

COUNCIL MEETING

MARCH 25, 2025

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, Lihu'e, Kaua'i, on Tuesday, March 25, 2025, at 8:46 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 Fern Holland
Honorable Arryl Kaneshiro
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 Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

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

Council Chair Rapozo: The motion carries. Next item please.

MINUTES of the following meeting of the Council:

February 26, 2025 Council Meeting

Councilmember Kuali'i moved for approval of the Minutes, as circulated, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

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

Council Chair Rapozo: The motions carries. Next item, please.

CONSENT CALENDAR:

C 2025-71 Communication (03/11/2025) from the Director of Finance, transmitting for Council information, the County of Kaua'i 2025 Real Property Assessment List pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended.

C 2025-72 Communication (03/13/2025) from the Director of Human Resources, transmitting for Council information, the March 15, 2025 Human Resources Report (Vacancy Report and Recruitment Status Report), pursuant to Section 24 of Ordinance No. B-2024-896, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2024-2025.

C 2025-73 Communication (03/14/2025) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures, which have been factored in with the existing real property tax rates, and based on the certified Real Property Assessment List for Fiscal Year 2026.

Councilmember Kualii moved to receive C 2025-71, C 2025-72, and C 2025-73 for the record, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to receive C 2025-71, C 2025-72, and C 2025-73 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item please. Members, due to a publication deadline for the Budget Bills that needs to be published by 10:00 a.m., if there are no objections, I am going to take the items pertaining to the Budget out of order, so we can get that passed and send them in for publication.

There being no objections, C 2025-82 was taken out of order.

C 2025-82 Communication (03/14/2025) from the Mayor, transmitting his Fiscal Year 2025-2026 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees.

Councilmember Kualii moved to receive C 2025-82 for the record, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to receive C 2025-82 for the record was then put, and unanimously carried.

Council Chair Rapozo: The next item we will take out of order is Resolution No. 2025-21.

There being no objections, Resolution No. 2025-21 was taken out of order.

RESOLUTION:

Resolution No. 2025-21 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2025 TO JUNE 30, 2026 FOR THE COUNTY OF KAUAI

Councilmember Kualii moved that Resolution No. 2025-21 be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that said Resolution be returned to the Finance & Economic Development Committee, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I appreciate this and that it will pass, but I am going to be voting no for the same reason I voted last summer. I did not think it separated the tiers out in a fair way to the higher cost areas of the island and I think some of the rates are too high, same as what I felt the last time.

Council Chair Rapozo: Is there any further discussion? Is there any public testimony? Let me just say for the public's information, the Resolution and the two (2) Bills today, we are moving it out from the Council to get to a public hearing, and then it comes back into the Committee where we actually go through the rates and determine whether or not changes need to be made. As you know on Thursday, we start our budget reviews, which will dictate at the end of the day what the rate should be. That is what we are doing today.

Councilmember Cowden: Oh, it is just to schedule for a public hearing.

There being no public testimony, the meeting proceeded as follows:

The motion for Resolution No. 2025-21 be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that it thereafter be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR MOTION: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST MOTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

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

Council Chair Rapozo: Taking out of order, Proposed Draft Bill (No. 2949).

There being no objections, Proposed Draft Bill (No. 2949) and Proposed Draft Bill (No. 2950) were taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2949) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2025 TO JUNE 30, 2026 (*Fiscal Year 2025-2026 Operating Budget*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2949) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Carvalho.

Council Chair Rapozo: For the public's information, the public hearing is set for 5:00 p.m., so we can get the most participation from the public. Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2949) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that it thereafter be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Proposed Draft Bill (No. 2950) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2025 TO JUNE 30, 2026 (*Fiscal Year 2025-2026 CIP Budget*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2950) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2950) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 7, 2025 at 5:00 p.m., and that it thereafter be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, 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: Thank you. With that, we can resume with the normal agenda.

COMMUNICATIONS:

C 2025-74 Communication (03/07/2025) from the Acting Assistant Chief, requesting Council approval of the indemnification provisions contained in the Island School's Application for Use of School Buildings, Facilities, or Grounds, for the use of the Kaua'i Police Department's, Kaua'i Police Activities League (KPAL) program to host the Mayor's Youth Track Meet.

Councilmember Kualii moved to approve C 2025-74, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-74 was then put, and unanimously carried.

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

C 2025-75 Communication (03/10/2025) from the Director of Economic Development, requesting Council approval of the indemnification clause and cost of litigation provisions included in the State of Hawai'i Department of Agriculture General Terms and Conditions Sections 7 and 8, to be used for continued culling activities of the Rose Ringed Parakeet, high-density netting for farm use, and to hire a data/communications consultant to help with research and translation of data collected from the online location surveys. Approval to receive and expend funding in the amount of up to \$300,000.00.

Councilmember Kualii moved to approve C 2025-75, seconded by Councilmember Holland.

Council Chair Rapozo: Do you have a question?

There being no objections, the rules were suspended.

NIKI KUNIOKA-VOLZ, Specialist IV – Agriculture: Good morning, Council.

Councilmember Holland: Good morning.

Council Chair Rapozo: Good morning. Can you give us an overview of this program. A lot of people are talking about these parakeets.

Ms. Kunioka-Volz: Niki Kunioka-Volz, Office of Economic Development. The Rose Ringed Parakeet funding is legislative funding that was directed by State Legislature in Act 231 of last year. Previously, we received funding to pay for contract services to perform culling operations across the island. This is essentially an extension of that funding opportunity. In Act 231, they allocated a total of three hundred thousand dollars (\$300,000), one hundred fifty thousand dollars (\$150,000) of that was allocated to Kaua'i and the remaining one hundred fifty thousand dollars (\$150,000) was allocated to O'ahu. We recently received notice that O'ahu would like to turn over their allocation to the County of Kaua'i, so we are going from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000). We are hoping to utilize this funding to perform additional County operations and so what we do is we have a citizen sign-in survey, we ask for feedback from the community, visitors, and businesses, so that we can have accurate observations or as accurate as the observations can be, to help us determine where are the largest roost sites, so that we can utilize that funding to get the roost that will have the most impact for our community. Instead of doing one-off culling operations for a use that may be fifty (50) to one hundred (100) birds, we really are focusing on the (inaudible) sites that are over one thousand (1,000) birds plus. For example, the Waipouli roost, which is the one that is currently underway. For this funding, our contractor, for a five-hour culling operation, which is typically the length of one night of culling, it is about five thousand dollars (\$5,000). One hundred fifty thousand dollars (\$150,000) initially will give us about thirty (30) nights of culling. We schedule those cullings based on the feedback from the survey and feedback from community members about where these large roost sites are. They are not on a set schedule; it is really on an "as-need basis." For example, the Waipouli culling that is currently underway, we really tried to push that out to make sure we can get that roost culled prior to that fruiting season for our fruit tree orchards. That is one thing we have heard from our eastside growers, as well as the north shore growers are extremely afraid that this year's season is going to be drastically impacted by that large (inaudible). That is an example of how we scheduled the cullings, it is also largely determined by the cooperative stance of the property owners and the property users. We contract with Kani Wildlife Control, and they are responsible for going after the Department of Land and Natural Resources (DLNR) wildlife control permits, which they are very able to do, they have a lot of experience doing it. They cooperate with the property owners to determine what sort of requirements are needed specific to the site in order for the property owner and the surrounding properties feel comfortable with the culling operation. They cooperate with the Kaua'i Police Department (KPD) to ensure there is adequate personnel on site to mitigate any disruptions to the County operation. That is in a nutshell of what we are looking at.

In addition to funding the culling operations, we put out a survey to our producers to see what type of mitigating mechanisms do they find most effective and we received a small amount of feedback, we had about fifteen (15) responded to our survey, but by in large, culling is the most effective mitigation measure that they find. In addition to that, there are deterrents that can be deployed, but those have a very short efficacy timeframe. The birds are extremely smart, so once they start to understand the deterrents, they are no longer deterred by them, so deterrent mechanisms really have to be cobbled with culling as well. Part of this funding, we are exploring which deterrent mechanisms are most effective, most cost-effective, and then we would like to partner with our Invasive Species Committee to cost-share on some of those deterrent mechanisms, beyond culling.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: You said O'ahu gave us their funding, does that mean that they had success in eradicating their challenge?

NALANI KAAUWAI BRUN, Office of Economic Development Director: I spoke to Amy over at the Office of Economic Development for O'ahu, and they do not have any idea what to do. They are not anywhere near where we are. Luckily, we had that study done, which allowed us to understand what worked and did not work, which is how we came to culling. They have not had that opportunity, and their birds apparently are very different to ours. Theirs are urban living birds. The culling operations are more difficult because their colonies are in residential areas.

Councilmember Cowden: Oh, you cannot go shooting them.

Ms. Kaauwai Brun: Right now, they have no idea what to do, so they said, "Have at it, Kaua'i, if you can do it."

Councilmember Cowden: We have been culling for about two (2) years, now, I believe, and are we seeing much of an impact and their increase? I see them in Kilauea now, but how would you measure the impact of this success of this culling. I know it has to be doing something.

Ms. Kunioka-Volz: The way we gauge or measure that impact is by anecdotal feedback. One thing that we have heard is from the neighboring properties or the properties where the birds are roosting, and they are seeing dramatic improvement in the experience of their employees, their guests and the surrounding community. In terms of the impacts to our agriculture industry, that is not something specifically shared or that we have data around it. Gathering data is very difficult, so the impact is based on anecdotal feedback.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Are there any further questions for OED? If not, thank you. Is there any public testimony on this matter?

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

Council Chair Rapozo: Is there any discussion?

The motion to approve C 2025-75 was then put, and unanimously carried.

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

C 2025-76 Communication (03/11/2025) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$104,000.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to support a 0.50 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kaua'i Police Department's Vice Investigators and focus fifty percent (50%) of their time on methamphetamine trafficking and opioid-focused prosecution, and to cover fringe benefit costs and office supplies. The anticipated contract date is for the period of July 1, 2025 through June 30, 2026.

Councilmember Kualii moved to approve C 2025-76, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-76 was then put, and unanimously carried.

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

C 2025-77 Communication (03/11/2025) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$32,428.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2024 Local Solicitation Grant, to support training for Deputy Prosecuting Attorneys and Kaua'i Police Department officers, and to purchase office supplies. The grant will cover expenses for the time period of October 1, 2023 through September 30, 2027.

Councilmember Kualii moved to approve C 2025-77, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-77 was then put, and unanimously carried.

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

C 2025-78 Communication (03/11/2025) from Joshua Uyehara, Chair of the Salary Commission, and the Members of the Salary Commission, transmitting for Council information, Salary Commission Resolution No. 2025-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its March 13, 2025 meeting.

- Salary Commission Resolution No. 2025-1

Councilmember Kualii moved to receive C 2025-78 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?
Can we have the Salary Commission up, please?

There being no objections, the rules were suspended.

ELLEN CHING, Boards & Commissions Administrator: Good morning,
Ellen Ching, Boards & Commissions Administrator. I am here with the Chair of the Salary Commission Josh Uyehara. I am going to defer to him.

JOSHUA UYEHARA, Chair of the Salary Commission: Good morning,
Council Chair Rapozo and Members of the County Council.

Council Chair Rapozo: Thank you for being here. Can you give us an overview, maybe start with the new process, because of the Charter Amendment, the Salary Resolution now is final and does not allow the Council to have a vote on it. Can you share with us the broad overview of how you folks came about this Resolution?

Mr. Uyehara: Thank you, Chair. Just from a high-level perspective, we looked at all of the data that is typically looked at for a Salary Commission, including comparable salaries for other counties in the State. We added to that cost-of-living, so we looked at some of that data, primarily focused on housing. We also looked at the issue of salary inversion, since it has been a longstanding issue for the County and the Commission. In doing that, we realized that the scope of the issues that we really needed to address long-term were probably more complex than we had the time to properly deal with, and we wanted to ensure that we avoided putting in play the short-term fixes that may have unintended consequences. In that regard, we decided to take the approach for this Resolution, which regardless of what the interim solution is, to base an across-the-board increase the Consumer Price Index (CPI), which we calculated at roughly three and one-half percent (3.50%). In addition to that we realized later in the process, and were advised by the County Attorney that there is an applicable state statute, Hawai'i Revised Statutes (HRS) 46-24, that actually required there be a certain relationship between the salary of a first assistant and deputy to a department head, that we had to address with respect to certain County positions. That was also included to ensure we were in compliance with HRS 46-24.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Can you briefly tell the public that does not understand what salary inversion is?

Mr. Uyehara: Salary inversion is a case where a position that is normally in charge of or above another position may be compensated at a lower rate and this could be due to various reasons. In the case of the positions that are subject to the Salary Commission oversight and decision-making, it is because the civil service positions in the Department of Parks and Recreations, typically, are subject to give union bargaining, so their salaries are set through an entire separate process that the Salary Commission processed and over time that resulted in cases where some of the civil service staff make significantly more than the deputies and department heads. That is not necessarily a bad thing, but it does have other effects. For example, if it is in the interest of the County or public to have experienced members of the civil service be considered for positions such as deputy or director of a department, it makes it much more difficult (inaudible) and would entail a massive pay cut. We have a couple of those situations across the County and in cases where we do believe there is a significant impact to the County or it could be in practice, essentially impossible for a longtime county employee to be considered for those roles. Those are the things that we would like to address, but as I mentioned earlier, those things are complicated, sort of case-by-case, for each department, they are different considerations and so we felt it would take more time for us to address that.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Are there further questions?

Councilmember Kualii: Can you say something about HRS you referred to?

Mr. Uyehara: Okay.

Councilmember Kualii: It is a State law that says we have to do salaries a certain way.

Mr. Uyehara: It is a very brief statute that say that the first assistant or deputy can make no more than ninety-five percent (95%) of the salary of the director. Where that number is not in compliance, we had to correct for that. We had to verify the positions we highlighted in the table provided with the memorandum to indicate positions where that was that case. I believe there are five (5) positions that we highlighted in the table provided with the memorandum to indicate the positions (inaudible).

Councilmember Kualii: Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: In your table, we have a total of five (5) positions in this case that was impacted by that, so we are even required to do it regardless of whether we are in agreement or not. Have they been decided because of the ballot amendment that has taken the Council out of the position of determining and approving...not determining, the Salary Commission determines, but the Council no

longer actually says yes or no, so you are here as a courtesy visit telling us and the public, being publicly accountable, that you are following the law that has been set by the State and we are impacting five (5) positions, with an increase?

Mr. Uyehara: That would be correct. Just to be technical about it, we are setting the salary cap for the position to allow the relevant authorities the leeway to be able to set the salary actually in compliance, but it is actually, for example, the Police Commission that does that for the Chief of Police.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Thank you. Are there further questions? Seeing none, thank you very much. I look forward to the next report. Is there anyone in the audience wishing to testify?

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

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

The motion to receive C 2025-78 for the record was then put, and unanimously carried.

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

C 2025-79 Communication (03/11/2025) from the Executive on Aging, requesting Council approval to receive and expend donations from nine (9) various sources, in the amount of \$775.00 for Fiscal Year 2025, for the Home-Delivered Meals Program, to help offset the costs of the meals served. The provision of Home-Delivered Meals Service aims to maintain or improve *kūpuna* nutritional status, social well-being, and ability to remain in the community.

Councilmember Kuali'i moved to approve C 2025-79, seconded by Councilmember Cowden.

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

There being no public testimony, the meeting proceeded as follows:

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

C 2025-80 Communication (03/13/2025) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To Commercial Use Of Parks Facilities.

Councilmember Kuali'i moved to receive C 2025-80 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is the Communication for a bill that will be heard later, Proposed Draft Bill (No. 2951), but I will take public testimony at this point, if you do not want to wait for the Bill. Your testimony here will be carried over to the Bill.

There being no objections, the rules were suspended to take public testimony.

MAKA'ALA KA'AUMOANA: Good morning and *mahalo*. I am Maka'ala Ka'aumoana. Today, I testify because I am a coordinator of the Hanalei Makai Watch Program, which is a statewide program facilitated by Hawai'i Division of Conservation and Resource Enforcement (DoCARE) to support enforcement of coastal rules, in this case. I submitted written testimony; this is not a repeat of that. I met yesterday with Pat Porter, met yesterday with Sarah Blane to address some very, very serious concerns because this ordinance contains no proposal or suggestion of administrative rules to follow, and without administrative rules, this thing thrives in the buildings, etcetera. On March 20th, last week Thursday, we had an experience in Hanalei at Waioli Beach Park, filming. We did not know anything about it. I called the Department of Parks and Recreation, they did not know anything about it. I called Alison Neustein from DLNR, but she did not know anything about it. She gave me the contact of the State Film Commissioner, and she had issued a permit. She said that her permits require a county permit, she did not know whether they had obtained that. They had not. They had, however, obtained a permit from OED. I called them, no answer. They are on a four/ten (4/10) schedule, and this was on a Friday, so I was trying hard to get this work on Thursday. I had no response from anyone. The next day, still with a "head of steam," I called OED again, got nothing. Called the Office of the Mayor, talked to Polly. Polly could tell by the tone of my voice that I was very upset and was told by the Film Commissioner that they had plans to film on Friday at Wanini ('Anini), again, without a Department of Parks and Recreation permit. Both activities were occurring in our parks. The filming activity that occurred the day before in Waioli was accompanied by a DoCARE officer, which we knew. He assumed they would be filming on State land, they were not, they were *mauka* of the *naupaka*. Yesterday, I met with everyone I felt was appropriate and pertinent. The glitch is obvious. They have to have a parks permit to transit the park, they have to have a parks permit to...*mahalo*...they have to parks permit to film in the park or to even walk across the parks. Whether their intention was to film on the beach, I will never know. I do not go down there. You all know me. If I go down there, it causes more trouble than if I stay in my office and use the phone. When I finally spoke with OED, they said they used to have a process where they contacted William Trujillo in the Department of Parks and Recreation. He was the planner. He was never in permitting. He was never associated with this type of incident, and he has been gone for two (2) years, so that means for two (2) years, we have no connection, because OED felt that there was no connection. I have not spoken with Nalani. I did not think I needed to, because I went to Sarah Blane. Essentially, what is happening here is because there are no rules...and in my testimony I asked for policy. I think what I am asking for is no policy, but administrative rules. I want a copy of what the State process is. The State makes the law and then there are administrative rules. If these do not work together, we have a disaster. We have a problem not just in Hanalei, but in all of our parks. Parks is what I am concerned about, because that is mostly what Makai Watch does, although it is not solely what Makai Watch does. We

work very closely with Hā'ena. The problem occurs in Hā'ena. According to the State Film Office, Koren Mosser, who issues permits to this company to do these photoshoots and they do everything correctly, they apply for the right permits. It is not their problem to figure out whether the County is doing their job—agreed. I should not have to be calling her—agreed. I should not have to be calling OED—agreed. We train our Makai Watch volunteers to call the local agency that has jurisdiction. For parks, it is the Department of Parks and Recreation. The Department of Parks and Recreation, to this moment, knows nothing about this. Now, interestingly enough, this was a fashion shoot, so we now have DoCARE down there in full DoCARE gear, on all-terrain vehicle (ATV) with a big white light reflective screen for the filming and a pretty little *wahine* bouncing around in a bikini. Now, you have to understand that this is not going to be ignored, and it is drawing attention, while people are calling me. I am trying to do this and thinking, “What in the world is going on?” We are used to filming in Hanalei, that is not a problem...

Council Chair Rapozo: I need to stop you. Thank you for your testimony.

Ms. Ka'aumoana: We need administrative rules.

Councilmember Cowden: I have a clarifying question. As Makai Watch, when you have concerns for this Bill, is your concern dominantly the beach park as opposed to the urban parks?

Ms. Ka'aumoana: Makai Watch is *makai*. When the original legislation was put forward, it is *mauka/makai* and it is *mauka/makai*, but DoCARE has never been able to minable the *mauka* side of it, just for capacity. Right now, we focus on *makai* areas, but it might not be a park.

Councilmember Cowden: Pertaining to Proposed Draft Bill (No. 2951).

Ms. Ka'aumoana: It is.

Councilmember Cowden: Your concern is with the beach parks more than the ballparks.

Ms. Ka'aumoana: Yes. Because of the circumstance happening, just last week, it gave me a good opportunity to explain to you where the glitches have been for years. We have a really good relationship with DoCARE and with the County, and it fell apart.

Councilmember Cowden: You are asking for rules.

Ms. Ka'aumoana: I am asking for rules.

Councilmember Cowden: When I read your letter, your concern is stronger in the beach parks.

Ms. Ka'aumoana: Yes. Because that is mostly where the action occurs, and that is where the commercial activity occurs. This Bill is related to commercial activity.

Councilmember Cowden: Correct.

Ms. Ka'aumoana: And that is where we see the action happening.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Are there further clarifying questions? If not, thank you very much. Again, this will go to public hearing and then back in the committee where we will...

Ms. Ka'aumoana: I just needed to get my two cents (\$0.02) in.

Council Chair Rapozo: You got it in. Thank you. Is there anyone else?

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

Council Chair Rapozo: Again, this is just the Communication, we will discuss the Bill at a later time. Is there discussion?

The motion to receive C 2025-80 for the record was then put, and unanimously carried.

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

C 2025-81 Communication (03/14/2025) from the Director of Finance, requesting Council approval to receive and expend State of Hawai'i, Department of Transportation, Hawai'i Road Usage Charge (HiRUC) funds, in the amount of \$25,000.00, to support the initial phase of creating a State-developed Application Programming Interface (API) with the current cashiering system for motor vehicle and driver license applications.

Councilmember Kualii moved to approve C 2025-81, seconded by Councilmember Cowden.

Council Chair Rapozo: Do you have a question?

Councilmember Cowden: Can you give a brief explanation of how this works? What is an API? Is that an app?

There being no objections, the rules were suspended.

CHELSIE SAKAI, Director of Finance: Good morning. Chelsie Sakai, Director of Finance. API is just the system that is going to talk with the cashiering system, from your Department Motor Vehicle (DMV) system.

Councilmember Cowden: So, it is your software. It is twenty-five thousand dollars (\$25,000), so it is supporting an initial phase, so they are going to be able to...I want to say "app," but it is not an app. They are going to be able to pay their bills in a different way.

Ms. Sakai: No, the public will not necessarily see this impact of this change we are making to the system.

Councilmember Cowden: Okay.

Ms. Sakai: Because the State is pushing this HiRUC program, it changes the way how we collect fees on electric vehicles. The system is not set up right now to differentiate between the different types of systems, so this is just making it so that when they do pay the registration bill, we are able to account for...

Councilmember Cowden: Their miles.

Ms. Sakai: Correct.

Councilmember Cowden: Will the HiRUC system look at the miles the person in a gas vehicle, do they look at or are they just going to stay paying at the pump?

Ms. Sakai: Right now, it will remain as it is.

Councilmember Cowden: Okay. That is my question.

Council Chair Rapozo: Thank you. Are there further questions for the Finance Department? If not, thank you very much. There is no one here from the public.

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

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2025-81 was then put, and unanimously carried.

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

C 2025-83 Communication (03/14/2025) from the County Engineer, requesting Council approval to apply for, receive, and expend the State of Hawai'i, Department of Health (DOH) funds, via Memorandum of Agreement (MOA), in the amount of \$45,000.00, to fund educational efforts to promote the eWaste recycling through the County's website, news releases, radio advertising, new advertising, flyers, and various outreach events and activities, as well as program administration.

Councilmember Kualifi moved to approve C 2025-83, seconded by Councilmember Carvalho.

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

Councilmember Cowden: Slight discussion.

Council Chair Rapozo: Okay, go ahead.

Councilmember Cowden: I want to say gratitude to the Department of Public Works, and I know this Sunday, they are picking up eWaste at Kilauea, only because it being on the radio is how I know, and I will be there at Anaina Hou Community Park. I appreciate the effort, and I think it is worthwhile, otherwise people would not know where to go, so it is good to make it easy.

There being no objections, the rules were suspended.

ALLISON FRALEY, Solid Waste Division Chief: Thank you. *Aloha*, Councilmembers. I know I was not called up, but I want to let everyone know that this week is the hazardous waste event, and we collect eWaste Monday through Saturday at Puhi Metals Recycling facility, so we have a six-day-per-week collection.

Councilmember Cowden: I have old batteries. Is that Sunday?

Ms. Fraley: Yes, you can bring batteries to the hazardous waste collection. Yes, that is biennial, and it is this weekend.

Council Chair Rapozo: Perfect. Thank you very much. Is there any further discussion?

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

The motion to approve C 2025-83 was then put, and unanimously carried.

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

CLAIMS:

C 2025-84 Communication (03/06/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jennifer Delp, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-85 Communication (03/12/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Christina Warner, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2025-84 and C 2025-85 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to refer C 2025-84 and C 2025-85 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: The motion carries. Next item please.

Proposed Draft Bill (No. 2942) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMMERCIAL USE OF PARKS FACILITIES

Councilmember Cowden: I have a question.

Council Chair Rapozo: Hang on. This is the original Bill that we sent over to the Planning Commission. This Bill is to be received and then we will have the new Bill, Proposed Draft Bill (No. 2951), which is the recommendation or the Bill that was sent back from the Planning Commission.

Councilmember Kualii moved to receive Proposed Draft Bill (No. 2942) for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I was going to say that it was not even in the agenda, but I assumed that was the case, but it would have been nice if it was in the agenda.

Council Chair Rapozo: Do you mean the actual Bill?

Councilmember Cowden: Yes, or at least a note saying why we are getting rid of it.

Council Chair Rapozo: Whenever we send a bill over to the Planning Commission, the original bill that we sent over is no longer valid, and then we get a new bill from the Planning Commission.

Councilmember Cowden: Yes.

Council Chair Rapozo: So, that is what it was.

Councilmember Cowden: Okay.

There being no public testimony, the meeting proceeded as follows:

The motion to receive Proposed Draft Bill (No. 2942) for the record was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR RECIEPT: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST RECIEPT: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Now, the new Bill, Proposed Draft Bill (No. 2951).

Proposed Draft Bill (No. 2951) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMMERCIAL USE OF PARKS FACILITIES (*Kaua'i County Council, Applicant*) (ZA-2025-07 – *Planning Commission Recommendation*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2951) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 23, 2025, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Bulosan.

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

Councilmember Cowden: I see that we do not have the Planning Department present, so I will make an appointment with them to be able to discuss some of my concerns. I do not see where this Bill addresses our existing sports events. When the presentation was made to us, we learned that things like food at the baseball game or at the canoe practice, surf contest, etcetera, we did not have any rules for it. I do not see in this Bill anything that is addressing that. It is really just seemingly addressing artisans or farmers markets. It seems like it is missing something also when it does not address routine, street fairs, like on Rice Street or in Hanapēpē Art Night or Kapa'a Art Night. This was supposedly going to be fixing a lot of different things. Maybe I am not finding it, I read through it a couple times, but I do not see where that is addressed. It looks like it is creating artisans and farmers markets with no real distinction between private property and public purpose. It seems like there is no distinction between State or County or beach. When I read it, it looks like churches, schools, anything that can be seen as having somewhat of a public element. I wonder if we had considered whether we are going to be routinely having a little "pop-up" market there, if that is what want and how we want to handle it. It seems like it is a little stark and how it does not separate things out and certainly does not address the beach ballpark events, unless I am missing something.

Council Chair Rapozo: The purpose of this Bill was to address the properties that currently do not allow commercial zoning and require a special use

permit. In some of the venues that you mentioned, like the stadiums, that is allowed. You do not need a special permit.

Councilmember Cowden: Okay.

Council Chair Rapozo: In certain parks, there was never a special use permit made or applied for or granted, so this just allows the commercial activity as defined in the Bill to operate in those properties that now no longer require a special use permit. It will still require a parks permit. Ms. Ka'aumoana's example, this Bill would not change that.

Councilmember Cowden: No.

Council Chair Rapozo: They failed to get a County permit from DOPR, which is the problem. The law is there, we just failed. This just clarifies which properties will no longer require a special use permit.

Councilmember Cowden: These properties are very distinct, like if you are a property that has constant volume in a park, which is not the case for the application that this Bill will stimulate by, which is Princeville, Prince Albert Park. Normally, that is a pretty open low volume park, but there are other parks like Black Pot or Waioli Beach Park that constantly have a lot of people in them, heavily used parks. That is a place that will be a magnet for a pop-up tent, because consumers are already there. Do you know what I mean? You do not even have to draw the consumers, they are there.

Council Chair Rapozo: Again, they still would have to go through the Department of Parks and Recreation to operate.

Councilmember Cowden: But there would be no one to tell them no.

Council Chair Rapozo: The DOPR Park Rangers. If there is commercial activity going on in a County park that is unpermitted, they get cited.

Councilmember Cowden: But they would just go to get a permit and then they will be doing...

Council Chair Rapozo: Yes, they would still have to get a permit, they would still have to apply through the DOPR, and they will make the determination whether or not the permit will be granted.

Councilmember Cowden: But this does not say what would make that determine the case. For example, you could have four (4) different people, each wanting to use Po'ipū Beach Park, for example, that is so crowded. At least the way I am reading the Bill, you would go there, and you would say, "On Tuesday or Saturday, I want to do a little pop-up event," and they say, "Okay, apply," and they would give you a permit.

Council Chair Rapozo: I do not think it is that simple. As far as the DOPR permits are concerned, DOPR has their administrative rules used when

issuing permits. If I want to sell my malasadas at Kapa'a Ball Park, number 1, I have to have a sales vendor permit, and then get a permit from the DOPR to allow me to sell my wares at the park. This is entirely up to the discretion of the DOPR.

Councilmember Cowden: If I lived in Po'ipū, that would make me nervous.

Council Chair Rapozo: If the DOPR was just giving away permits and Po'ipū Beach Park turned into an artisan fair on the weekends, I think that would be an issue.

Councilmember Cowden: I do not see where that is limited. So, you are saying DOPR rules limit that, so we will have to look at that, because I do not see where DOPR rules do limit that.

Council Chair Rapozo: When this goes to the Committee Meeting, we have the DOPR up, they can explain, and we can talk about the different scenarios.

Councilmember Cowden: Okay.

Councilmember Holland: In the SMA a use permit is still required if it is within the SMA, so for the parks that Auntie Maka'ala was talking about, they would still require the SMA use permit.

Councilmember Cowden: I attend most of all these events, by the way, so I am not against this, but when we look at something like the Tahiti Fete, which is in the Kapa'a Beach Park, they need to get an SMA permit to do it?

Councilmember Holland: If it is within the SMA, they still have to get that permit.

Councilmember Cowden: That should be within the SMA.

Councilmember Holland: The Planning Department confirmed that for me yesterday. The Department of Parks and Recreation also confirmed that they will be tightening administrative rules and creating more robust rules as per similar to what the testimony we heard for the process. There is a process of permitting still. It does not bypass that; it just makes it possible.

Councilmember Cowden: Since this is your Bill, I would love to be getting that set of rules well ahead of our public hearing, so I am able to think about it and look to see if there are suggestions.

Council Chair Rapozo: Some parks have the SMA approvals already, it is done prior...

Councilmember Holland: Yes.

Council Chair Rapozo: And some do not. 'Anini Beach Park, for example, never did an SMA permit for commercial operations. They had two (2) licensed operators, but until an SMA permit is done, they will be no more. Some of the parks that we have in the County, you can probably get a list from the DOPR which parks currently have an SMA permit for specific uses.

Councilmember Cowden: Okay.

Council Chair Rapozo: But not all the parks have them.

Councilmember Cowden: So, that makes me feel a lot better because...I will ask for a list of SMA parks. I believe Black Pot Park must have an SMA permit because they do so much boating, so is that specific for boating or is that anything, but when they at least have that done...because it cost a couple hundred dollars to get an SMA permit, that the County has to pay, by the way, it is not the vendors, it is the County.

Council Chair Rapozo: The property owner.

Councilmember Cowden: The property owner. That would be a question if places like Waipā has an SMA permit, I would imagine they do, but I want to get a list of SMA parks and then to understand what usages are allowed there, so we can really make sure that we are not marketing everything. For churches and schools, by the way, I do not have a problem with that. I go and help with a fundraiser at a school, but I am asking the introducers, have you considered what it is with school campuses or church campuses, because it seems to me that would be a private location. Would this mean anything that is over an acre so that they can have pop-up events on a Saturday or Sunday?

Councilmember Kaneshiro: I think churches do it now.

Council Chair Rapozo: It boils down to the zoning and the condition of the zoning. When the zoning was granted and the condition allowed for commercial operation, then it is allowed. If it is not, then this would allow them to do it without a special use permit.

Councilmember Cowden: Okay.

Council Chair Rapozo: But they still would have to go through that property owners process to be allowed to do it.

Councilmember Cowden: But they would just go and fill something out and get it, right?

Council Chair Rapozo: But the property owner will have the opportunity to say yes or no. If you are a church and I want to sell my malasadas at a church, then I would see the leadership and say, "Can I sell malasadas," and the church says yes, then I can sell malasadas. As long as it was zoned, and they allowed commercial activity.

Councilmember Cowden: Okay.

Councilmember Kaneshiro: If the church is on zoned commercial property, they can do it without any permits.

Council Chair Rapozo: Yes.

Councilmember Cowden: Right, but also a lot of these markets are on commercial property, like at the garden at Lydgate, they have one different shopping centers will have them. I am just trying to make sure that we understand everything that we are saying yes to. I attended countless things at Saint Catherine's and been a part of things that produce at Saint Catherine's, so I was just wondering, because what we were told the last time is we really did not have rules or regulations for private and parks, so I was looking through it trying to find where those were and it just seemed vague. I am just trying to look forward, so we make sure we have that clear.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: When it comes to events, there is a definition for event concessions and then if you look at the table with the zoning district, it tells you what areas it is permitted in. As Councilmember Cowden was mentioning that she did not know where the events concession was getting addressed.

Councilmember Cowden: Events concession means the commercial sale or food and beverages, tickets for sale, not limited to...so, that is a definition. Where does it say in the wording...

Councilmember Kaneshiro: If you look in the zoning district...

Councilmember Cowden: On the table?

Councilmember Kaneshiro: Pages on the table, you will see Artisans Market I, Farmers Market I, and event concessions is permitted in residential...

Councilmember Cowden: So, all these along the left?

Councilmember Kaneshiro: It will tell you where it is permitted.

Councilmember Cowden: All of these are considered...I am trying to find the word "events."

Council Chair Rapozo: You have to look at the use and then on the far right, if there is a "P," then it is permitted.

Councilmember Cowden: I understand that. I just do not see the word "events."

Councilmember Kaneshiro: If you look on page 5, 8-2.4(f). It is the second one down.

Councilmember Cowden: It says, "Project developments." "F" "Artisans Markets, Farmers Markets, and events," okay.

Council Chair Rapozo: Okay?

Councilmember Cowden: Okay.

Council Chair Rapozo: Is there anything else?

There being no public testimony, the meeting proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2951) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 23, 2025, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR PASSAGE: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, 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: We have ES-1143.

EXECUTIVE SESSION:

ES-1143 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 regarding United Public Workers, AFSCME, Local 646, AFL-CIO vs. County of Kaua'i, County Transportation Agency, Grievance Case No. UPW #0646-0000-2024.0086. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1143, seconded by Councilmember Carvalho.

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

There being no public testimony, the meeting proceeded as follows:

The motion to convene in Executive Session for ES-1143 was then put, and carried by the following vote:

| | | |
|----------------------------|--|------------|
| FOR EXECUTIVE SESSION: | Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo | TOTAL – 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

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

Council Chair Rapozo: The motion carries. We will reconvene in five (5) minutes in Executive Session.

There being no objections, the meeting recessed at 9:39 a.m., to convene in Executive Session.

The meeting reconvened at 10:06 a.m., and proceeded as follows:

Council Chair Rapozo: Mr. County Attorney.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: ES-1143 was held. It is regarding a grievance case. At this point in time, nothing is to be disclosed to the public, as it is all confidential.

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

Council Chair Rapozo: Thank you for that. If there are no objections and no further business, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:07 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc