the claims are four (4) very avoidable mishaps. They are very avoidable. I do not know how we rectify this, but we need to do better with what we do. As we go through these cases in Executive Session, I will restate my request that the department head and Department of Human Resources (HR) be present, because it is the same types of accidents happening over and over and over again. I just needed to make that statement.

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

The motion to refer C 2024-105, C 2024-106, C 2024-107, and C 2024-108 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2024-04) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

"COW 2024-02 – Communication (04/25/2024) from Council Chair Rapozo, requesting the presence of the Managing Director and Emergency Management Administrator, to provide a briefing on the service provided by FirstNet," and

A report (No. CR-COW 2024-05) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

"Bill No. 2918 – A BILL FOR AN ORDINANCE AMENDING SECTIONS 5A-1.1 AND 5A-11.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX," and

A report (No. CR-COW 2024-06) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2920 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, SECTION 5-2.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BEAUTIFICATION FEES,”

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

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none.

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

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

Council Chair Rapozo: Motion carried. Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2921) – AN EMERGENCY 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, FOR THE PURPOSES OF FUNDING EMERGENCY EXPENDITURES CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 11, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2921) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 12, 2024, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember DeCosta.

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

Councilmember Cowden: I would like to hear from them.

Council Chair Rapozo: This is a money bill that is just transferring two million dollars (\$2,000,000) from the Disaster Fund to the RAIN24 Fund, so we can deal with the flooding that just occurred. Reiko.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Managing Director: Good afternoon,
Councilmembers. We submitted this when the mid-April floods were on us. I am sorry. Reiko Matsuyama, Office of the Mayor. This is just a two-million-dollar money bill from the Reserve Fund to help us cover our initial costs for public assistance that may or may

not be funded by the Federal Emergency Management Agency (FEMA). Hopefully, if it is funded by FEMA, we can use this as a match. That is sort of the idea we were going with when we initially submitted it.

Council Chair Rapozo: Are there any questions? Councilmember Kagawa.

Councilmember Kagawa: At this point, how much did the County incur, roughly? I know the Department of Public Works had to do a lot. Maybe even the Department of Parks & Recreation did extensive work to clear heavily flooded and damaged areas, trees, and debris. How much is the tab as of this point?

ELTON S. USHIO, Emergency Management Administrator: On the County's end, in terms of the some of the emergency work, protective measures, and what have you, as well as overtime response and what we gathered so far in terms in permanent work, initial estimates were about seven million six hundred thousand dollars (\$7,600,000), but as of this morning, the Department of Public Works alone was at seven million eight hundred thousand dollars (\$7,800,000).

Councilmember Kagawa: Did the County spend seven million eight hundred thousand dollars (\$7,800,000) already on flood work

Ms. Matsuyama: We have not spent it. That is the cost estimated to fix, like Pua Loke culvert and (inaudible) road. Things keep popping up, unfortunately.

Councilmember Kagawa: What is the threshold for FEMA reimbursement?

Mr. Ushio: If I am not mistaken, Statewide, the FEMA threshold is about two million six hundred thousand dollars (\$2,600,000). However, those costs have to be validated by FEMA and we are still in discussion. It is still under analysis.

Councilmember Kagawa: Okay. Is it that of the seven million eight hundred thousand dollars (\$7,800,000), they will throw out and we hope that we made the threshold for reimbursement purposes? Thank you. Thank you, Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Thank you. We know that the scope of this funding is going to be narrowed to just what happened with this last flood. Because the County had the audit on RAIN18 and RAIN20, I am just curious when the County has done the procurement, some of that has already happened and some of that will happen. Do you have any fresh procedures so that you know you are going to be in compliance, since the County was audited to not be...the County could have improved.

Ms. Matsuyama: Our Purchasing Division has a draft. It has yet to be finalized and put into circulation, but we are using that guidance.

Councilmember Cowden: The guidance that the County got in to those recommendations. Will the County make sure every one of those boxes is ticked?

Ms. Matsuyama: Yes, definitely.

Councilmember Cowden: Okay. This seven million eight hundred thousand dollars (\$7,800,000), and I am just going to guess it might end up being ten million dollars (\$10,000,000) or something, because everything is always more than you think. It might be fifteen million dollars (\$15,000,000). Who knows? This is just for things that are the County's direct public *kuleana*. Is there any money? I know I sent a bunch of people who had private landslides into their house to your phone number. I am trying to help them, but there is no money for anyone who has damages to their house. It seems like a lot of the flood insurance is not covering anything.

Mr. Ushio: We have directed or linked people up with our private entity partners through the Volunteer Organizations Active in Disaster (VOAD). Some of those organizations are providing various types of assistance. There are some initial conversations with local philanthropic organizations, so that might be possible. There are no promises, yet. We are in the process of getting a Small Business Administration (SBA) declaration, which will provide low-interest loans for affected businesses and property owners.

Councilmember Cowden: Is that for homes as well? Will SBA help?

Mr. Ushio: Yes.

Councilmember Cowden: Alright. That is good to know. Thank you.

Council Chair Rapozo: Are there any more questions? If not, thank you. Is there anyone in the audience wishing to testify? Seeing none. Roll call.

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

The motion for passage of Proposed Draft Bill (No. 2921) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 12, 2024, and that it thereafter be referred to the Committee of the Whole was then put, and carried by the following vote:

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

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2922) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REFRESHMENT CONCESSIONS AND INTOXICATING LIQUOR IN PARKS FACILITIES

Councilmember Kualifi moved for passage of Proposed Draft Bill (No. 2922) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 12, 2024, and that it thereafter be referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember Bulosan.

Council Chair Rapozo: Mr. Rezentes or the Department of Parks & Recreation, are you coming up to give us an overview.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation: Good morning. Pat Porter, Director of Parks. Do you have any questions?

Council Chair Rapozo: Can you give us an overview? Maybe I can start. The Mayor contacted me a while back and asked what my thoughts were about allowing concessions at Vidinha Stadium...is it Hanapēpē Stadium as well?

Mr. Porter: It is the three (3) stadiums.

Council Chair Rapozo: The three (3) stadiums. For the concessions to be able to sell intoxicating liquor—alcohol. I did not have an issue with it. At the same time, we had input from the Kaua'i Golf Association that was interested in possibly allowing the sale of alcohol at the golf course, because as we all know, it is very difficult to get a concession in there. I do not think there is anywhere on the planet where you can go to a golf course and not drink alcohol. It is a touchy issue and a controversial issue, but I did tell the Mayor that we would definitely entertain it here, so the Bill was drafted and that is why we are here. Obviously, the Administration supports the Bill, right?

Mr. Porter: That is correct.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a few questions. I would assume at the golf course it would be a full bar, right? It is not just beer and wine. It would be a full bar.

Mr. Porter: Currently, at the golf course, the restaurant itself can serve alcohol. This would just allow a cart to be on the course.

Councilmember Cowden: Are they going around with any type of alcohol? I am just curious if it would be any type or beer and wine?

Mr. Porter: Yes.

Councilmember Cowden: Would it be any type?

Mr. Porter: In a can.

Councilmember Cowden: In a can. Okay. Is that normal on a golf course? People take their rum or whatever they may have. Is that right? I do not know. I am so naïve. Do people drink on the golf course? Is that normal?

Councilmember Kagawa: Yes.

Councilmember Cowden: Thank you for that. I am sorry. Forgive me.

Councilmember Kagawa: Do not look at me.

Councilmember Cowden: You are a golfer. I do not know. I do not drink alcohol, so I am naïve on that one. In the stadiums, like Vidinha Stadium, we have nightly events and big events, would that be all types of alcohol or just beer and wine?

Mr. Porter: That would be governed by the Liquor Control Commission. It would be whatever they decide. This just allows that venue to be able to provide that type of sale, but it would be governed by the actual laws that govern it.

Councilmember Cowden: And then Hanapēpē Stadium, and I am assuming the other one is Bryan J. Baptiste Sports Complex.

Mr. Porter: That is correct.

Councilmember Cowden: Again, forgive me, because I do not drink. At children's football game, the parents want to drink in the...is that what it would be? When you go to football, everyone is drinking beer. Is that the norm?

Mr. Porter: No, it would be through a Special Use Permit for an isolated event, not for leagues, youth games, or those types of things. It would not be approved. It would be approved per special event.

Councilmember Cowden: What would be an example of a special event?

Council Chair Rapozo: A concert.

Mr. Porter: A concert at Vidinha Stadium.

Council Chair Rapozo: This does not legalize drinking at the stadiums. This does not legalize drinking at the golf course. This allows the concessionaires to sell alcoholic beverages through the liquor license that they get through the Department of Liquor Control. Basically, the golfers will have to purchase their beer from the concession, and then they can take it to the course. This does not make it legal to pack up your cooler and drink on the golf course. Likewise, regardless if it is an adult event, even if it is a concert, you cannot bring your booze in there. The only way this Bill kicks

in is if the event holder goes to the Department of Liquor Control, applies for that Special Use Permit, pays the fee, and then takes the responsibility of that event.

Councilmember Cowden: Again, forgive my straight forwardness. I just do not relate to alcohol. What I do not want to see is that beer is just the norm at a football game.

Council Chair Rapozo: No.

Councilmember Cowden: I think of all these children. Everyone is going to be drinking, right? Is that going to happen?

Mr. Porter: No.

Council Chair Rapozo: They will get arrested.

Councilmember Cowden: I do not want them to get arrested either.

Council Chair Rapozo: I do if they are drinking it at a child's game.

Councilmember Cowden: A three-year-old is going to love to drink beer, so if everyone is sitting on the bleachers with a beer for every ball game, it might change the nature of...

Mr. Porter: No, that would not be allowable.

Councilmember Cowden: Okay.

Council Chair Rapozo: The only caveat I did have when I spoke to the Mayor was that they would have to...and as we go through the Bill, we will make sure we get that commitment, though I do not know how, but that the marshal would be reinstated and there will be a marshal on the course at all times to monitor the golfers who are now allowed to drink. That is just my own thing, because we do not need a bunch of drunks. The nice thing about having a concession providing the alcohol or the booze is that they will be able to monitor. They will not let someone come up and buy a case of beer. I am assuming that through your Administrative rules, that will have to be clear that the responsibility falls on the concession and typically you cannot buy more than two (2) beers. We will have the discussion when it gets to the Committee.
Councilmember Kagawa.

Councilmember Kagawa: I get a lot of complaints that the County does not have a concession. How long has the last concession, Ritchie's, been out of business?

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation: It has been a few years, but we do have a concessionaire in place. They started work on the facility. What we like about it is they seem to have a long-term approach and they want to really improve the place, so hopefully, we will have a good long-term relationship with this new concessionaire.

Councilmember Kagawa: When are they slated to open?

Mr. Rezentes: They do not have a start date yet, because of the renovation that they are doing right now. Basically, they are gutting the restaurant and there are some other issues in the kitchen side that they are trying to address as well.

Councilmember Kagawa: Do you think it will possibly be by the end of the year?

Mr. Rezentes: Hopefully, yes.

Councilmember Kagawa: Okay. Just for clarification, the previous... Council Chair Rapozo, Councilmember Kualii, and I were on the Council at the time, and the Mayor was the Mayor...but the Brick Oven owners were the ones before Ritchie's and they had requested that the Council try to push this same Bill to give them a chance to see if they could sustain losses or try to overcome losses by having beverage carts go out and give that shot. It did not pass the vote of this Council, right?

Mr. Rezentes: Yes, that is correct.

Councilmember Kagawa: Then there was a period of that time that the space was turned over by the Brick Oven owners to Ritchie's. There was a couple of years in between where the County did not have a concession.

Mr. Rezentes: I do not know if it was long, but there was some time that lapsed between those two (2) concessionaires.

Councilmember Kagawa: I think the most disappointing part is anyway we can get a concessionaire to remain open and to at least have that halfway place to pick up a *musubi*, or soda and sandwich, that is what the golfers...when they complain... a lot of them want the restaurant to open, but they want that halfway little shop to open if possible. Will the new concessionaire open that shop?

Mr. Rezentes: Yes.

Councilmember Kagawa: Thank you. Thank you, Chair.

Mr. Rezentes: They are actually thinking about having it as a walk-in as well. They were thinking about doing some renovations so they can service the clients over the counter as well as a little walk-in for customers.

Councilmember Kagawa: One last follow-up, if I can. Should this Bill pass, are we putting in place a plan to perhaps increase the rent or install a charge for the concession carts? I understand that the rent is pretty cheap.

Mr. Rezentes: We would not have an ability to go back and...

Councilmember Kagawa: Amend the contract.

Mr. Rezentes: Yes, amend it.

Councilmember Kagawa: Okay. You cannot pass something if it is not passed.

Mr. Rezentes: Honestly, we are just hoping to have a concessionaire operating there, because our golfers always complain, as you know, Councilmember Kagawa. Economically, we know it is a bit of a challenge, because it is at the golf course and there is nothing around it. People have to drive there. They need to figure out a way to gain customers from the golf course as well as bring the customers in from the Eastside and Līhu'e side.

Council Chair Rapozo: Good food and low prices. There was a time when that was a very solid place. They had weddings and parties there. It can be done.

Mr. Rezentes: That is an option, too. They can technically do catering there. In the day when it was really popular, the restaurant concessionaire catered out of there as well. There is also opportunities on the grass in front of it. They have access to that if they want to put up a special event tent and have a function there. They have the rights to that location as long as the Director permits it.

Council Chair Rapozo: Does the lease include a percentage share?

Mr. Rezentes: No.

Council Chair Rapozo: Is it a flat rate?

Mr. Rezentes: It is flat.

Council Chair Rapozo: We had no choice. Councilmember Cowden.

Councilmember Cowden: Is there a concession fee for the stadiums? Would people pay? If they are going to put on an event, would they pay five hundred dollars (\$500) to have a concession fee so the County gets a little bit of income?

Mr. Porter: There is no concession fee, but there are usage fees of the facilities.

Councilmember Cowden: Would it be the normal two hundred dollars (\$200) or whatever?

Mr. Porter: Yes. It is whatever type it is.

Councilmember Cowden: Would it be that there is more opportunity to use these facilities? If someone wants to have a concert...

Mr. Porter: If it is a fundraiser for a nonprofit organization and they want to put on a concert, then the proceeds can go to that nonprofit organization as a fundraiser. It is for that type of event.

Councilmember Cowden: I have one more.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: This will be my last one. I promise.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: He is smiling at me. Just so we have effective outreach, is the Parent Teacher Student Association (PTSA) from Kapa'a High School or whoever you think might give you friction, have they been outreached to, so that they can show up for our Committee Meeting? I always hate it when we surprise people and then everyone is angry on the second reading. Did you reach out to whoever? I would think it would be like Kapa'a High School, because they have the Bryan J. Baptiste Sports Complex. If they are good with it, who would it be?

Mr. Porter: This would not affect their sporting events at all. Maybe we can brainstorm on stakeholders to reach out to.

Councilmember Cowden: Really, it is the County's facility, right? It is not that it belongs to the high school.

Mr. Porter: It is a County facility.

Councilmember Cowden: None of them belong to the high schools.

Mr. Porter: That is correct.

Councilmember Cowden: Alright. I hope we publish it. I do not have an issue with it.

Council Chair Rapozo: You know it will not be in The Garden Island, but someone is watching right now, so by tomorrow, it will be all over the island, and not with the help of The Garden Island, that is for sure, because they do not print. When was the last time you saw a story about the Council in The Garden Island newspaper? Never. You are reading Honolulu Star-Advertiser's news on today's The Garden Island newspaper. It is crazy.

Councilmember Cowden: I told you why. It is because they sold it.

Council Chair Rapozo: Now they will print something negative about me, but that is cool. Are there any other questions for the Department of Parks & Recreation? If not, thank you. Is there anyone in the audience wishing to testify? Seeing none. Roll call.

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

The motion for passage of Proposed Draft Bill (No. 2922) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for June 12, 2024, and that it thereafter be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, 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: Next item, please.

BILLS FOR SECOND READING:

Bill No. 2918 – A BILL FOR AN ORDINANCE AMENDING SECTIONS 5A-1.1 AND 5A-11.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

Councilmember Kualii moved for adoption of Bill No. 2918 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 or public testimony?
Go ahead, Councilmember Kagawa.

Councilmember Kagawa: I will explain in short. Bridget, this is brought by our Department of Finance staff, Michelle, Chelsie, and Reiko. They brought forward a Bill to solve a problem with deceased people not getting the Owner-Occupied exemption if the spouse or whoever is still living in the house and for some reason are thrown out of the Owner-Occupied category, this would allow the Department of Finance to make the correction based on the fact that the person not on title is still living there and should have gotten the cheaper tax rate. I just want to thank the Department of Finance. They are going to do it so it is retroactively fixed and I want to thank them for correcting something that should be corrected. No one wants to see death, but it occurs sometimes. Thank you.

Council Chair Rapozo: Thank you. Is there any other discussion?
Seeing none, roll call.

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

The motion for adoption of Bill No. 2918 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, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item.

Bill No. 2920 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, SECTION 5-2.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BEAUTIFICATION FEES

Councilmember Kualii moved for adoption of Bill No. 2920 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 or public testimony?
Seeing none.

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

Councilmember Cowden: Simple explanation. Rental cars have to pay the same registration fee of five dollars (\$5) as people who live here do. We went over all this in the Committee. It is very simple and sort of surprising that rental cars would pay a lower registration fee than a resident.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: My question is are we prohibited from charging more than five dollars (\$5)?

Council Chair Rapozo: We are not, but we cannot charge a different rate for the rental car vehicle versus the personal car vehicle.

Councilmember Kagawa: If we charge something higher, would we be impacting our residents?

Council Chair Rapozo: Yes. Councilmember DeCosta has a meeting with the Department of Finance and I guess they realized that the County was only charging rental cars one dollar (\$1). The local residents are paying five dollars (\$5) per year. It is not creating this influx of cash for the County, but nonetheless, when he told me that, I said, "Fine. Let us charge them ten dollars (\$10) or twenty

dollars (\$20),” but the Office of the County Attorney did the legal review and found that the State statute is very clear. We cannot charge different rates for different vehicles, so all we could do without impacting the local car owners is raise rental car companies up to the same amount of five dollars (\$5). That is what this is. It is almost like a housekeeping bill. Councilmember DeCosta.

Councilmember DeCosta: I just want to thank the group that I worked with. You also worked with them. It was Jeremy, Michelle, and Reiko. Sometimes people think we just do Wednesday meetings and go out to every Bar Mitzvah or event saying, “Look at me. I am at this event,” but the work is done behind closed doors. It is done when we meet and discuss things like this. How can we do it together. This is a prime example. We want to keep them accountable. Thank you for allowing me to have that meeting with you to brainstorm. Jeremy, there are a few other ones you want to brainstorm about and I am willing to help you work on them, too. Thank you.

Council Chair Rapozo: Is there any other discussion? If not, roll call.

The motion for adoption of Bill No. 2920 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, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: With that, we will recess. That is the end of our agenda. We have two (2) Executive Session items. We will reconvene in Executive Session. You have been here all day. I will not take a lunch break now for two (2) Executive Session items. We will reconvene in Executive Session in five (5) minutes.

Councilmember Cowden: She should read us in, right.

Council Chair Rapozo: I am sorry. Yes. I am sorry, Jade. Thank you, Councilmember Cowden. Could you read us in to Executive Session?

EXECUTIVE SESSION:

ES-1125 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 the lawsuit filed by Shelby and Steven Bazil. 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-1126 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 on the pending lawsuit: Aaron Swink, as Next Friend on behalf of J.R.P., a minor born 2017 v. County of Kaua'i. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

(Councilmember DeCosta was noted as not present.)

Councilmember Kualii moved to convene in Executive Session for ES-1125 and ES-1126, seconded by Councilmember Carvalho.

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

Councilmember Kagawa: I will save it.

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

Council Chair Rapozo: Roll call.

The motion to convene in Executive Session for ES-1125 and ES-1126 was then put, and carried by the following vote:

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

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember DeCosta was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

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

Council Chair Rapozo: Now we will reconvene in Executive Session. Thank you, Councilmember Cowden, for catching that. We will reconvene in Executive Session.

There being no objections, the meeting recessed at 12:28 p.m., to convene in Executive Session.

The meeting reconvened at 12:55 p.m., and proceeded as follows:

Council Chair Rapozo: Mr. Bracken.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: An Executive Session was held for ES-1125 and ES-1126. Both are active litigation cases. The discussion is covered by Attorney-Client privilege, so there is nothing to disclose at this time.

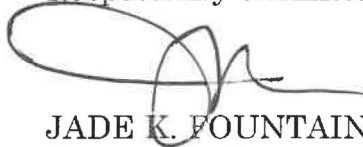
There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Thank you very much. With that, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:56 p.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

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