

COUNCIL MEETING

AUGUST 23, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, August 23, 2023, at 8:30 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 Kualii
Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

Council Chair Rapozo: We do have a registered speaker, did she leave? Good morning.

ANA MO DES: Good morning. Ana Mo Des. It is nice to see you back in the seat, Council Chair Rapozo...

Council Chair Rapozo: Thank you.

Ms. Mo Des: ...and to see Councilmember Kagawa's return and all of you re-elected councilmembers, and newly elected councilmembers. I especially miss seeing all your staff here and behind the scenes that help support you in your critical role of representing the people and not an agenda. As I stated, my name is Ana Mo Des and I have not been here in a while, I was going through some personal situations that required all of my extra attention, but I did check on the agenda to see if there was anything related to the current tragedy in Maui, and there could be something related, I will be staying to see what is going on, but it seems incomplete to me, so I do disapprove of the agenda today for that fact. The last time I was in these Chambers speaking on an agenda item this way was due to an emergency in Kōloa, which resulted in a lawsuit for the County, and these Chambers being filled with community members requesting you to intervene. Finally, it did occur, and I am hoping it is not too late. For what I learned recently in my own experience, it is all in God's timing. You are elected to serve those of us who have elected you and those that pay their salaries and that of the state, so it does behoove you to create your own due diligence with regards to the situation. Kaua'i has one (1) road. We have Kekaha/Waimea, Wainiha/Hanalei, and we test the sirens on the first of every month for what we feel to be any and every

emergency. We prepare, and sometimes even evacuate for hurricanes that may or may not hit land. For the schools to be cancelled would logically require someone to be paying extreme attention to the situation, to be ready to evacuate quickly and swiftly, sound the alarms, warn the people, have water in the hydrants to control the fire initially. The Governor spoke publicly about lifting the cap on the water after the fact, which baffles me. West Maui supplies water to central and east Maui for the purposes of providing for the visitor industry, and I appreciate this industry, which allows for the economic wellbeing of the residents that work in the industry, but as I spoke five (5) years ago and repeated myself quite a bit, when I first entered these Chambers, capitalism does not allow to profit off any exploitation. I am not going repeat the details here, but it is worth noting. I saw a video of a Maui...

Council Chair Rapozo: Hang on. There is no one else wishing to testify on the agenda, so you will be provided your second three (3) minutes. Just to remind you, though, the discussion must be on the agenda.

Ms. Mo Des: Yes, the agenda item.

Council Chair Rapozo: You are talking about something that is not on the agenda, and I understand what you are saying, but I will just tell you that every single Councilmember on this table has been working with the Administration to try to figure out where we go from here. That is going to be on an upcoming agenda, but for today, your testimony was that you do not support the approval of the agenda, so I will just ask...

Ms. Mo Des: For it is incomplete.

Council Chair Rapozo: ...what is on the agenda is what can be discussed.

Ms. Mo Des: Yes, and that is what I am discussing.

Council Chair Rapozo: You can go ahead and have your second three (3) minutes.

Ms. Mo Des: Thank you. I was watching videos of a Maui police officer directing traffic and it shocked me, because I thought because of the chaos of the situation, there was no directing of traffic. God forbid if there were to happen, I know the Kaua'i Police Department (KPD) would be doing an excellent job to be smoothly evacuating everyone onto the main road. Therefore, what happened? I know you folks are working on this, these are just part of my questions for you that are our frontline to support us in this. It is beyond...the training that goes into emergency preparedness is extensive for all officials, especially in the National Guard that train to establish calms in the most extensive situations, so the fact that calms were not established, even maybe to today, and they were receiving messages by via fly by plane, and the fact that...

Council Chair Rapozo: I have to stop you, because you are not addressing the agenda. You are addressing a situation that is happening in Maui.

Ms. Mo Des: It is related to Kaua'i.

Council Chair Rapozo: It is not related to this agenda. There is nothing on this agenda.

Ms. Mo Des: If you let me finish...

Council Chair Rapozo: I would let you finish if you keep your comments to the agenda.

Ms. Mo Des: Understood.

Council Chair Rapozo: Our agenda today.

Ms. Mo Des: I cannot speak on any other items of the agenda until they come up.

Council Chair Rapozo: Yes, so I am going to stop you.

Ms. Mo Des: So, this agenda item is about approval of the agenda.

Council Chair Rapozo: Right.

Ms. Mo Des: And that is all I am speaking on.

Council Chair Rapozo: Yes, we got your testimony that you do not support the approval.

Ms. Mo Des: I am going to finish really quickly.

Council Chair Rapozo: Go ahead, but I am going to stop you if you start talking about Maui. That is not on the agenda. This is a Sunshine Law issue. It is not a "Council" issue. The rules are very specific that all testimonies must pertain to an item on the agenda, so if you want to talk about an agenda item. This is "Approval of Agenda." This is not open discussion. You are testifying on our approval of the agenda. You stated that you do not support the approval of the agenda, but you are talking about Maui, the National Guard, Maui Police, and everything else that is not on this agenda.

Ms. Mo Des: I am speaking on it in a comparison since we are counties that share the same risk. My concern is the establishment of what protocol would we hear because we practice the same level of emergency preparedness. I believe in all of you to be our frontline and I know that you are working diligently behind the scenes to capture whatever is going on. I am requesting that you all establish your own organized moves to figure out what actually happened, so that these fatal errors never happen again, since we, too, are at risk. There are alarm bells that go off when I hear the Governor speaking on certain things and we are also citizens of the State, so it does concern Kaua'i that the Governor is saying that there is going to be more housing...

Council Chair Rapozo: Okay, I am going to stop you. I do not want to be the bad person, but I warned you enough times. You are not addressing the agenda; you are addressing the Governor and his...

Ms. Mo Des: Of course.

Council Chair Rapozo: That is not on the agenda.

Ms. Mo Des: It is related to what I really want you folks to focus on when you do bring this to the agenda.

Council Chair Rapozo: We understand that and we got it. I can assure you that when the time is right, that will be placed on the agenda. You have to understand that right now our Kaua'i Emergency Management Agency (KEMA) Officer who was on Maui just returned. He has been there. A lot of people rely on social media and we as the County Council for the County of Kaua'i, which is a legislative branch, we are here to support the Administration with whatever they want to do, but for today's discussion, that is not on the agenda. I am not going to allow testimony any further...

Ms. Mo Des: Agreed. Can I ask you one (1) more thing about the Approval of Agenda, for there to be, and if you have already discussed this on agenda, please let me know, so that I can do my own research and look it up. The public has the right to know what you are all learning when it comes to the County/Committee trainings and plannings of whatever it is referred to these walkable cities. I know that there are people who champion this concept, but I stand firm against it and we all need to know what you are being conditioned to promote. I do appreciate all of you for all of your time, effort, and I appreciate for the time for me to speak here. Something that resonated with me when I was in mass the other day, the Priest referred to the situation, the tragic fires in Maui and it is quoted, "God was not in the ferocious fires, but in the gentle breeze." *Mahalo*.

Council Chair Rapozo: Thank you, Ana. With that, I will call the meeting back to order.

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

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

Council Chair Rapozo: The motion carries.

MINUTES of the following meeting of the Council:

July 27, 2023 Council Meeting

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

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

CONSENT CALENDAR:

C 2023-187 Communication (07/19/2023) from Council Chair Rapozo and Council Vice Chair Kualii, transmitting for Council consideration, a Resolution Urging State Of Hawai'i Elected Officials To Support Increased Funding For The Commission On Water Resource Management To Effectuate Their Mission.

C 2023-188 Communication (07/31/2023) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-886, as amended, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022 2023.

C 2023-189 Communication (08/11/2023) from Councilmember DeCosta and Councilmember Kagawa, transmitting for Council consideration, a Resolution Requesting The State Of Hawai'i And Applicable Tourism Entities Consider Prohibiting Or Discouraging Certain Undesirable Visitor Activities.

Councilmember Kualii moved to receive C 2023-187, C 2023-188, and C 2023-189 for the record, seconded by Councilmember Carvalho.

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

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

The motion to receive C 2023-187, C 2023-188, and C 2023-189 for the record was then put, and unanimously carried.

Council Chair Rapozo: Clerk, I would like to take Executive Session ES-1102 out of order, as our special counsel has some time constraints. Can we just read all Executive Sessions into the record, then we can recess, so we do not have to go through this exercise again.

There being no objections, the Executive Sessions were taken out of order.

EXECUTIVE SESSION:

ES-1101 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 to provide a briefing regarding a bill for an ordinance amending Chapter 6, Article 13, Kaua'i County Code 1987, as amended, relating to Recovery of Rescue Expenses. 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-1102 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 to obtain settlement authority of Paul Applegate vs. County of Kaua'i et al., case number CV21-00364 and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1103 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 to provide a briefing regarding a Resolution Requesting The State Of Hawai'i And Applicable Tourism Entities Consider Prohibiting Or Discouraging Certain Undesirable Visitor Activities. 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-1101, ES-1102, and ES-1103, seconded by Councilmember Carvalho.

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

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

The motion to convene in Executive Session for ES-1101, ES-1102, and ES-1103 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.

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

There being no objections, the Council recessed at 8:43 a.m., to convene in Executive Session.

The meeting was called back to order at 9:42 a.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: I apologize for the delay. Next, item. Let us go back to the Communications, please.

COMMUNICATIONS:

C 2023-190 Communication (07/27/2023) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of the indemnification provision of the LexisNexis Risk Solution Application Terms and Conditions, to complete the data exchange between Motorola Solutions Inc., LexisNexis, and the Kauaʻi Police Department.

Councilmember Kualīi moved to approve C 2023-190, seconded by Councilmember Carvalho.

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

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

The motion to approve C 2023-190 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

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

Councilmember Cowden: Excuse me?

Council Chair Rapozo: Did you have a question?

Councilmember Cowden: This is what we already talked about or is this a new thing?

Council Chair Rapozo: It is a recurring indemnification for LexisNexis, which is their information data.

Councilmember Cowden: Okay. Yes, alright.

Council Chair Rapozo: Okay, next item.

C 2023-191 Communication (08/03/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$74,434.00, and indemnify the State of Hawaiʻi, Department of the Attorney General, to be used towards funding the Victim Witness Assistance Program 24-VW-03, for the period of July 1, 2023 through June 30, 2025.

Councilmember Kualii moved to approve C 2023-191, seconded by Councilmember DeCosta.

Council Chair Rapozo: Are there questions for the Office of the Prosecuting Attorney (OPA)? Is there any public testimony?

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

The motion to approve C 2023-191 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

C 2023-192 Communication (08/08/2023) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of the indemnification provision included in the EagleView Master Service Agreement, which collects and provides the County with high resolution oblique digital aerial photographic imagery and software products that allows for the viewing of imagery using the County's Geographic Information System (GIS), and delivers services and software products that integrate imagery with the County's E-911 dispatch system with tools that allow for the Kaua'i Public Safety Answering Points (PSAPs) to access imagery and data through the E-911 interfaces.

Councilmember Kualii moved to approve C 2023-192, seconded by Councilmember Cowden.

Council Chair Rapozo: Can the Kaua'i Police Department (KPD) come up? I will suspend the rules.

There being no objections, the rules were suspended.

ELLIOTT K. KE, Assistant Chief of Police, Patrol Services Bureau: Good morning, Council and Council Chair. Elliott Ke, for the record.

Councilmember Cowden: Is this a continuance of what we already use? Can you explain to the public what the digital aerial photographic imagery is?

Mr. Ke: Yes, it is a continuation of a service that we have been using for probably over a decade now.

Councilmember Cowden: Okay.

Mr. Ke: We are in the process of renewing our contract, which includes new procurement. This service is provided by the...it is also known as Pictometry/EagleView. It is an aerial imagery company that will take aerial images of our island, it captures it, and it is integrated into our

computer-aided dispatch (CAD) 911 system and what KPD, the Kaua'i Fire Department (KFD), and other departments in the county use it for is looking up locations, if there is an emergency, how to dispatch police, fire, and medics out there. We also use the service to look up locations where, for example, we may receive a call for service and we are trying to determine ownership of property—whether it be private, public, those types of things—and so these are just some of the types of situations on how we use this service.

Councilmember Cowden: Is this the same software that also feeds what we are looking at, our Really Cool Maps and our real property tax imagining, is that basically you are tapping into the same database that we are paying for? Or is this essentially the piece that is specific to Emergency 911?

Mr. Ke: I believe property tax may have a different mapping. I am not exactly sure what system they use, but I do know they use pictometry for some work they do and the database is the County, KPD's database.

Councilmember Cowden: So, this is nothing new. This is what we have been doing. People are getting nervous about being over-surveilled, but this is just our regular surveillance and then you use this when there is an emergency.

Mr. Ke: Yes, we do. The images are point-in-time, so if it is captured today, we utilize the same images for a period of time until it is recaptured.

Councilmember Cowden: Okay. Those are my questions.

Council Chair Rapozo: Thank you. Are there further questions for KPD? If not, thank you. Is there any public testimony?

Ms. Fountain-Tanigawa: Chair, we have one (1) registered speaker, Ana Mo Des.

Ms. Mo Des: Good morning. Ana Mo Des, for the record. I have a question about this particular item. Is there any jurisdictional limitation on the boundary, whether it is County only or if it is possible to go into State lands? I am not sure if any of you are familiar with what is going on, on the State lands around the corner of the airport. It would be good to establish some protocol when it comes to it, especially when I am hearing the Governor trying to obtain more State lands when what is actually in the possession of the State is not properly maintained or controlled. That is part of the alarm bells that go off. Is this meant to be an aspect of helping or are you limited by county since it is KPD? Are you able to expand into State land property with this surveillance of sorts, would be my question.

Council Chair Rapozo: Okay, thank you. As I understand it, this is all lands. When our dispatchers take a call, the global positioning system (GPS) position is shot to the officer responding, so they basically know where to go. It is like the Chief said, "point-in-time information." It is not snooping. This integrates with 911 so the officers have a visual of where they need to go.

MATT BERNABE: Matt Bernabe, for the record. I am one of those skeptical public members, and I actually had a moment when you were in Executive Session to “grill” them a little bit on what was going on with this. I will be honest, I am a big skeptic, but after listening to it, all it is, is annually keeping their maps current. That is all it is at the end of the day. As far as I am concerned, it is already county property, so why would we not let them use this? Especially, after these fires that we just saw. I would like to see a little bit more proactivity where we could identify areas that we could get some of our underemployed residents clearing out...we already know how it is with waterways backed up, but now we see that Po‘ipū could be the next Lahaina. There are a lot of concrete buildings, but concrete burns once it gets hot enough, let us hope it does not happen, but we should be clearing and worrying about some of our areas. If this system can help that and help them in the future, I do not have a problem with that. *Aloha*.

Council Chair Rapozo: Thank you. Just for the public’s information, this information is public. If you go to Pictometry, Google Maps, everything is there. This just integrates it to our 911 system, so KPD can see it. Is there anyone else wanting to testify?

LONNIE SYKOS: For the public record, Lonnie Sykos. When I was working for the Federal Census, that would have been really nice to have had this service and the phone they provided to me, there are places I went to like ten (10) times before I found someone in the neighborhood who was like, “Well, it would have to be either this house or that house,” but they were not numbered sequentially, the numbers did not make any sense. It was property “A” through “K”, but the letters were all mixed up, and so census paid me a lot of money to go in circles, which this would easily stop. This is a great idea. I do wonder if it is possible, feasible, or makes sense economically because it may not, but if all of the systems in the County government that use the satellite imagery in order to get pictures, if everyone used the same system, if we would get a discount on the cost, like a volume discount, because different things might supply different types of information, it may not be possible. In the long-term, that might be something to look at. Thank you very much.

Council Chair Rapozo: Thank you. Is there anyone else? Ms. Parker.

ALICE PARKER: Alice Parker, for the record. Yes, this is a great idea. GPS is essential. When I worked for...and alert the police and emergency, when I worked for the Office on Elderly Affairs, one time I was looking for a fellow who was in Kapa‘a, just in the housing there is an area like this, I did not know what the house number was or where he was located, he had cancer, he was dying. How could I find him? I stood there and yelled out his name. Without GPS, the call came from the resident’s home to the Office on Elderly Affairs to check on the person, but with GPS and this sort of thing, we can target it. The other time, I was on Powerhouse Road and the client I was visiting, her son had pushed her out of the wheelchair, onto the floor, and I am calling 911, well, I could not call 911. The Kaua‘i Economic Opportunity (KEO) came with the lunch and she had to go out to the highway to call. But this way, at least if someone called from the house, they could find it, so it is essential. We do need this service. Thank you.

Council Chair Rapozo: Thank you. Is there any further public testimony?

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

Council Chair Rapozo: Is there discussion?

The motion to approve C 2023-192 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

C 2023-193 Communication (08/09/2023) from the Director of Parks & Recreation, requesting Council approval to receive and expend capital improvement funds from the State of Hawai'i in a total amount of \$10,983,000.00, appropriated from the State Legislature of 2022, to be used towards the following projects:

- Hanapēpē Stadium (\$1,883,000.00);
- Vidinha Stadium Renovation (\$6,500,000.00); and
- Captain Cook Memorial Park (\$2,600,000.00).

Councilmember Kualī'i moved to approve C 2023-193, seconded by Councilmember Carvalho.

Council Chair Rapozo: Can the Department of Parks & Recreation come up? Councilmember Kualī'i.

Councilmember Kualī'i: Hi, Pat. When I look at the appropriation warrants that are attached, it does not provide the Council a breakdown, so I was wondering if you could give us a broad description of the larger types of work that are being done for the larger amounts of money as opposed to these three (3) items with those three (3) totals.

There being no objections, the rules were suspended.

(*Councilmember Kagawa was noted as present.*)

PATRICK T. PORTER, Director of Parks & Recreation: Pat Porter, Director of Parks & Recreation. This transfer of moneys is just for these three (3) projects. The Hanapēpē Stadium project is currently in construction now. This is the last tranche of money that we are going to change order into the project to complete the project. The Hanapēpē project is where the current food booth is, the old food booth, so what we are doing is we are making an all-in-one building there, so it is going to have a ticket booth, food booth, and restrooms in that corner.

Councilmember Kualī'i: Is it basically a new structure?

Mr. Porter: Yes.

Councilmember Kuali'i: When it says, "HANAPĒPĒ STADIUM IMPROVEMENT, KAUA'I-L/S," what does "L/S" mean?

Mr. Porter: "L" "S"?

Councilmember Kuali'i: In the attached Appropriation Warrant. Land structure, maybe?

Mr. Porter: I am not sure.

Councilmember Kuali'i: But it is a new building for Hanapēpē?

Mr. Porter: Yes.

Councilmember Kuali'i: Okay.

Mr. Porter: That is in construction now. This last pot of money will help us complete that. The Vidinha Stadium, of which we talked about previously, so this is a match. It was 50/50 State and County match, so this is the State portion. That is the field turf, new track, and then some structural repairs to the cement, because it is aging. We are going out for professional services, currently. We are going to select the consultant to do the planning design process, and then it will probably take eight (8) months to a year to complete the design drawings, and then we are looking at construction the following year.

Council Chair Rapozo: Is this money all for the construction?

Mr. Porter: It is both; planning design and construction.

Council Chair Rapozo: This will complete the project?

Mr. Porter: As much as we can. With the way things are going with prices, material costs, we might have to come back for more money later.

Council Chair Rapozo: This is a fifty percent (50%) match, so the State has fifty percent (50%) of the cost and we have fifty percent (50%).

Mr. Porter: Yes, so six million five hundred thousand dollars (\$6,500,000), which was in this year's budget that the County put in, and then this is six million five hundred thousand dollars (\$6,500,000) from the State.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember Kuali'i: Did he finish? Did you talk about Captain Cook Memorial Park?

Mr. Porter: No, not yet.

Councilmember Kualifi: Are we going item-by-item questioning?

Council Chair Rapozo: Let us stick to the stadiums and then we can go back.

Councilmember DeCosta: I am really worried about the Hanapēpē Stadium. There are elderly *kūpuna* who have made several comments about that portable bathroom near the locker room when they are watching football, they cannot use their walker or their wheelchair to get all the way around to the old bathroom. I noticed that there is a new station for the cooking and everything, but we still did not address the portable bathroom by the locker rooms. If elderly *kūpuna* are sitting with family on the homefield side, are we going to address it or is it now that the new bathroom and facilities will be sufficient enough?

Mr. Porter: That is on the other side of where you are talking about, but it will be Americans with Disabilities (ADA) accessible.

Councilmember DeCosta: Thank you for that. I brought this up a couple times to you, but we no longer have night games at Vidinha Stadium. We understand paying a take per bird, but the Kaua'i Island Utility Cooperative (KIUC) project that they are using on their powerlines across Kōke'e and many high tension power lines with these reflectors, seems to keep almost every bird away; the *pueo*, Shearwater, so I asked if we could integrate this into our project. Can we stream those tension cables onto our existing lights and have like a perimeter of these reflectors where it would deter birds and we can get back to playing football at night? We are doing it right now in areas across Kaua'i. If you drive pass Kaumakani, KIUC has those reflectors there, if you drive up to Kōke'e, there are reflectors there as well. I have been in contact with KIUC and it works well. It seems like no bird has touched those powerlines; can you please look into that?

Mr. Porter: During the planning design process, we can look at that.

Councilmember DeCosta: Thank you for that.

Council Chair Rapozo: Do these figures include new lights?

Mr. Porter: No. Lights are not involved with this estimate. If we decide that we want to add that to the larger scope, we will have to come back for more money.

Council Chair Rapozo: Because those lights are not working now, right?

Mr. Porter: Half.

Council Chair Rapozo: Yes. So, in other words, they are not usable, unless you play half the field. I have seen it and it is not safe because there are dark spots.

Mr. Porter: Yes, so...

Council Chair Rapozo: Is that part of this project?

Mr. Porter: That is not a part of this project.

Council Chair Rapozo: Are there further questions on the stadium?

Councilmember DeCosta: Are we going to address the lights? Can we address it in the design process?

Mr. Porter: Yes, we are going to look at putting it in the design process, but then we will have to come back for more money later.

Council Chair Rapozo: Okay. Are there any further questions on the stadiums? Go ahead.

Councilmember Cowden: I remember this was in our budget, so that is why the numbers look very similar. When we are looking at what this costs, the Vidinha Stadium Renovation is more like thirteen million dollars (\$13,000,000).

Mr. Porter: Yes.

Councilmember Cowden: We are putting in...so pretty much we can double all of this is what we are investing and it is still does not catch the lights, so that is a bummer.

Mr. Porter: Yes. It is a big project. When we do the field, it is not just laying down field turf, you are going to dig it out, there is an entire drainage system that gets put underneath the field, which is all cement work. It is fully for the track and the field; a lot of construction will go into this.

Council Chair Rapozo: Can you share with the Council the Captain Cook Memorial Park?

Mr. Porter: This is the most recent one. Before the public gets confused, the Captain Cook is the park that is connected to Waimea High School, the baseball field and then where they have football practice. This one is an eighty/twenty (80/20) cost-share from the State; eighty percent (80%) from the State and twenty percent (20%) from the County. The match was also in this year's Capital Improvement Projects (CIP) budget. This money will redo the tennis courts, the retaining wall around the tennis courts, and then the retaining wall that comes down to the highway, the rock wall. The money is to do those two (2) retaining walls, to fully replace those walls, and then also to redo the tennis courts.

Council Chair Rapozo: I am looking at your spreadsheet, and you said it is an eighty/twenty (80/20) match, but it said the County's portion is two million nine hundred seventy-five thousand dollars (\$2,975,000) and the State's portion is one million twenty-five thousand dollars (\$1,025,000). That is not an eighty/twenty (80/20) match. The County is paying the bulk of it. Do you see what I

am looking at? You provided this sheet. The one for the stadium, it states very clear, "The County of Kaua'i eight million three hundred eighty-three thousand dollars (\$8,383,000), and State eight million three hundred eighty-three thousand dollars (\$8,383,000)," but when I look at the Captain Cook, the County is two million nine hundred seventy-five thousand dollars (\$2,975,000) and the State's portion is one million twenty-five thousand dollars (\$1,025,000).

Mr. Porter: I will check on the numbers.

Council Chair Rapozo: That is not eighty/twenty (80/20).

Mr. Porter: Yes, I will check. I will verify that.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Are you done explaining the Captain Cook Park? I am interested again, looking after our *kūpuna*, that place will host Waimea High School baseball games, am I correct?

Mr. Porter: They started last year, yes.

Councilmember DeCosta: They did, right. We still do not have bleachers; we do not have an elderly ramp for them to come up and sit on the bleachers. The parents must watch the game on the floor or the grass. I would really want us to look at that if there was a way. If we do not have the funding to address all the fans that watch baseball or any community games that we allow there to play, we need to get something for *kūpuna* to sit on. They come with a wheelchair and they have no place to sit. Can you look into that?

Mr. Porter: Okay.

Councilmember DeCosta: During the design, please look into that.

Mr. Porter: Okay.

Council Chair Rapozo: What is this? What will this cover? What are the improvements we are looking at?

Mr. Porter: What I was just talking about...the tennis courts and the retaining walls, that I just went over.

Councilmember DeCosta: I heard a little chatter in the community that this is Waimea High School's park, but it is not. It is a county park, correct?

Mr. Porter: It is a county park.

Councilmember DeCosta: Yes, so the County makes the decision on that park, correct, or does Waimea High School make the decision?

Mr. Porter: It is always good to consult.

Councilmember DeCosta: Why do we consult?

Mr. Porter: Public agencies consulting with the users.

Councilmember DeCosta: I wanted to clarify that we own things, and the State does not tell the County what to do with the things we own. We do not tell the State what to do in their schools, their playgrounds, their classrooms. The point I am trying to make is that...

Council Chair Rapozo: Question.

Councilmember DeCosta: I am done.

Council Chair Rapozo: We will have time to...because I have a few comments myself.

Councilmember DeCosta: Thank you, Council Chair for correcting me.

Councilmember Kagawa: Do you know about the agreement that we have with Waimea High School regarding Captain Cook Park that was done way back?

Mr. Porter: I do not know the agreement. I know that just a few years back, I think it was when I came into this position, the maintenance got transferred back to the County.

Councilmember Kagawa: There is an agreement in there and maybe we should forward that to all the Councilmembers, because it is a longstanding agreement and I was troubled by it. Who determines whether home games for Waimea High School will be played at Hanapēpē or at the Captain Cook Park? Is that the athletic director?

Mr. Porter: They would put in their request for which ever field they want and it would be up to the county to permit it.

Councilmember Kagawa: Understood. I think Hanapēpē is far and beyond a way better facility to have baseball games and there are safety aspects, too, with Waimea, that Hanapēpē is a much better playing surface. I grew up in Hanapēpē so I may be biased.

Council Chair Rapozo: Are there further question for Pat regarding the Captain Cook improvements? Councilmember Cowden.

Councilmember Cowden: When I am looking at this Appropriation Warrant that looks like this, I think it says that the State General Obligation Bond is putting the two million nine hundred seventy-five thousand dollars (\$2,975,000) in. Am I understanding it correctly? It says the sum of four million dollars (\$4,000,000), so it looks like the State is putting in four million dollars (\$4,000,000) or two million nine hundred seventy-five thousand dollars (\$2,975,000).

Council Chair Rapozo: No, that is our County General Obligation Bond.

Councilmember Cowden: Oh, that is ours. Okay.

Mr. Porter: I will verify what the cost-share was.

Council Chair Rapozo: Do you have a question?

Councilmember Kagawa: We have been in discussion with the track coach from Waimea High School complaining about...when I ran track, we just ran in the outfield; and I think that is all they have right now. Are improvements going to be done from the landscaping end, so that we can improve that outer edge of the outfield line, so that they have something similar to a track turn?

Mr. Porter: On the Captain Cook field?

Councilmember Kagawa: Yes.

Mr. Porter: We can look at it, but that is where the retaining wall is. They are going to be replacing the retaining wall, and we will see how that will all affect the outfield.

Councilmember Kagawa: If possible, to level it out and get rid of the chicken holes. I would appreciate it. Thank you.

Council Chair Rapozo: Are there any further questions for Pat? If not, thank you. Is there any public testimony? Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. It is always a good thing to hear that the government is being proactive about maintaining our existing resources. My question is, other than the issue of the lights, which was already brought up, which are not covered in this money, do these improvements cover everything that we currently know needs to be done at the three (3) facilities, and what is the life expectancy of these improvements as well as when would the next tranche of improvements need to be done? Does this solve our problems for one (1) year, for three (3) years, for fifteen (15) years, for forty (40) years? For the fifteen million dollars (\$15,000,000), if I remember correctly, for the stadium or whatever it was, how long before we are going to need to be having the same conversation about some other aspect of the park? Thank you very much.

Council Chair Rapozo: Thank you. Ms. Parker.

Ms. Parker: Alice Parker, for the record. I see you covered Hanapēpē, Vidinha, and Captain Cook, what about bathrooms for the Lihū'e Neighborhood Center? Actually, the portable bathrooms are better than some of the existing bathrooms. Thank you.

Council Chair Rapozo: Pat heard you loud and clear. Is there anyone else wishing to testify?

Mr. Bernabe: Matt Bernabe, for the record. I was not going to say anything, but I agree with Ms. Parker. The bathrooms around the island could use a little lift. I go to the bathroom in Hanalei, everywhere. The one thing I would like to say since we have the Department of Parks & Recreation present is when are we bringing the octagon back? I want to have more fights over there like we used to. I do not where else to ask, but this is a good place to start. Someone, promote more fights. Thank you.

Council Chair Rapozo: Is there anyone else? Pat, can I ask you to come up again to address Mr. Sykos' question, because I am curious as well—what is the life of the track and the turf at Vidinha Stadium?

Mr. Porter: Pat Porter, Director of Parks & Recreation. These repairs are for the long-term. These repairs will be for the foreseeable future. From what we are finding out, the lifespan of a track is about ten (10) to twelve (12) years, and for the field turf, it is about the same. Once you have the infrastructure in for the field turf and the track with the gutter system, it is cheaper to go back and just replace the top portion, so this part is going to be the most cost heavy. Once you do the replacement of the field and the track, later, it is not as much because you are not doing the full drainage system.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: The turf that the County is putting in, is it going to be an advantage or disadvantage to the three (3) high schools that practice on grass? I am just a little worried that Waimea and Kapa'a have practices on grass, and Kaua'i High School will practice on grass, but will they be allowed to do a walkthrough on Thursdays prior to the game to feel the turf, because the other two (2) high schools will not. How is the County going to make this fair, because the County owns Vidinha Stadium, correct?

Mr. Porter: Correct.

Councilmember DeCosta: Have we thought about that?

Mr. Porter: We will manage it the same as we manage it now. We usually do not allow walkthroughs the day before. My experience is there is not a big difference between playing on field turf versus grass, there is no huge difference. It does not give one side an advantage over the other. I think it is important that the island has one field that is a field turf field. During the rainy season, we start limiting use of fields because it trashes up the field so much and just becomes unsafe to play on. I do not think all of our fields should be field turf, I think just one (1) should be...and Vidinha is the right one for that, and there will be so much use out of it, with all of the activities that are on the island.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: These are two (2) of Mr. Sykos' other questions, when we think about what else needs to happen, it seems like lights need

to happen and that is not part of this tranche of funding. How much does that cost and when is that likely to be put in front of us?

Mr. Porter: The reason the lights are not involved with this is because we put in this original request about three (3) fiscal years ago.

Councilmember Cowden: Okay.

Mr. Porter: At that time, all the lights were working in the stadium, but since then is when the lights started going down. I do not have numbers on replacing...so, we are going to have to replace the lights. These poles that exists now are outdated, the technology is outdated, and they are also not user-friendly to fix. From what we were getting, we had American Electric do an assessment of the lights and from what they told us, the highest lift we have on our island is still five (5) feet below the platform. These lights are unnecessarily too high. The reason I say, "unnecessarily" is because there is new technology now that they do not need to be that high to get the coverage that we need. When we go back, we are going to need to replace them all. We did get an assessment from American Electric and they said that in order for us to fix the existing lights now that are out; two (2) fully out and one (1) that half works, they told us that in order for us to fix those, we need to "gut" the entire system and replace it, and in order for us to "gut" the entire system, we would need to drop all the poles to do that. The price went through the roof, just for a temporary fix.

Councilmember Cowden: Do we look at the base of these poles that are wood? I know there was one (1) outside of my house, it fell and crushed a bunch of things in my yard; it was terrifying, the amount of force that came down. It certainly would have killed someone. Are you looking at the base of the poles that we have?

Mr. Porter: These are not wood posts; these are metal posts.

Councilmember Cowden: When I heard the discussion about bleachers and seats, is that part of the repair at the Captain Cook Memorial Park? Will there be bleachers? I know we discussed it a little bit during budget, but I am unsure. The concerns Councilmember DeCosta brought up regarding *kūpuna* on wheelchairs, is that coming into our Waimea property right now?

Mr. Porter: It is not a part of this money, no.

Councilmember Cowden: It is not a part of this money.

Mr. Porter: We are going to have to look at it because the way that the field is designed when they redid the track implements, it is going to be a little tricky to fit bleachers in there, but we can look at it and see what can be done.

Councilmember Cowden: Okay, thank you. I suppose the answer would be that we would have another plan at some point in the future, but we do

not know when that is or what that would cost, so that would be a secondary element. Sometime if it does not fit now, it would not fit later, probably, it is not easy.

Mr. Porter: Yes, we are going to have to take a look and plan for that.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Are there any further questions for Pat? If not, thank you, Pat. Is there any discussion? Councilmember Kagawa.

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

Councilmember Kagawa: I want to thank Pat and the Department of Parks & Recreation. When these types of items come up, you think about the State matching and it is always good for us to get matching rather than pay one hundred percent (100%). Not to throw shade on our legislators, but I just watched Oceanic OC 16 football and saw Roosevelt High School's new stadium, Moanalua High School's new stadium, Pearl City High School's new stadium, which the state pays one hundred percent (100%) for those stadiums. We do not have stadiums for our schools. Yes, we only have three (3), but you would think if they were the primary users, that maybe the state should kick in more than fifty percent (50%). Maybe one hundred percent (100%) would be nice, because they have primary use when they have big events. I hope they do not get offended by the "shade", but if you do a comparison, the amount of things that we do for the schools to enjoy their high school sports activities, and we one hundred percent (100%) support it, because we only have three (3) schools, but the state has a big tax base, I think they should kick in more than fifty percent (50%). While I thank them, I hope they can do more in the future. Regarding the use agreement, I am fine with Waimea High School having that old use agreement, but what would be good is to have some type of agreement where they communicate with the County management, so that when the high schools do not have something, the public can use it, because it is our County park. Right now, it is controlled by the high school, and it is okay, because it is their high school and they do not have a stadium. In fairness to the public, the communication from the high school should be going to the County management, so that it opens for the public to use when the high school is not using the park. We need to know exactly when those dates and times are, so that it is something transparent that the public knows whether they can use the park. That communication has never happened because the high school manages it. That could be an added benefit to the public. Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I want to echo what Councilmember Kagawa said and I want to just let our staff know, very competent staff, maybe we can send a letter of encouragement to our State Representatives and our Governor and say that the Department of Education (DOE) is improving many stadiums across O'ahu—DOE for their high school baseball, track, we do not because we rely on our

county. I want to thank Mr. Porter, I am a new councilmember, I have only worked with Mr. Porter, very impressed with how he runs his department. I want to comment a little bit about the Waimea field; it is our field, but also Hanapēpē has been a legacy of baseball. I do not know if the dugouts are fixed on the Hanapēpē side, I know they were caution taped and we got the old historic stands, but I would like Hanapēpē resurrected a little bit, if possible. There were many traditions there. I want to thank the Department of Parks & Recreation for doing a good job.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: I want to ask staff if we can send something over to get the clarification on the funding, if it is supposed to be eighty percent (80%) state, twenty percent (20%) county, for the Captain Cook Memorial Park. I want clarification on what it is because it was not clear to me of what we are looking at here. It seems like eighty percent/twenty percent (80%/20%), if what we are doing is having a school park and it is not a public park, as what was brought up, we need that eighty percent (80%). I want to make sure I have a clear understanding of how, in fact, we are getting that.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: The comment on the poles, I think taking some steps to reteach those that made the decision to go five (5) feet higher than we should have without ability to maintain it on Kauaʻi, was a huge mistake. If we do not tell the person who worked on that project or giving the stamp of approval with the county that they messed up is worth us stating, because the taxpayers will have to pay for the mistake. I am not saying everyone is perfect, but if they made a mistake, let them know and then we can move on. Thank you.

Council Chair Rapozo: Is there anyone else? Pat, can you nod if this is time sensitive, can it wait a couple weeks? Yes, or no? Let me explain why. I cannot agree more with Councilmember Kagawa. Pat, you heard this from me, I have said it numerous times. If we do not provide the field, there is no Kauaʻi Interscholastic Federation (KIF), zero. Kauaʻi teams would not be able to participate in the state championship, and you are right, majority on Oʻahu have their own “state-funded, state-paid-for fields” and Kauaʻi does not. We do not charge the state. We do not charge the DOE, we do not charge the Hawaiʻi High School Athletic Association (HHSAA) and yet we fund fifty percent (50%). Our grants-in-aid never used to be fifty percent (50%) and now all of a sudden when the state has the highest surplus ever, they decided to hit the counties by giving them fifty percent (50%). Any one of you—nonprofit organizations, etcetera—if you borrow or use a gym at the school, they will charge you. I have seen this with a Pop Warner Cheer Competition for kids. They charged us one thousand five hundred dollars (\$1,500). So, I am asking Pat, and we have had this discussion, charge them. We charge the State for using our fields for football and soccer. I do not know why we do not. They are paying half, and we need to carry the brunt. I do not even know if we received a thank-you letter from them, but the bottom line is they should be paying more, because that is the primary. Figure what the cost is for us to maintain those fields, we need to have a staff person there, we pay the electricity, we pay everything for those fields, and the State rolls in, they play their football...trust me,

I am the biggest football fan on this Council. I love high school football, but this is not about the players, this is not about the schools. This is about the DOE and the State saying, "We do not need to worry about Kaua'i, because it is gratis for us. We do not need to pay them a penny." Which is wrong. It is downright wrong. Now, that is just for the stadium. Pat, I will introduce it—the increase in fees for the stadium for the State of Hawai'i. I will introduce it and I will defend it, because they need to pay for the use if they will only cover half...and as Councilmember Kagawa said, the majority of the use is really from high school sports. I am not familiar with the Captain Cook Memorial Park agreement terms, and that is why I am asking for two (2) weeks, because I want to look at that. Councilmember Kagawa, are you saying that we cannot use that field? If there is no high school baseball, we cannot use the field?

Councilmember Kagawa: My understanding is the Waimea High School Athletic Director will field requests.

Council Chair Rapozo: Does the County have no control of the field?

Councilmember Kagawa: If they allow us to.

Council Chair Rapozo: If I wanted to use that field, would I need to go to Waimea High School?

Mr. Porter: No. You go through our reservation system.

Council Chair Rapozo: And I can use that field next weekend to play baseball?

Mr. Porter: Yes, if there is no reservation.

Council Chair Rapozo: Then I am not sure that I understand this agreement we have with Waimea High School.

Councilmember Kagawa: It was an old agreement.

Council Chair Rapozo: If they are in control of the management of the field, then I am not supporting any money. Let them pay. Let the State pay. If our citizens cannot use that field, then the citizens should not be paying for the repairs and upgrades period, end of story. Again, I am not sure, and I do not have access to the agreement right now, but that is where I sit on that. I think the State needs to carry their load. That is all I am saying, and if they cannot pay us to use our facilities, but they are charging our people to use their facilities, something is terribly wrong with that. It is not just the stadiums. Convention Hall...all the school programs and events that happen at the Convention Hall or the neighborhood centers are not charged. I am not asking to charge the kids to go to the Convention Hall, but the State should be paying. If they are using our facilities, which have an expense and a cost...and I think I asked you a while back, Pat. I want to see what the costs are per game, including the maintenance that leads up to that game—the lining of the field, the irrigation, etcetera. That comes with a cost and the State should be paying for that, because, as Councilmember Kagawa said

and I mentioned a little earlier, if you look at the fields at schools on O'ahu, it is Class "A", it is the best of the best. Our scoreboard does not even work. Our lights do not even work. We need to play day games. I think the State should be paying more. Those are my comments. I do not want to hold this up and I do not know if a two-week deferral would matter. Councilmember DeCosta.

Councilmember DeCosta: I will echo you, Council Chair Rapozo. I know for a fact...I work for the DOE. I am actually friends with at least two (2) principals, and I heard that now they are mandated by superintendents to charge for community basketball for that gymnasium. It is mandated, because that is revenue that the State is losing. Mr. Porter, with all due respect, you are a great man and you have a great heart, but the County cannot have that heart, because it is our taxpayers' dollars paying for our DOE to play on our fields. I want to put something in motion right now, staff. I want to send a letter to our Governor and the liaisons in the DOE telling them that they need to pay their fair share. If they are charging our County sports to use their gyms, then we will charge them for using our fields. Not the school or the kids, but the State DOE. Thank you.

Council Chair Rapozo: Is there any other discussion? If not, the motion is to approve.

The motion to approve C 2023-193 was then put, and unanimously carried.

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

C 2023-194 Communication (08/10/2023) from Councilmember DeCosta and Councilmember Bulosan, transmitting for Council consideration A Bill For An Ordinance Amending Chapter 6, Article 13, Kaua'i County Code 1987, As Amended, Relating To Recovery Of Rescue Expenses, creating an Adventure Rescue Card program to be offered and advertised as an optional amenity, and amending the existing Recovery of Rescue Expenses provisions to integrate the Adventure Rescue Card program and reflect the wording of State law.

Councilmember Kualii moved to receive C 2023-194 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any public testimony on the Communication? Ms. Parker.

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

Ms. Parker: Alice Parker, for the record. I think we should charge irresponsible hikers—hikers who enter "Do not trespass" property and places labeled as dangerous, but they go anyway. I think they should be charged all the expenses of rescuing them. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify?

Mr. Bernabe: Matt Bernabe, for the record. Most people who know me know that even though I am one-legged, I walk nearly all of these mountains regularly, and I come across people everywhere. I eat lunch by Wailua Falls and I see a pickup truck show up with a hodgepodge of people that do not look related. I get out and start talking to them, and the driver immediately seems to be hurrying them on. I ask, "Can you folks read these signs," because no one is supposed to jump over and use those trails. That is a State area, it is not us, but this is to my point. My point is that the people who do not have a tour guide say they read it in a book, and they told me that in the book it says, "Ignore the signs." They showed the books to me...I did not buy these books...they are those "One hundred one (101) things" or navigational books on what to do on Kaua'i. This one particular time, the truck shows up, they are all loaded, I am eating lunch, I get out, and I start talking. I told the group, "You cannot go over this." The person tries to hurry me on. One person was a police officer from Chicago. He stops the whole group and says, "I am not breaking any laws," so I said, "If you jump that guardrail, you are breaking the law. Do you see the signs posted?" He says, "I see the signs posted." I said, "You folks have about two (2) minutes before I speed dial the Department of Land and Natural Resources (DLNR), which is on my phone, or I will call and by the time you folks return, they will be here waiting for you." Sure enough, they got back into the truck and left. We should be actively looking out for this language in books, on the internet, or wherever they find out where they can go. Go to Kapahi, go to Kapahi Road, go to Ho'opi'i Falls. Go there on any given day, and make sure the sun is out. Even if it is not, it is raining and that is why we are rescuing them from the Sleeping Giant and Ho'opi'i Falls. I see the helicopters fly right over my house every time. My family in Kapahi say, "Oh, another one in Ho'opi'i Falls. Another one in Sleeping Giant." They are taking "selfies" on the edge, or they go when it is...it is ridiculous. How do they find out about Ho'opi'i Falls? Now, it is wildfires. Now, it is out there, but they have these books. It exists. Put some resources, do some homework, find these perpetrators. If you find a book that guides our tourists in there, give them the bill. It is as I said Lelan Nishek should get the bill for every Albizia problem. He brags about planting them. That is the type of logic I want to see coming out of this seven (7). That is the logic. Not just this, this, and this. Go to the root of the problem. How did they get there in the first place? There are books out there. You folks all know what I am talking about. Now it is the internet...this, this, and this. You, as a governing body, have the ability to reign that in and disseminate the information saying, "No, these are breaking the rules." The one in Kapahi is going through a lease. The person asked the State, but the State did not help him.

Council Chair Rapozo: Thank you.

Mr. Bernabe: They are breaking the law.

Council Chair Rapozo: Is there anyone else wishing to testify.

Ms. Parker: Can you turn off the microphone.

Mr. Bernabe: I am sorry.

Ms. Parker: You keep talking.

Council Chair Rapozo: He does not need a microphone. Is there anyone else?

BRUCE HART: This comes up at Bills For First Reading, right?

Council Chair Rapozo: Correct. This is just the Communication, but just for your information, we have Executive Session discussions on this item and another resolution that we will go into before we take the items up on the agenda. I am not sure when that will be, so if you would like to testify now, you can testify here in Communications. This is on the rescue. Mr. Sykos.

Mr. Sykos: As a point of order...

Council Chair Rapozo: You need to come up, sir.

Mr. Sykos: Lonnie Sykos. As a point of order, in the Executive Session, could you make the decision not to have the agenda item held? If I do not testify now, would it be possible that you...possible, not likely, or effect...would it possible that you could come out of Executive Session and say the item is off the agenda and the public has no comment?

Council Chair Rapozo: No.

Mr. Sykos: It has to come up?

Council Chair Rapozo: Yes. No decisions can be made in there. That is just to consult with our attorney. All the discussion on the item itself will need to happen in the open session.

Mr. Sykos: Thank you very much for the clarification.

Council Chair Rapozo: You are welcome.

Councilmember Kagawa: That was a good question.

Council Chair Rapozo: Is there anyone else wishing to testify on the Communication for the search and rescue Proposed Draft Bill Communication? If not.

Mr. Bernabe: Is it still two (2)?

Council Chair Rapozo: I am sorry.

Mr. Bernabe: Do we still get two (2) turns to testify? Is it only one (1)?

Council Chair Rapozo: No, you can come back if you want to.

Mr. Bernabe: I would like to. I was not quite finished, as you could tell.

Council Chair Rapozo: You can have a second three (3) minutes.

Councilmember Kagawa: You can put the microphone on, too, if you want.

Mr. Bernabe: Matt Bernabe, for the record, again. This is a hot topic for me, because another part of this discussion is back in the day, the State decided it was in their best interest to promote tourism into the interior. Where were these interiors? It was mostly hunting units. I can tell you that I have almost shot people when hunting with my younger daughter. They are not in the right place, no orange or anything. We are waiting for the movement to come out of the bushes. Our rifles are up. We are not shooting through the bushes, but waiting for the line of sight, and a human pops out, "Oh, what are we doing here?" Every hunter knows this. Every hunter has seen someone in the wrong unit. Why is that? It is because we promote it. There is no difference in why we lose when they drown. It is because we are promoting it. Why we lose when they are falling off cliffs. It is because we are promoting it. We need to literally tell the State, "We need to draw..." the Nā Pali coast is technically a hunting unit, most of Kōke'e is hunting units, where we need to either wear the right gear or be permitted at a certain time...not all of it is tourists either. Some of them are people who have moved here. I have had people walking their dogs in the deer units, whereas hunting dogs are not even allowed. I saw someone receive a ticket for dogs on the leash at Loop Road, because DLNR said, "Your dogs are not hunting dogs and they do not belong here," and I had an epiphany—so, why are you letting the humans into the hunting area? That was years ago. I had two (2) legs when I heard that one. It was over twenty (20) years ago that I heard that. Why are we promoting them to enter hunting units and they do not even hold hunting licenses? We need to do a three-day test. Do you know what we need to learn to have the privilege of walking in hunting units? It is a long period. The State of Hawai'i makes us jump through hoops for that, but if you are a "tourist," go in there, do not worry about it, we will rescue you, the County will pick up the bill. As long as our State's tourism agenda is moving, that is what they want. Obviously, you can tell I do not like this one. I am not saying that locals will not be rescued either, because I have seen that, too. Trust me, I have a few funny ones. I am just saying to look at the statistics at Ho'opi'i Falls. That is just one place. By the way, Ho'opi'i Falls is the beginning to Kealia River, which the DLNR and State told me is a County waterway.

Council Chair Rapozo: They lied.

Mr. Bernabe: They lied?

Council Chair Rapozo: Yes. The County does not control waterways.

Mr. Bernabe: Well, that came out of their mouths regarding the people fishing.

Council Chair Rapozo: Is there anyone else? If not, I will call the meeting back to order.

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

The motion to receive C 2023-194 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Let us do the Office of the Prosecuting Attorney's item before we take our caption break, so we get them out of here.

C 2023-195 Communication (08/11/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$111,314.00 for the Career Criminal Prosecution Program, and indemnify the State of Hawai'i, Department of the Attorney General, to be used towards funding of one (1) 0.85 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and office supplies, for the period of July 1, 2023 through June 30, 2025.

Councilmember Kualii moved to approve C 2023-195, seconded by Councilmember Cowden.

Council Chair Rapozo: Are there any questions for the prosecutor? Please, come up.

There being no objections, the rules were suspended.

REBECCA V. LIKE, Prosecuting Attorney: Good morning. Prosecuting Attorney Rebecca Like here.

Councilmember Cowden: Thank you for the work that you do. This is a continuing position, right? This is continuing funding for an existing position.

Ms. Like: It is. It is a reoccurring program utilizing State funds to fund one (1) full-time deputy at eighty-five percent (85%). We have one specialized, highly skilled, and experienced deputy to handle what are called "career criminals." Career criminals are defined by statute. They include individuals with two (2) or more felony convictions in the last five (5) years, or one (1) or more felony convictions and two (2) or more misdemeanor convictions and/or arrests within the last three (3) years, or individuals who have been convicted and/or arrested for felony possession of a firearm in the last five (5) years. We have the same deputy handle what is called "vertical prosecution," so from the screening all the way through the parole hearings for that individual.

Councilmember Cowden: I appreciate that we have this and that seems to be a reoccurring complaint that people will have—someone gets away with something over and over. What is our success rate? Roughly, how many cases a year does this position handle? Do we have any court trials or are they all plea bargained? What is our success rate?

Ms. Like: The statistics are in the information that was provided to Council.

Councilmember Cowden: Okay, so let us look at it.

Ms. Like: In the last six (6) months, we actually have not had any cases that fit that parameter that I just outlined. Then there are different things that need to be complied with for the grant. If a plea bargain is offered, it needs to be to the highest level of offense. We need to push for harsher sentences in those cases, so whether or not members of the public are complaining about people being arrested repeatedly, that will not fall under the definition of "career criminal" that I just outlined, because we have not had any cases in the last six (6) months come into our office that fit that definition.

Councilmember Cowden: When I hear from different people that they will even show me their own evidence, or this happened to me, then this happened to me, then this happened to me. Does it all need to be concentrated in the same time? If it is the same person who is repeatedly doing that offense, do they not fall into this category?

Ms. Like: It is outlined by statute, which is also in front of you...I can refer to the page number, but it would have to be a person who had two (2) or more felony convictions in the last five (5) years, or one (1) felony conviction in the last five (5) years and two (2) or more misdemeanor convictions in the last three (3) years or was arrested for felony possession of a firearm to fall under this career criminal prosecution unit under that full-time deputy in our office. That does not mean we are not prosecuting other cases in our office. This just deals with these particular cases by statute.

Councilmember Cowden: What I am hearing then that sounds like the difference is that if it is repeated accusations or calls for the police for the same type of problem, but if they are not convicted, they are not career criminals.

Ms. Like: No. They could be convicted, but it may not have been within the last five (5) years or it may not have been in the last three (3) years. They may have multiple convictions for other offenses, but by statute it will not fall under this definition, because it did not happen in the last three (3) or five (5) years.

Councilmember Cowden: When we pay for this individual and this position...

Ms. Like: It is State-funded.

Councilmember Cowden: Yes, when the State funds it...and thank you so much for getting these funds...that prosecutor, clearly, is utilized for other cases?

Ms. Like: Absolutely, yes.

Councilmember Cowden: That prosecutor is still being utilized on a regular basis?

Ms. Like: Absolutely, yes.

Councilmember Cowden: In most years, how often do we hit the definition? Instead of having zero (0) cases, in most years do we have what we would consider career criminals?

Ms. Like: We do. That is less than what we have had in prior years. We just have the statistics included in here for the last year, so I am not certain I have that information in front of me, but typically, we have more than zero (0) who fall under this definition.

Councilmember Cowden: Okay. Do you have any statistics that would say in the last three (3) to five (5) years how many career criminals were incarcerated or had a stronger consequence as a result of falling in this category?

Ms. Like: We do not have those. I am not sure if we would keep track of those statistics of what the dispositions were as part of the grant, because we would need to keep track of when they were paroled, when their parole hearings were, and other things of that nature. I think we had this...Jamie can correct me, but we had this grant last year, but two (2) years prior, we did not have this grant. During COVID, there was a lapse in this grant opportunity, so we could have statistics from last year, but for the two (2) preceding years, we did not have this grant, so we would not have statistics.

Councilmember Cowden: Is there anything prohibiting you from giving us a report when there are convictions or when it does not work to give us the names, because this is something I deal with regularly? There are certain neighborhoods where people will be repeatedly complaining about an individual, and they just seem to always be back creating more problems. I am curious what the barriers are when we have at least what the communitykl would feel are repeat offenders, and we know when people are arrested. It seems as though it does not help people sometimes.

Ms. Like: Court records are available online as well, so you can see the disposition on certain cases online. It is difficult for me to comment on individual complaints that constituents may have regarding prosecution of certain cases, because I cannot generalize about case dispositions based on the complaint of a constituent.

Councilmember Cowden: Okay. I will work with staff to make a request.

Ms. Like: We have talked about this before, too. Certain cases make their way to our office in different ways, right? The police may arrest someone, that person will not be able to post bail, that case will be processed immediately, because they have a right to be brought to court and their charge is explained to them immediately. Some cases come to us because of an arrest

warrant, some cases come as referred to the prosecutor, which means no arrest was made, so there are a number of different ways the cases could make their way to our office, and based on that it might impact the way the case is disposed of and the expediency at which it is processed.

Councilmember Cowden: I know we talked on this one-on-one, but is there a report that is routine that shows case dispositions that can be sent to Council? We have for KPD, KFD, and a lot of the other groups. They have a commission, so they are always sending a report in for that commission and it is easy to look at. Is there a report that can be given to us so we can see the routine performance, because that makes it easier for us to respond to constituents who feel that they are being underrepresented?

Ms. Like: There is not. There is not a report. We are not governed by a commission, I am governed by the electorate, so we do not have a commission-based system. That is why I do not prepare a report regularly for a commission.

Councilmember Cowden: I know that it is not done. I am just wondering if it could be done. It would be nice to see that.

Ms. Like: We could, but currently, the problem is we do not have the staffing to provide the resources to prepare a report for a commission-based system when our focus is on prosecuting offenses, going to court, and things such as that. We do not have the resources to devote, to separately preparing a report on every case disposition.

Councilmember Cowden: Okay. I am just going to accept that. I will not continue to question it.

Ms. Like: Okay.

Council Chair Rapozo: Are there any other questions as it relates to the grant? If not, thank you.

Ms. Like: Thank you.

Council Chair Rapozo: Ms. Parker.

Ms. Parker: Alice Parker. Under "other duties as assigned," could this person research how to not pay the salary of a jailed councilmember? Thank you.

Council Chair Rapozo: Is there anyone else?

Mr. Hart: For the record, Bruce Hart. Perhaps Ms. Like could explain. I am not understanding. There are certain criteria for a career criminal. Is there any designation that would identify a certain individual as a repeat offender? Someone taking our community, someone who is repeatedly, perhaps not being arrested, but there are incidents. Someone in the neighborhood,

like Councilmember Cowden said, is making complaints on the same individual. Perhaps more than one (1) person in that neighborhood is making complaints on the same individual. Do they keep some type of track of that? That is all. Thank you.

Council Chair Rapozo: I think you have answered that already. Today's item is on the career criminal grant. In the grant application, which I appreciate the Office of the Prosecuting Attorney for, because you folks always send it all. Everything is in here, including the conviction rate...thank you, Jamie...the cases added, how many went to jail, how many received probations. Everything is in this packet, but this is the career criminal grant. If we have questions on other reports, we can send over a memorandum, but I want to make sure we are talking about this grant application for the career criminal, which is defined by statute. There are a lot of career criminals running around our island right now by that term, literally, but by definition and State statute, there are criteria that needs to be met. Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. Council Chair Rapozo, maybe you can clarify this for us. If I understood Councilmember Cowden correctly, she was addressing one of my thoughts in this, which is we have our tax money coming to Kaua'i to be used in this grant, but that when the grant process was created, no metric to judge the value of the grant was integrated, thus our prosecutor from within the grant process does not have a process to tell us, the public and the Council, what the actual outcome was. It is good if that person could be doing other prosecutorial duties, but the question is our tax money was taken and is now being used for this specific purpose of funding a career criminal position, and yes, their time could be utilized doing something else, but how much of our tax money that was taken to perform that duty actually does that and how much of it is spent on something else that should be properly be funded by funding the "something else"? I am looking for the clarity of whether or not there exists a way to figure out what the actual benefit for the purpose is from the grant money, such as an audit. Thank you.

Council Chair Rapozo: Thank you. I think what the prosecutor said was that for two (2) years they did not receive the grant, therefore, there are no statistics for the career criminal program, because there was no grant due to COVID. Pre-COVID and now, the grant is available. Again, in the description, they talk about the statistics for the past year. I am sure we could receive statistics for the years pre-COVID as well. Is there anyone else wishing to testify? Seeing none, I will call the meeting back to order. Is there any further discussion? Councilmember DeCosta.

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

Councilmember DeCosta: Yes, I would like to make a discussion. Remember, folks, the more work we put on each of our departments, the more support they will need, which will take taxpayers' dollars to create a position and pay them. You cannot expect departments to come up with these numbers if they are short-staffed. That goes for the Department of Motor Vehicles (DMV), the

Department of Parks & Recreations, and all other departments across the board. Thank you.

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

Councilmember Cowden: I will just make a comment. I very much appreciate the Office of the Prosecuting Attorney. It is helpful for us as councilmembers who deal with constituents on a regular basis if we are able to really see what type of progress is being made. We learned together that our Adult Correction Officers at Kaua'i Community Correctional Center (KCCC) are overwhelmed, and we are not exceeding the count that is supposed to be in there. It is half of what used to be in there. It is helpful to know when I am repeatedly asked by people from different areas of the island. They are naming people who are creating what they feel are routine problems, so I am just wondering how we can find out, so that is why I asked that question. It is not because I cannot read this on the back. It is that there seems to be a persistent complaint I am hearing as a councilperson and I am trying to look at how we have that information so we are able to be proactive and accurate with our constituents who do live in fear.

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

The motion to approve C 2023-195 was then put, and unanimously carried.

Council Chair Rapozo: We need to take a caption break at this point, we will be back in ten (10) minutes.

There being no objections, the meeting recessed at 10:57 a.m.

The meeting reconvened at 11:10 a.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: Next item, please.

C 2023-196 Communication (08/17/2023) from Council Chair Rapozo, requesting Council consideration for A Bill For An Ordinance Amending Ordinance No. B-2023-891 As Amended, Relating To The Operating Budget Of The County Of Kauai, State Of Hawai'i, For The Fiscal Year July 1, 2023 Through June 30, 2024, By Revising The Amounts Estimated In The General Fund, to establish Constituent Staff Support positions for Councilmembers.

Councilmember Kualii moved to receive C 2023-196 for the record, seconded by Councilmember Carvalho.

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

Ms. Fountain-Tanigawa: Chair, we have one (1) registered speaker.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: Go ahead. I am sorry.

Ms. Fountain-Tanigawa: The first registered speaker is Alice Parker.

Council Chair Rapozo: Alice Parker.

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

Ms. Parker: Alice Parker, for the record. We need funding to figure out how we do not pay the salary of a jailed Councilmember. Thank you.

Council Chair Rapozo: Just for your information, we are not paying anyone in jail.

Ms. Parker: What was that?

Council Chair Rapozo: There is no paid Councilmember who is in jail.

Ms. Parker: I am talking about Arthur Brun.

Council Chair Rapozo: Right, and he is not getting paid, but he is in jail.

Mr. Sykos: What is the item, please?

Council Chair Rapozo: This is item C 2023-196. It is the money bill. This is the Communication, the Bill will come up later.

Mr. Sykos: Okay.

Council Chair Rapozo: You are free to testify now if you want. If not, I will call the meeting back to order. Is there any further discussion? Seeing none.

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

The motion to approve C 2023-196 was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Clerk, could you read the next item, please?

CLAIMS:

C 2023-197 Communication (07/31/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kristopher Breyer, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-198 Communication (08/01/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William R. Sarocan, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-199 Communication (08/02/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mark Michetti, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-197, C 2023-198, and C 2023-199 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there anyone from the public wishing to testify? Mr. Sykos, then Mr. Bernabe.

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

Mr. Sykos: For the record, Lonnie Sykos. This is a quick follow-up. This agenda item and from the last meeting, the Council Chair made an observation about the fact that we seem to have an endless, weekly stream of these types of complaints against the County. From the taxpayers' perspective, it is as though for at least the past ten (10) years there probably has not been two (2) meetings in a row that we do not have damaged vehicles. Why do we continually have these damaged vehicles given all the money we have put into fixing our roads? Are these vehicles receiving damage either by County action or on County roadway...because if was on a State highway, they would have an issue with the State for damage...so why is there no clarity about what needs to be done to eliminate this endless stream of damage to people who are living in this County? Your car becomes "busted up" because of the County and it is a huge problem. If you cannot drive your vehicle, it is not as though you can take the bus and get anywhere. Maybe you can, but for most people the bus is not a viable replacement. Now, you need to rent a car, ask a neighbor, or use your spouse's car. Having people's cars becoming "busted up" every week is a big deal. It is a big deal that we need to figure out. Thank you.

Council Chair Rapozo: Thank you. Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. Similar to Mr. Sykos, I want to know. First of all, my wife was hit on Rice Street about one and a half (1½) years ago by KPD. I needed to fix my door, my daughter was in the car, and it was a big deal. It was Rice Street's construction that caused this. I took it to Kaua'i Auto Repair, because it was an insurance job. You folks needed to pay, so it probably came up on your docket somewhere. Long story short, I made a joke to the auto body workers. I said, "Oh, business must be booming with Rice Street," and they all looked at me and they laughed. I asked, "What is the inside joke?" They said, "Yes. Rice Street causes a lot of accidents." I would like to know...I would like a public audit to tell us what he was alluding to. What are the causes? Where are the primary locations so we can address it? If it is a certain thing that is repeatedly causing damage to vehicles or there is an intersection that repeatedly causes collisions, we should be able to have the study or audit...because it would be

financial at this point...to know what is going on. I could also tell you that I broke the front end, because the highway, which belongs to the State, does not have weight scales anymore, and I know from Ben's testimony that we overweigh our vehicles. I have testified here before that when did work on the North Shore during the time they were bringing the boulders from Waimea and staging them at Hanalei Bridge, there were no weight scales. Even when we loaded up my little ten-ton that I was taking to do the runs to Hā'ena to build the retaining walls and do the soils dumps, in no way whatsoever in the rebuilding of the North Shore. They "truck" every boulder from Waimea, because the North Shore did not want to use their boulders. How do I know this? I know this, because I was there. I was in the truck picking up the loads. A twenty-thousand-dollar scale can prevent the road damage that has a weight limit for a reason. Even if it is the State highway, we should be alluding to fixing it, because our County and personal vehicles then go on County roads, hit a pothole, and then break down. That is what happened to me in front of Samuel Mahelona Memorial Hospital (SMMH). They fixed the SMMH road, but with all the highway traffic that goes back and forth to the North Shore I blew my front end out when I hit SMMH. I did not charge you folks, because I blew my own front end out. I have talked about this. I would like an audit to identify the problem areas or the problem scenarios...maybe we have a driver in the County that is not qualified. I know this happened in KIUC where they hired other drivers to drive around the one person, because he had driving under the influence (DUI) violations. That I know for a fact, because I know a lot of people who work there. I would like to publicly ask you folks to find out...because I have asked this before...I will come back.

Council Chair Rapozo: Thank you. Is there anyone else? Come back, Matt.

Mr. Bernabe: I will sum it up. I am officially asking you folks to start, put a Resolution in, or do whatever it is you folks do, to look into this. Honestly, that would be money well spent, because as you said, there could be a number of reasons—bad drivers, bad areas, bad construction. Thank you.

Council Chair Rapozo: Thank you. Do you have a question for him? Is there anyone else wishing to testify? If not, I will call the meeting back to order. Councilmember Cowden.

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

Councilmember Cowden: I believe we have a Safe Streets study that is underway. It is doing exactly that, and it is already funded. It will look for where accidents happen and where problems happen. I appreciate everyone's comments. Lonnie Sykos actually rescued me with something that worked out to be about a one-thousand-two-hundred-dollar damage on my front end with a pothole on Olohena Road. I felt that was my karma for being in this position. I want to say that one of the main reasons we have potholes is because we have rain. We have rain and we have roads, some of which were once just cane haul roads that were paved over, so I would say a lack of money and manpower are the main reasons we cannot keep up with this constant problem, but you bring up important points, and we look

at it. I am acknowledging it, acknowledge that this happened to me, and we are doing a study of where we have the most problematic areas.

Council Chair Rapozo: Is there anyone else? Seeing none.

The motion to refer C 2023-197, C 2023-198, and C 2023-199 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 is carried. Next item, please.

COMMITTEE REPORT:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2023-10) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2023-05 – Communication (08/02/2023) from Council Chair Rapozo, requesting the presence of the Fire Chief and the Deputy Fire Chief, to provide a briefing on the Pulse Point System,”

Councilmember Kuali'i moved for approval of the report, 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:

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

Council Chair Rapozo: Next item, please

RESOLUTIONS:

Resolution No. 2023-56 – RESOLUTION URGING STATE OF HAWAII ELECTED OFFICIALS TO SUPPORT INCREASED FUNDING FOR THE COMMISSION ON WATER RESOURCE MANAGEMENT TO EFFECTUATE THEIR MISSION

Councilmember Kuali'i moved to approve Resolution No. 2023-56, seconded by Councilmember Cowden.

Council Chair Rapozo: Councilmember Kuali'i.

Councilmember Kuali'i: Yes, Council Chair Rapozo. Thank you in advance for agreeing to co-sponsor this Resolution with me. This Resolution is as a result of our excellent water briefing that we had all morning on June 21, 2023.

This Resolution recognizes the importance of securing water resources and encourages increased funding to support comprehensive management. If you will bear with me, I will now read the entire Resolution, primarily for its educational value for our public.

“Resolution urging State of Hawai‘i elected officials to support increased funding for the Commission on Water Resource Management to effectuate their mission. WHEREAS, safe access to clean, potable water is an essential requirement for life and health; and WHEREAS, statewide, there are one hundred ten (110) aquifer system areas, three hundred seventy-six (376) perennial streams, one thousand three hundred (1,300) stream diversions, and approximately five thousand five hundred (5,500) wells; and WHEREAS, regulating all of this is the Commission on Water Resource Management (CWRM), which was borne out of the Constitutional Convention in 1978 when the State of Hawai‘i reaffirmed that water was held in trust for the people of Hawai‘i pursuant to Article XI, Section 7, of the State Constitution; and WHEREAS, in 1987, the Hawai‘i State Legislature enacted the State Water Code within Chapter 174C of the Hawai‘i Revised Statutes (HRS), thereby forming the legal basis and establishment of CWRM, its authority, and responsibilities; and WHEREAS, CWRM is divided into four (4) branches with separate purviews: the Survey Branch, the Planning Branch, the Ground Water Regulation Branch, and the Stream Protection and Management Branch; and WHEREAS, the range of responsibilities for CWRM include but is not limited to: the protection of public trust uses for water in Hawai‘i; the balance of reasonable use principles; the regulation of all waters, except coastal waters, as well as all water users through implementation of four (4) permits; and the receipt and review of compliance reports from end users; and WHEREAS, the public trust doctrine dictates a dual mandate of protection and maximum reasonable beneficial use, ensuring that water allocation and usage is consistent with public interest; and WHEREAS, there are four (4) public trust purposes that CWRM must consider in the application of relevant laws and regulations: maintenance of water in its natural state; domestic use; traditional and customary Native Hawaiian rights, including appurtenant rights; and Department of Hawaiian Home Lands (DHHL) reservations and homestead uses; and WHEREAS, CWRM has a total of twenty-three (23) staff members to fulfill the entire spectrum of functions, in addition to the seven (7) members on the Commission, five (5) of whom are appointed; and WHEREAS, the annual operating budget of CWRM is appropriated at four million dollars (\$4,000,000.00) – the majority of which funds salaries and associated costs – with an additional two million dollars (\$2,000,000.00) in CIP funding; and WHEREAS, a reliance on external agencies to help maintain CWRM's mission results from the inadequate funding and low staffing, with partners such as the United States Geological Survey (USGS), Department of Health (DOH), Division of Forestry and Wildlife (DoFAW), University of Hawai‘i (UH), and Division of Aquatic Resources (DAR) sought to fill the gap in data production and service deliverables; and WHEREAS, on Kaua‘i, there are four hundred nine (409) known wells mostly developed along the coastline subject to inundation, which are not hydrologically monitored at this time; and WHEREAS, although CWRM currently logs twelve (12) Deep Monitor Wells (DMWs) across the state, notably, none are located on Kaua‘i; and WHEREAS, as a regulatory agency, it is crucial that CWRM have the appropriate staff support and funding to carry out its express mission and vision, while continuing the hard work of securing water resources for

current and future generations; and WHEREAS, it is incumbent upon the State Legislature to adequately appropriate funding for CWRM in a manner consistent with the intent and purpose behind CWRM's creation; BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council offers its full support for increased funding and staffing levels for the Department of Land and Natural Resources Commission on Water Resource Management so that the Commission and its staff may more comprehensively manage the sharing and availability of water resources across the State of Hawaii. BE IT FINALLY RESOLVED, that the County Clerk shall forward a copy of this Resolution,"...and it goes on to list various elected officials from the Honorable Governor Josh Green, M.D., to all Council Chairpersons in the State of Hawaii. Thank you, Chair. Thank you, Councilmembers.

Council Chair Rapozo: Is there any public testimony?

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

Ms. Mo Des: Thank you, Council Chair Rapozo, and thank you, Councilmember Kualii.

Councilmember DeCosta: State your name.

Ms. Mo Des: I apologize. Ana Mo Des, for the record. Thank you, Councilmember Kualii, for bringing this forward. It feels very proactive in the situation as it involves the entire State, the water usage with the current tragedy of insurmountable degree, and the avoidable trauma and devastation that we cannot conceive of and affects all of us. We are one state. What occurred even affects the nation. A lot of it can be about County negligence with regards to electric poles and unmaintained bush, but to allow for waters to freely flow, to direct where necessary in emergencies I think is of highest priority, especially on Kauai where we are the wettest of the chain, and there have been a lot of issues regarding water diversions in areas that should have, but do not. I believe that this would touch upon that issue. What I said earlier was not directed towards anything Kauai has done. It is just this wake-up call to what potentially can be possible and to do what we must in order to get to the bottom of what the truth and facts of the situation are, because, understandably, the mistrust of the government is at an all-time high, and unfortunately, the conspiracies make more logical sense than what the Governor and his team are reporting. I just want you folks to make it make sense, come forward with what actually happened, so we can prevent these tragic errors from ever happening again in any way, shape, or form, and the water is the key component. About two (2) weeks ago, the entire island was out of electricity. I thought it was just my area, but we all freaked out. It was from 10:00 p.m. to 11:00 p.m., and we were wondering what was going to happen. It was a fire that was contained very quickly by our Fire Chief, who is here...thank you...but it is a high alert for all of us. This never should have happened, it is an avoidable situation, and I just do not like hearing what I am hearing from our Governor with whatever the excuses are. Will we keep having these avoidable tragic events supposedly due to global warming in order to build back better, because those are the words he is using on the news? This is not a social media thing, and it does not create an alarm for me and many members on Kauai who have voted you in to

serve us, and not someone else's agenda for us. Thank you for any efforts in being proactive in this situation. I know you are working behind the scenes, and that we will be having more reports in the future. I trust all of you, because you are one (1) of us and we are one (1) of you. Thank you for the time and the patience with me being able to get that out.

Council Chair Rapozo: Thank you very much. Mr. Sykos. For the public's information, this Resolution was drafted well before the fires on Maui. This was done after the water briefing that we had a while ago. This was not just recently done. Mr. Sykos.

Mr. Sykos: Thank you, Council Chair Rapozo. For the record, Lonnie Sykos and, for the record, this, to me, absolutely has nothing to do with the fires on Maui. I was one of the people who actually voted back in the elections in which the State changed its Constitution, and so these issues of land usage and water usage in preservation are ongoing for the last fifty (50) years. This is not a point-in-time conversation. To me, this Resolution is the culmination of the last twenty (20) years of conversation about this. I find the Resolution to be extremely disappointing and a championship effort at kicking the can down the road. There are significant water issues on Kaua'i that have been addressed through the years through different agenda items. As the Councilmembers, and especially as someone who is going to write an agenda item in a Resolution such as this, you should understand what some of the specifics of them are for the island of Kaua'i, and so, yes, the State, which is our State Senator and our two (2) Representatives. To the County Council, have you gone to our State Senator and the two (2) Representatives and found out how many job positions and how much money they will procure in the next State budget in order to provide us with the relief that you are asking for, because if our State Representatives do not receive the funding and do not get the personnel hired and sent here, if they are unable to help coordinate the agreements between entities, which is probably more required than hiring people? No one is finding it easy to hire civil engineers. We have a need for more civil engineering expertise, and so if we can go through agencies versus trying to hire people we cannot hire, we might accomplish more. If you are writing a Resolution such as this, it should provide guidance for how to solve the issue that you are seeking to address. Telling the State that you do not have enough money and enough people to manage water is like, "So what?" You are wasting time and resources stating the obvious. It is an absolute waste of our time and resources to state the obvious. What should the State be doing to help us? That is what should be in the Resolution—the specifics. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else?
Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. I know this is the beginning of the due process, but I support it right off the bat. I studied this a lot and we do need the funding. I agree with Mr. Sykos, though. I would like to see a little more detail to what our needs on this island are. For example, I understand that the word "coastal" was in there and I understand salt water, however, we have 'o'opu, which have a freshwater and saltwater life cycle just as salmon do, so we need to keep our riverways all the way to the ocean. The rivers are as important as

that river mouth, so I would like to see something address that, because we have seen redirection right there in Kalapaki. It always shifts back to the middle, because they moved it down to the end. If you do not know what I am talking about, read about it. I would like that in. The second part that I would like to say is that when I found out that the County shifted Wailua Houselots off Well "B," I believe, to the reservoir...because now we get out water from Tanaka Pond, I believe. Correct me if I am wrong. I always wondered, "Why are we closing off this well to us, but are allowing more drilling?" I work in Moloa'a. We all have wells in Moloa'a. I know of two (2) wells that have failed in Moloa'a, and I also know that we need to drill deeper. The electric bill correlates to the depth at which you draw. That is how you can tell. The other thing I would like to point out, as someone who works by an area full of wells...and I talk about this, because we need to deal with it...the State has a mandate where you are supposed to send in your water samples, but there are no teeth to it. Not everyone is doing it. No one comes and says, "You have not submitted your water sample." Down in Moloa'a, the river is "choked" with overgrowth and debris from all those homeowners. No one is going in there, so we do need...and I have argued this before, because I always used to say that the Department of Water was the only agency in the back, but I always argued that they were not doing the whole job, and then affirmation came out against the Planning Department from Kaua'i Springs, Inc. and it literally said, "You folks are not doing your job." As a subdivision of the State, you folks have the right and the obligation to sue either private landowners or the State if they are in water violation. Anyone that has read this knows what I am talking about. I am for it, but I want to see a little more focus as to what our needs are. I will come back. I will come back to the second part.

Council Chair Rapozo:

Is there anyone else?

Mr. Hart:

For the record, Bruce Hart. You know what? I just do not know enough about this subject to be able to speak on it. It seems to me that...thank you.

Council Chair Rapozo:

Is there anyone else wishing to testify for the first time? If not, Mr. Sykos, did you want to come back? No. Mr. Bernabe.

Mr. Bernabe:

Matt Bernabe, for the record, and I do know a lot about this. There is a lot more testimony to come, and I came here today to speak on this issue. The one thing I will add in today's discussion is putting this into the "echo chamber" out here, so everyone can hear this: water is a commodity that businesses go around the world, buy rights, and collapse ecosystems. Think about what I just said. Nestlé is famous. Google it, go look at this. We need to start putting in language that says, "If you are going to export bottles of water and the way the water trust is set up, it has to benefit the public overwhelmingly." We should be making money, such as a duty tax, if we are exporting, but I would like to not see any exportation of water. I do not want to see any company coming in here and selling our water. That is how I feel, and I have actually had these public conversations, and there are some local individuals that want to kill me right now, because they have access to water. It is not just transplants that have waterpower. They do not like it when I bring up the facts, and the fact is if we keep exporting it, we keep drilling wells, and we keep building houses, we will be an atoll. When I was

a kid, I used to go to the volcano. My mom is an Ignacio from Hilo, so I used to go to Hawai'i Island for summers, so I used to go to the volcano a lot. In the olden days, they did not quite understand how the northern islands went from bountiful ecosystems to atolls relatively rapidly, geologically. As science improved, they figured out it was the saltwater in the aquifer that killed the vegetation...which we see this in some places on this island...then once the vegetation is gone, the rain and wind decimate it, so long-term thinking, I would like to see some language safeguarding our bodies of water, especially aquifers and whatnot. That is all. I will come back, because this is an important issue.

Ms. Mo Des: Ana Mo Des, for the record. The previous speaker made me concerned, so I want clarification. There is no language in this current Resolution that allows for the privatization, selling, and exporting of water, correct? That would be alarm bells for many people in the community that are fighting hard against having access for that. What I heard from it was about lifting the diversions and allowing more free flow and access of water. That is what I heard and I want to be sure the approval is what I am hearing and to not be the potential for exploiting our water resource to that level. Is answering that allowed?

Council Chair Rapozo: I think the Resolution was specifically created after the water briefing that we had from CWRM, and the reason why many of the functions of CWRM were not being done on Kaua'i is because of funding. As the Resolution clearly states, the wells are not being hydrologically monitored and neither are the Deep Monitor Wells. There are none on Kaua'i. When asked, "Why," they said, "Funding." This is not about anything else other than assisting CWRM to do their job, not only on the other islands, but on Kaua'i.

Ms. Mo Des: Thank you.

Council Chair Rapozo: You are welcome. Ms. Parker. Hang on.
Ms. Parker has not spoken, yet.

Ms. Parker: Alice Parker. Just quickly. Water, water everywhere, but not a drop to drink. We do not want to hit that. Thank you.

Council Chair Rapozo: Okay. Anyone for their second time?
Mr. Hart, and then Mr. Sykos.

Mr. Hart: For the record, Bruce Hart. Thank you, Chair, because that is how I remember it. To me, the Resolution is about funding. That is what it is about. All the other issues, while they are important, to me, they are not pertinent to the Resolution, and so if they, CWRM, say that they need more funding to do their job, and that is what I remember them saying, then that is what we need to address. Thank you.

Council Chair Rapozo: Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. Today there has been the discussion on several occasions that has led to language that says we need to change our approach and interaction with the State in order to get a better

outcome, and so this Resolution is one of those incidents. I agree with the Resolution, I agree with what you are trying to do, but as a practical matter in the real world of politics, what we are asking is for the State and the other counties to help us get resources that they want. Everyone is competing for the same pool of resources, and so what our Resolution needs to do is clarify so that we can focus our political will, our political power in Honolulu to get the needed money budgeted to accomplish whatever needs to be accomplished as well as the money to fund the personnel who will be accomplishing...and there is a whole host of issues related to water on Kaua'i. Our cesspools are one of them, the quality of riparian water, the wells, the monitoring of the wells. I grew up on a coral atoll. I know better than any of you the outcome of getting saltwater intrusion into your freshwater lens. All the plants will die. If you allow Moloa'a to suck so much water out of the ground so fast that it draws seawater that it makes it swirl, now the salt is being attracted into the less salted water, it is inescapable that the salt will be drawn through the aquifer. When the salt reaches certain content, it kills the roots of everything, and then the salt moves its way up through the soil. You cannot kick the can down the road, because we have had so many decades of human interaction inside of our aquifers, which is the same issue as global warming. A little bit of human activity over and over and over and over for long enough is a major event that ruins everything. Thank you.

Council Chair Rapozo: Thank you. I think we got everyone covered on that one. I will call the meeting back to order. Is there any further discussion?
Councilmember Cowden.

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

Councilmember Cowden: I want to first thank both of you for creating this. It was very clear that the Commission on Water Resource Management needs more money. I have a couple of questions. Is this intended to be something that goes on our Hawai'i State Association of Counties (HSAC) package?

Council Chair Rapozo: That was not our intent, but it could easily be placed on. I am not sure of the deadlines, but if it is within the deadline, we could put it on.

Councilmember Cowden: If it was to go with the HSAC package, I think it was always relevant for all of us, but I think it is even more crucially relevant now that I am wondering if we can amend this to put a little more detail in or if there is time to look at and add that, because are we looking for double the amount, triple the amount, just some sort of thing that puts it in a direction, because I agree with this, I understand when it was written, and what I want to make as a comment is that statehood happened when sugar was still strong, and so when they delineated what would be the responsibilities, the plantations were managing the watershed for the most part. Since they have gone under, nothing has really changed in our Charter or in the State basically funds, so really it is the Department of Land and Natural Resources that needs more funding and CWRM needs more funding. We are hearing a lot of testimony about the fires, I know this is not about that, but I think this is a really good opportunity to send something to

HSAC and I think it would be much more meaningful if we had some sort of factor. I am hoping we can get some Federal money to help us deal with all these fallow areas or the water challenges, because the land management and the water management are so much larger than any type of funding that we have. Basically, our wild lands have gone wild, and they are unmanaged. As people who are bringing this forward, what do you think of either putting something more specific about what kind of elevation of help or if we take a week to look at what type of help we really want, such as wanting to have at least one (1) person per island or what we are really looking at, because I would like to see them take this very seriously and help us?

Council Chair Rapozo: I will speak for myself, and not for Councilmember Kualii. I would like this to stay intact, because this is specific to Kauai. If you did not see the water briefing and you only see the Resolution, then I can understand the concern, but if you did watch or listened to the water briefing, it was quite revealing that Kauai does not have the money. While I believe it is a statewide issue, other islands are receiving the monitoring. It is probably not to what it should be, but we have no monitoring, and I think that was the reason for the Resolution. That is my understanding of it. To Ana's point, it is all relevant, because CWRM is responsible for the protection of our public trust uses of water, so increasing the funding of CWRM without us telling them what to do should increase the services of CWRM, provide better regulation, enforcement, permitting, and so forth. As the Resolution clearly states that was presented by the briefing, they have a four-million-dollar budget, most of which goes towards salaries, so they have nothing left. Then they have a two-million-dollar CIP budget. We just gave more to a baseball field than they do to CWRM, which is a Constitutional mandate. I think the Legislature needs to take a look and say, "If we mean what we say, and we say what we mean, then we need to provide the resources for these agencies to do their jobs." I hope that answers your question. The purpose of this was for Kauai, in a sense, because of what we had heard that day, but I will definitely defer to Councilmember Kualii as well.

Councilmember Kualii: I think Chair summed it up as I would have. Everything in this Resolution came directly from the briefing that day. We were in the briefing for three (3) or four (4) hours. We learned a lot. Staff was incredible in pulling out all the information from their different presentations, including the deputy from CWRM. The numbers that we have for the budget and whatnot are from there. What would they like? I am sure they would like their budget to be four (4) or five (5) times as much. They gave us the figures about how many...five thousand five hundred (5,500) wells throughout the State, four hundred nine (409) on Kauai. They are not able to monitor all of that. Some of the testifiers told us some of the problems. This is just a start. This is just saying, "Look. We need to put more resources if we are going to do what is right and what is actually a requirement by the Constitution."

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: Yes. I want to commend Council Chair Rapozo and Council Vice Chair Kualii for bringing this to the forefront, commend them on this Resolution, commend our staff for the hours they put in sitting in on

this briefing. I dealt with this at the National Association of Counties (NACo) conferences held in Washington, D.C., Utah, and Texas, where the counties know how to craft Resolutions to not be in unlawful agreements with the state and telling them what to do. I respect our testifiers, but we cannot tell our State what to do. We cannot craft language and direct them on what to do. We can craft funding, and that is what these two (2) individuals did. Sometimes, we put too many ingredients into the soup, and we spoil the taste. This is a well-made soup, let it stand like this, they will get the message, and CWRM knows exactly what to do if they had the funding. Thank you very much.

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

Councilmember Kagawa: Thank you. I am in full support. This is just a Resolution and Resolutions do not have teeth. It does not need to have all the nuts and bolts about our opinions on what should be done. All we do know is there needs to be better answers to the public. Council Chair Rapozo and I just received a call about a taro farmer in Hanapēpē Valley who is getting much less water than he historically used to, and he knows exactly why. It is a neighbor located *mauka* of him who is illegally diverting water, but we are not the agency to oversee and tell the individual, "You have a violation here. You need to remove that." It is CWRM. This poor taro farmer...it is his father-in-law's taro farm, who has since passed, but they have had this taro farm since about the '50s, but he does not know who to call. Who did they call? They called us. This is similar to when we had the problem with Mr. Teves who came on the floor and testified about Kapa'a, saying that he used to have a lot of water before, that there is something is going on, because he is getting much less, and the ditch that he lives by is basically dry and is getting overgrown. All these questions pertain to the State having better touch with the community and especially farmers who are relying on this food to feed their families and feed the island. Sustainability is an important issue. Had we cut off the plantation's water years ago when the plantation went out, it would have been a tragedy. Look at how things are now in Pakala and Kaumakani, we have tons of onions and watermelons and are even exporting. We are talking about food sustainability, so we need to take care of our farmers first, we want to stop relying on tourism as much as we can, we want to grow as much food as we can, even if it helps the State or other areas where we can make money by expanding our agriculture. CWRM needs to be expanded and that they need to not only look at the present, but also look at the future needs in trying to keep our economy balanced and our lifestyle healthy. I want to support this Resolution. It is a general Resolution saying that we want more attention. In looking at what happened with Maui, perhaps we now need to focus more on safety and having water as a resource for our fire departments to ensure that what happened in the tragedy in Lahaina is something we are ready for when it comes. I am in full support of it. I want to thank Councilmember Kuali'i for putting this on. Thank you, Chair.

Council Chair Rapozo: Thank you. Is there anyone else?
Councilmember Kuali'i.

Councilmember Kuali'i: Again, I will just take a moment to thank all of those who came to us to do the water briefing and who gave us all this

information, including our own Department of Water and the head there, Joseph “Joe” Tait, and this council staff, Dr. Jonathan Likeke Scheuer who did the DHHL presentation, he is a consultant with them, and the deputy at CWRM, Kaleo Manuel. The one thing I want to point out is we just learned that one of the things our Department of Water was to do is their Water Use Development Plan Update which was many years overdue. They have meetings going on right now, actually. They had a meeting last night at St. Catherine’s from 5:00 p.m. to 7:00 p.m. The next ones are next Tuesday, August 29, 2023, at the Lihu’e Neighborhood Center from 5:00 p.m. to 7:00 p.m., and next Thursday, August 31, 2023, at the Kilauea Neighborhood Center from 5:00 p.m. to 7:00 p.m. Anyone who wants to support what needs to happen for protecting water can get involved in that way. The one other thing I want to throw out there is that when it comes to water and water rights, we are at a challenging place right now, because there are fingers being pointed with what has happened in Lahaina about, “You were trying to protect the water here, but that means the water was not available for putting the fire out,” and I do not think that is helpful or healthy. I think is potentially a way of weakening our responsibility to water rights and to people such as our taro farmers. I think it is a cautionary time and people need to pay attention and speak up. On a personal note, I know one thing for sure—my friend, Kaleo Manuel, who worked for DHHL for quite a while and did all the great waterwork there when the State DHHL came up with their water plan and everything. It was years in the making, working with beneficiaries, and he was the person who came before us and did one of the wonderful presentations as well. Right now, he has been scapegoated and removed from CWRM. He is a Native Hawaiian champion and a water warrior, so it is quite a loss, and I know there is a big movement standing by him and I, personally, am one that will as well. I am just throwing that out there. I am sorry, Chair.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: I support this Resolution one hundred percent (100%) and water, in general. I go back to the old plantation days when the water would flow and just the responsibility and it is a strong statement, if you will, from the Council that we will move forward. I think we need to keep this effort moving in the right direction. I like what was said by some of our testifiers, but I think the Resolution lays out everything and the presentation brought a lot to the table as well, so it all connects and we just need to keep moving forward. This is very important for all of us. *Mahalo* to Council Chair Rapozo and Council Vice Chair Kualii for this Resolution. There will be a lot more to come, this will just move it forward. I just wanted to make that statement. Thank you.

Council Chair Rapozo:

Thank you. Is there anyone else?

Councilmember Cowden: In general, I am very supportive, so those questions I asked earlier were to inquire if we were working with HSAC. I also have kind words for Kaleo Manuel, who has been an absolute champion of responsible water use and he seems the low man on the totem pole to have been making that key decision. It is hard to see him “scapegoated”, but none of that causes me to feel as though CWRM does not need to be amplified and strengthened, and I think that mistake that did happen is another demonstration of why this very important

organization needs to have much more support and have a much stronger position than it had.

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

Councilmember DeCosta: I think I want to chime in a little bit.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: I hope I am on task. You know, a lot of times that "scapegoat"...and we have seen it with Maui and the...what is the exact title of the person who stepped down for health reasons?

Council Chair Rapozo: The Emergency Management...

Councilmember DeCosta: Correct. We, as the Council, and every council does not have the opportunity to chime in on emergency decisions. We do not have the opportunity to chime in on big decisions. They hold us with cuffs. You do budget. That is your role. Okay, we are mandated by the Charter to not overstep our boundaries, but every time a bad decision is made the under person is let go while the upper-level management never gets...they are the Chief Executive Officers (CEO), they are the President of the United States. He makes the call. When he declares war, he makes the call of the National Defense. He calls a meeting, they all discuss. We never go into the meeting. We are never invited to the table. I think there are seven (7) intellectual minds right here. That is all I wanted to say.

Council Chair Rapozo: Thank you. Is there anyone else? I will just say that it is hard to talk about water and not talk about Lahaina. I have said so many times that the landscape we are operating now has changed dramatically. Councilmember Carvalho talked about the old plantation days, when the plantations were running, the ditches were flowing, and we never had issues with water. For decades we always talk about that, but no one does anything about it, and you end up with these private landowners who now have total control and command of water, which is why CWRM needs to play a bigger role. CWRM needs to be more effective in making sure that these waters are there for the people. It is a trust. It is a public trust that is for the people, so I think attitudes will change, I think the people, the constituents will not give up. They will not stop fighting for the water rights. I think this will just amplify the effort and maybe wake some people up. I did want to address, because sometimes we are accused of not doing anything and I think some people actually think we just show up on Wednesdays and look at the agenda. This is not directed to any of you. I am just saying in general, because we receive the emails and the messages, but as we are talking about water, I think all of us at this table have in one way or another worked with our staff to either send out letters or assignment requests for projects that impact our County, whether it is water...and I see the Fire Chief here...Councilmember DeCosta has been working on fire mitigation longer than I was here, but I remember when I first started back in December and one of our first one-on-one meetings in January he talked about that. I sat in a meeting, the Fire Chief was there and was fully supportive of fire mitigation, and they started to work on a plan.

I know other Councilmembers are working as well with other agencies, so I just want the public to understand that water is very critical. This Resolution is just one (1) step. As Councilmember Carvalho said, this is the first step into a very broad review of what is happening on this island. Ana, you said something about when the government cannot provide answers. You said, "When the government gives out excuses, the conspiracies start to run wild." That is what we are seeing today, because of this fire...that we have conspiracies about how it started—green lasers, microwaves, etcetera. I am serious. I blocked four (4) people already on social media, because they are trying to tell me that a green laser started this fire intentionally. Yesterday, I saw one that Oprah, Bezos, and Ellison started the fire because they want to buy the land...but why? To your point, Ana, you are right. It is because we are not giving the people the confidence that they deserve. We try here, and as Councilmember Kualii said, this came straight out of the presentation that was provided to us. We did not create any numbers. This is what it is and this is what we would like to see, so I hope the people can appreciate that. With that, the motion is to approve. Roll call.

The motion for adoption of Resolution No. 2023-56 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: Madam Clerk, we have Resolution No. 2023-57 and Proposed Draft Bill (No. 2905), which will require us to go into Executive Session before. Is there anyone that would like to testify before? This will happen after lunch, so if any of you would like to testify on these items before we go into Executive Session, you may do so. If not, I would like to move on to Proposed Draft Bill (No. 2906). Ms. Parker, which one would you like to testify on?

Ms. Parker: Briefly on Resolution 2023-57.

Council Chair Rapozo: I am sorry. Clerk, could you read Resolution No. 2023-57?

Resolution No. 2023-57 – RESOLUTION REQUESTING THE STATE OF HAWAII AND APPLICABLE TOURISM ENTITIES CONSIDER PROHIBITING OR DISCOURAGING CERTAIN UNDESIRABLE VISITOR ACTIVITIES

Councilmember Kagawa moved for adoption of Resolution No. 2023-57, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, I will suspend the rules for public testimony. Ms. Parker.

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

Ms. Parker: *Mahalo.* Alice Parker, for the record. I do not feel we should discriminate against people coming in. We have the Statue of Liberty, the New York Harbor thing, "Welcome all." Thank you.

Council Chair Rapozo: Is there anyone else? Okay. Whatever you testify to here, we will...

Mr. Bernabe: Matt Bernabe, for the record. No matter what I say, I will anger everyone on this one. On one hand, I have a laugh at the notion of trying to limit...and making it more difficult for me to return home, hell no. I do not like filling out the agricultural declaration form. On the other hand, I drive through Kapa'a Town, and I get it, but on one more hand...if you have a three-sided hand...at one point in time, when my Portuguese relatives came here to put in those flumes that gave us all that water for all those years, we were the undesirables. I can tell you right now, the old Portuguese people on the horse with the whip and the little twenty-five (25) derringer or whatever it was that they had, they were the bad people. Those are the facts. It was the plantation. That is why they had a Hawaiian uprising. Who was here before them...if you believe someone was here before them? Hawaiians were the undesirables. I am pulled on so many levels with this proposal, this Resolution, that I would not know how to testify, except to say that I like the idea. I would redirect this to..."undesirables," to me, are homeowners who do not actually live in Hawai'i. We should be charging them twenty-five percent (25%) tax on their property. To me, they are "undesirables." Buying ten (10) homes just to rent them out at top dollar. How can we get those individuals? How do those undesirables slip through? They do not even enter on an airplane; they can do a business transaction on a computer and still mess us up. I get it, you do not want the bums or the unemployed, but at the end of the day, even though I do not like seeing that tattooed person in front of the Bank of Hawai'i in Kapa'a with the coconut tree, being half naked half the time and doing drugs the other half of the time, I really do not like the people who are investment buying just to flip them more. I want you folks to target those undesirables. I know people who own properties around the world. Why do they buy here? It is because we do not have out-of-state tax, like California does. If you own a house here and in California, but you vote here, your property tax in California is tripled. They remain residents there, even if they are living on the property here. Why? It is because we are not taxing them. Those are the undesirables that I would like to see. Obviously, this is a tough subject, and I probably angered a lot of people with this testimony, and I am okay with it, because this is a complex issue. I see the problem, I do not want to discriminate either, and I have a different view of who are the real problem.

Council Chair Rapozo: Is there anyone else wishing to testify? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: The motion is to approve. We will table that for now and we will go onto Resolution 2023-57. Could you read that one, please?

Councilmember Kagawa: That was Resolution No. 2023-57.

Council Chair Rapozo: I am sorry. Proposed Draft Bill (No. 2905).

There being no objections, Proposed Draft Bill (No. 2905) was taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2905) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RECOVERY OF RESCUE EXPENSES

Councilmember Kualii moved to approve Proposed Draft Bill (No. 2905) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 20, 2023, and that it be referred to the Parks & Recreation / Transportation Committee, seconded by Councilmember Kagawa.

Council Chair Rapozo: With that, I will suspend the rules for anyone who wants to testify. Mr. Sykos.

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

Mr. Sykos: For the record, Lonnie Sykos. I will come back for my second three (3) minutes after the Executive Session. Between now and then, the people who are presenting this should be prepared to tell the public what your level of education is and how much personal effort you put into going back through the last fifteen (15) years of agenda items on this issue. Every single issue brought up in this about expense...and you have not addressed liability, civil rights violations, and all manners of things, but all of the issues in here have been addressed in prior agenda items, so some of these questions are an utter waste of time, because there is no legal way to get around the current outcome. If you are trying to change the current outcome, you need to address this in a different way, and this is not it. You are trying to set up a two-tiered system in which one (1) group of people need to pay for a County service, the other group do not pay for the County service, but you are obligated under the law to provide the exact same outcome to both groups, so this creates the problem of why are you creating two (2) separate groups of people when your obligation to them is exactly the same. You cannot legally claim that you owe less obligation to rescue someone that did not buy your rescue card. That is called extortion; that is a crime. We, as the County, are required by law to provide the service, but if you do not give me money, I will not do it.

Council Chair Rapozo: Mr. Sykos, before you go on...hang on. You can stop his time. It is important that we understand...because a lot of people watch this. You are inferring that if you do not buy a card, you do not receive the service. I am not sure where you get that in the Bill.

Mr. Sykos: I did not say that.

Council Chair Rapozo: That is exactly what you said.

Mr. Sykos: I said that if that occurs, that we are creating liabilities by having two (2) separate systems—one (1) has a card, one (1) does not have a card—and the question of if we provide preference is one...get a personal injury attorney, right? Get your own legal counsel to explain to us how you are not creating more liability than already exists today. That is my primary question.

Council Chair Rapozo: I just want to make sure that the public does not get...

Mr. Sykos: For the public, no. The service provided by the County is exactly the same whether you buy the card or do not buy the card.

Council Chair Rapozo: Correct. The Fire Department would never know who has a card and who does not have a card.

Mr. Sykos: Correct. In fact, it is possible that 911 would not know.

Council Chair Rapozo: No one would know.

Mr. Sykos: Right. This gets down to the billing afterwards, and we have had endless agenda items about billing people for rescue services. To the introducers, what do you know as fact from all of the agenda items that we pay for at two thousand dollars (\$2,000) to three thousand dollars (\$3,000) an hour, in which you are presenting, "Oh, we can figure out how to do these things that we have been told by Council over and over again that you cannot"? Please be prepared to understand what liability you can lay on someone else and liability is inescapable by the County. Thank you.

Council Chair Rapozo: Thank you. Do you have a question?

Councilmember DeCosta: I have a question for you.

Council Chair Rapozo: Okay. It must be a question now.

Councilmember DeCosta: You mentioned education.

Mr. Sykos: Yes.

Councilmember DeCosta: You said, "What type of education do the two (2) introducers have to introduce the Bill."

Mr. Sykos: In regards to the former...

Councilmember DeCosta: I am finishing my question to you. You asked what type of education the two (2) introducers have. I will answer that right now. I will answer your question and I will ask you a question.

Mr. Sykos: Sure.

Councilmember DeCosta: I have a bachelor's degree in economics.

Mr. Sykos: Good.

Councilmember DeCosta: I believe we have a doctor across. What is your doctorate's degree in?

Councilmember Bulosan: Chiropractic.

Councilmember DeCosta: Perfect. What type of education do you have to provide testimony?

Council Chair Rapozo: That is enough. Stop. That is it. We are done.

Mr. Sykos: That is so over the line. Council Chair Rapozo, get your meeting under control.

Council Chair Rapozo: We are done. Is there anyone else wishing to testify? This is the first reading, it goes to public hearing, then it goes to Committee, so there is a lot of work to be done, but before all of that, we have an Executive Session with our attorney to look at the legalities of this Proposed Draft Bill. That is how the process works. Is there anyone else that wishes to testify? Mr. Bernabe.

Mr. Bernabe: Matt Bernabe, for the record. I finally got my phone to boot up so I could read what he was referring to about the card. It seems that there will be a waiver for locals. Is that what I am hearing or if you are a card member? I need to read more, because I only got it up now, but I do support charging for rescues just as an ambulance does. What I am saying is at the end of the day some type of campaign needs to start...like when people are drowning at the water, we have videos at the airport, on the airplanes, or wherever it is telling them about water safety. I know that Councilmember DeCosta keeps referring to, "We cannot tell the State what do to." In the water one you can, because you have that right as the Department of Water, but in this one, he is right. We cannot tell them not to use the State trails, even if they are hunting trails, we cannot tell them to correct themselves, because they will do what they want to do, but at the same time, and maybe you folks are hamstrung on this, but I am not. We are State voters here. We can change them if they do not listen. If Representative Nakamura does not want to argue this, we change Representative Nakamura. Whoever is now running this side...I do not know who is running it now, but whoever they put into former Representative Tokioka's one...we can vote them out if they do not want to listen to us. You folks are our megaphone. Yes, power-wise you might be hamstrung, you may only have purse strings, but you folks do have a position to echo what we are saying when we come here. You have a right; you have an obligation to do that. You may not believe it, but you do. Just as the Department of Water has the obligation to sue the State if they are not doing it right. You have an obligation to sit there and say, "We are picking up your bill." Who is billed is down the road, you work that out. I am for people paying if they are rescued, but at the same time, I am also solving the problem to lessen the amount of helicopters flying

over my house to Ho'opi'i Falls and the Sleeping Giant. If we could do both, wow, what a great concept, and that takes standing up and telling the State Representatives, the Governor, or whoever it may be, even if you drink beer with them...Ron Kouchi. Come on, Ron, you are failing us. He argues for money from the Transient Accommodations Tax (TAT) to buy property on the coast of Kona, but he cannot argue for money to reimburse KFD at the State level. Come on, Ron. Who votes for Ron? Let us vote Ron out. That is what I am saying.

Council Chair Rapozo: Is there anyone else? If not, I will call the meeting back to order.

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

Council Chair Rapozo: The motion is to approve on first reading. Again, we will come back after the Executive Session to decide which direction we will go. With that, we will table that and take Proposed Draft Bill (No. 2906). Hopefully, we can finish this by lunch.

There being no objections, Proposed Draft Bill (No. 2906) was taken out of order.

Proposed Draft Bill (No. 2906) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Constituent Staff Support - \$500,000*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2906) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 20, 2023, and that it be referred to the Committee of the Whole, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Is there any discussion? Councilmember DeCosta.

Councilmember DeCosta: I want to ask who wants this agenda item and why. I want more clarification on this.

Council Chair Rapozo: Okay.

Councilmember Kagawa: It is on the Bill.

Council Chair Rapozo: I introduced it, obviously. I introduced it, because it was...I am sorry.

Councilmember Kualii: It was part of budget.

Council Chair Rapozo: Yes.

Councilmember Kagawa:

Our names are on the Bill.

Council Chair Rapozo: We had talked about it during the budget process that some of the members had requested the opportunity to hire personal staff, which is being called Constituent Services or Constituent Staff. We are the only County in the State...in fact, I think we are the only municipality across the country, from all the travels that I have ever had in this job...this is my fifteenth year...every single Councilmember or Commissioner or Judge...because every place you go, they call it something different...they have a personal staff. They have someone that is their person that can act as their representative, their official representative, for whatever reason they need. I need to be honest. Most people are surprised when they find out we do not have any personal staff. As we continue to talk about when Councilmember Carvalho was the Mayor, I know someone mentioned, "Well, you know, when Bernard was the Mayor, we never had this and now he is the Councilmember, he like have this." First of all, this is not an Administrative or Executive option. This was a Legislative option. The reason we never did move forward on this simply is because we were always strapped for money and as our island gets more complex, as our island gets more difficult, issues are more complicated, what you see in here is staff that we all share, and I think most people do not understand that. I am the Council Chair and I have a secretary. Her name is Lisa. She is an amazing person, but she is not just my secretary. She is Councilmember Carvalho's secretary and she is Councilmember Kualii's secretary. She services three (3) of us, our calendars and everything else. Chauncie, the other secretary, services four (4) Councilmembers. Now, I do not where you go and I think...I hope you folks can appreciate how busy and how many requests we get from constituents on a daily basis, and this was the time, I believe...and if anyone is going to blame someone, just blame me. I mean, I have been around this game for a long time and understand that our staff is...I saw this testimony. We had two (2) and I think it was a copy and paste, but it is talking about greed, selfishness and using our position to glorify others. Are you serious? This is unbelievable. The Sunshine Law prevents us from being at the same place at the same time if there are more than two (2) people, so if two (2) of us want to go to a community meeting that will discuss an item that is on the County Council or will possibly show up, two (2) can go, five (5) cannot go. With a personal assistant, that person can go and do what they need to do—take notes. They will be an official employee and representative of the Councilmember. I am shocked as I read the testimony. It is crazy. We share Analysts. Some of our Analysts here often need to work for Councilmembers on opposing sides. Can you imagine that? I can defend this to anybody. Bring it. Bring it here, though. Do not go behind your keyboard. Bring it up here. I want you folks to hear it, because look at these people. They are here and they need to sit through this, they need to do all of our research, and at times they are helping two (2) Councilmembers on opposing views. It makes no sense, it is totally inefficient, and this is a way to help this office operate in a more efficient way. Now, as you can see, not all Councilmembers will need them. With the Councilmembers that have expressed interest that will relieve some of the pressure on our existing staff, and that should work, but I think that when you look at government, when you look at County departments...I will not pick on the Fire Chief, but when you look at the amount of personnel, assistants, and support services that are required, for whatever reason the Councilmembers have never had that luxury. They have never had that luxury, and we owe it to our staff, we owe it

to ourselves, and we owe it to the public that they are treated...these personal assistants will have access to Councilmembers' emails and phone calls. We will be able to return emails and phone calls immediately, or answer phone calls, because we are out in the field or we are doing what we are doing. Again, I can defend it every day. There was one thing I did want to clarify or clear up. If you look at the budget, the Bill is broken down by amounts. There is a Social Security contribution. That is based on the amount of salaries that we have allocated and computer peripheral supplies, eighty-four thousand (84,000). Each Councilmember will have an opportunity to retain two (2) part-time staffers, and we will treat them as remote staff or remote employees, so they will obviously need a laptop, so these numbers are not fixed or set in stone. This is what we have allocated as the ceiling and that is how this is going to work. Now, if Members choose to not use their allocation, then it goes back into our Council budget, and it eventually goes back into the General Fund if we do not spend it. When I read the email I am actually hurt and think, "Wow. That was quite mean" regarding some of the things that are in here, but it is what it is. I respect everyone's position and opinion, but yes, if anyone is to blame, it is me, because I was the one that suggested it to the Mayor. The Mayor supported this, and it showed up in the budget. This is the money bill to create the positions, so I hope that answered your question Councilmember DeCosta.

Councilmember DeCosta: It was more for the public. The public did not know much.

Council Chair Rapozo: Yes, I should have...

Councilmember DeCosta: The public did not know much about what this was, so I asked that question so the public can know.

Council Chair Rapozo: Thank you.

Councilmember DeCosta: No, thank you, Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I appreciate everything that you said and what I also want to add is I think it is going to help our existing staff. We have wonderful staff, who do a really good job, and none of this pulls away from any of the work that they are doing. Hopefully, it will help them to be more efficient and it will help them to have less pressure from us. We each have strong personalities, or many of us do, and that what my hope would be is that when the material comes to the staff, that it is much more streamlined, efficient, clear, and well-researched before they are even having to get some of these things...excuse me, can you please? I am sorry. I think this will help us to be able to get more help to our constituents, and then for the general public, the better job that we do as we are building our policy, and the more we are streamlining goals, we are going to have stronger policy, so I think it is actually not much to ask for a lot of benefit and when we look at our other islands, some of those in our State might have six (6) people in their one (1) office, so when they are working on planning, economics, or real property tax, they have people who are skilled in those areas. Each of us can pick people who will compliment ourselves. We know where we are weak and we know what

strengths we need, so when we are able to choose our own people, it helps us to be stronger. I am thankful that this is on there, and this is in full respect of our existing staff, and hopefully, it will be happy for them that we are stronger. That is all.

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

Councilmember DeCosta: Yes. I asked my question. Now, I would like to discuss.

Council Chair Rapozo: Yes.

Councilmember DeCosta: I will be very honest with all of my colleagues here today. I do not support this. I do not plan to get staff. I will tell you folks one of the main reasons. There are many things that we discuss here that are confidential. There are many things that we present our Analysts. By the way, I believe we have five (5) Analysts and I believe two (2) of them have law degrees. The reason why our counties across the United States have staff is because their budget is not a hundred thousand dollars (\$100,000) per person. Their budget is so extensive that they can hire lawyers to represent them. Our one hundred thousand dollars (\$100,000)...I do not know what you are going to hire, but that is probably a secretary. Personally, I know that there is no experience out there in politics on Kaua'i, because we have never had this opportunity to hire staff, so who are we going to hire? How do these people come with experience to support us? Do you know what Maui, Hawai'i Island, and O'ahu tell me about their staff when they craft legislation, like Bills and Resolutions? It goes back and forth to the County's analysts to review the language, it goes to the attorneys to review the language, and it gets sent back many times over than what ours do. Ours are sent back maybe once or twice, because these people have the experience to craft that. I have been in the office two (2) terms. Councilmember Kagawa, four (4) terms. Councilmember Carvalho, two (2) terms. Councilmember Bulosan, you are new. Councilmember Kualii, you have been there a long time, and so has Council Chair Rapozo. Our staff is a lot more in numbers than outside the island. They have more staff. We have more staff. The reason why they do not have that large number of staff is because they hire personal staff. So, I am asking you folks, when we hire all our numbers, how does that affect our staff here?

Councilmember Cowden: It does not.

Councilmember DeCosta: I do not know going forward from here. The punchline for me is that I almost was not elected. I almost did not get elected. If I was working on something, which I was—fire mitigation. Council Chair brought it to attention. This is my third year on it, and I have had a lot of pushback. It is only since Maui, now everyone says, "Wow, Councilmember DeCosta, your idea is great." If I had not been reelected, my staff who I would have had with me would not get reappointed. What happens to all my work that I have done? Do you know why that thing would not happen now? It is because we have continuity with our staff, and they would have transferred all the information to the next councilmember. If I would not get elected, my staff does not get elected with me, so how does all my

work transfer to the next councilmember? With continuity amongst staff, they are able to do that. In closing, I want to say that I feel very confident, and I believe I have done a great job with the staff we have. Do you folks feel the same way? I would like to know. Thank you.

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

Councilmember Kagawa: I think what Councilmember DeCosta is trying to do is to get us to say something negative about our staff and I will not say anything negative, but I am going to say that if I can be a better Councilmember by having someone loyal to me and my needs...and I do not know if I will even hire one. I will be patient. I will look for someone that I think fits the bill to allow me to be loyal to me and my needs and do what I need to be done, then I will do it, but I will not throw shade on the existing staff or my prior eight (8) years of experience with the staff. I think I tried my best to serve, and I will continue to do that with my personal staff, or without them. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Again, I will say I really appreciate our staff. None of this will take away from their contributions or the roles that they have. I come from the private sector, so in anything that I have worked on, I am used to having a team where we are able to set goals and that the team makes sure that you hit your goals, hold you accountable, makes sure you clarify, strengthen, and get to your goals. As the Chair pointed out, our team needs to serve every one of us equally, so no one can take a position of championing one Councilmember's strategy over another. They need a really important neutral professional position. They do their best for each one of us, but it is not their role to make sure that any one of us individually hits our personal best, and the point of having personal, professional assistants is to help sharpen the councilperson, to make sure that they are able to get a lot of the information that they have, and to deal with all these constituents. At any one time, I find myself making decisions, reading emails, whatever I am doing at any time in the evening, getting out of my car while I am on a phone call...all these sorts of things. When you have a personal, professional staff, they will be able to help sift through all that and help get your critical issues, make sure you hit them on time. That is not the job of the people who serve all of us, and I think our whole team is going to be happy. Everyone will have a much easier time and we will be more effective.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Yes. I will just say that I think your points were very clear. To me, this is something that should have been all along and has been missing, and as Chair said, if you look across the country and all the different counties throughout the State, councilmembers have dedicated staff, so this has nothing to do with the shared staff that we have and the quality of work that they do in preparing bills and in just preparing us and helping us do our job collectively, right? This is about having a dedicated...at least one (1) person, maybe, and it will depend, too. Similar to Councilmember Kagawa, I do not know if I ultimately will be

able to even find the right person, but someone that can mirror myself and help me be in two (2) places at once sometimes. There are many times when I want to be three (3) different places and I cannot be there. It is primarily about constituent services, right? It is about multiplying ourselves so we can serve our constituents better, and someone who can be there to speak on our behalf. Staff would never do that. They cannot pick any one of us over any of the other ones of us, because they are not dedicated to our particular offices, but if we had this one (1) person or two (2)—a deputy, a spokesperson—and as Chair said, someone who could go to meetings, that only helps us be better Councilmembers and this is a very, very small investment. We are doing it in a small way, trying it out, I guess, or with not full salaries and multiple positions. These would be part-time, only Social Security...that contribution. I think it is overdue; it is long overdue. Thank you, Chair.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: Yes, I totally appreciate our existing staff. There is so much that they bring to the table and they are very supportive in so many different ways. I am seriously reconsidering my request for staff. I have talked about it and gone back and forth. I like the idea of internships, teaching, and growing, but maybe this is not the process right now. I am going through that. I am reconsidering what I have before me, because I totally have the support that we need in so many different ways, and yes, I need the little other things that happen here and there, but after going through my own evaluation, I am going through that right now. I just wanted to share that. Again, I think it is important that the people know that we have a solid team here at our County Council Services, overall, but everyone has their own needs, and for me, I just wanted to share that. That is where I am at right now in reconsidering having another staff person for me, and because I reached out more, and I got more. I just wanted to share that right now. Thank you.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I appreciate our Chair for presenting this. As the newest elected member, before getting elected, I thought for sure, one hundred percent (100%), as a recently married individual with no kids, I made a commitment to myself to serve this community with the highest possible energy I can, and in the first eight (8) months, staff and the community can see...I get here at about 6:30 in the morning, and I usually do not leave until 6:00 p.m. or 7:00 p.m. I am first one in, first one out. I work with every individual staff that we have. I feel like in the eight (8) months, I have maximized the capacity of every ability in this room and everywhere outside in the County. I feel like I have tapped every single door and uncovered as much as possible to maximize the utility of this service as a County, and when this was presented as an opportunity, I looked at both perspectives. First perspective is do we want to spend more money, and that is always a hard thing to ask, especially if we are asking the community to spend more money, and the second perspective is do we get more out of it. Can we make this half a million dollars (\$500,000) worth more than what it is? That is what I always ask myself when I look at my work as a Chiropractor, individually, and then I look at this work. I recently closed both of my offices, because I realize how

important this work is and as much as it is important to take care of a person one-on-one, it is amazing when you can help an entire community with a decision, with a Bill, or a Resolution, and I think this is the opportunity here. This Bill and this opportunity to create a bigger team that can better serve our community, I think we can definitely expand the worth of what we are investing in. Now, that is the hard part about these things, right? It is that you are asking us to spend more money in a place where everything costs more, and that is where we have to do the work, and I think all of our Councilmembers here maximize their ability, and I think if we do invest in this, I am one hundred percent (100%) sure that community would get ten-fold of what we are investing here.

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

Councilmember Kagawa: Yes. I would also like to say that there are a lot of issues that we take care of that do not even go through the staff. I do some of the things myself, and at times I think I could use more help from a personal staff to do little bit more due diligence on items, then I do not have to do...for instance, yesterday, I received a complaint about Waimea Canyon Middle School using that play court and having an agreement with the Planning Department. For the most part, it has been resolved and that they will follow whatever agreements they made with the Planning Department. I do not think we need to keep score with each other. We should be keeping score on the Administration. If you folks really want to make a difference, you worry about how the Administration is spending. When they say they need someone, do not be so free to say, "Oh, okay, you can have that position, because you are my friend." I think we are just as important as that side of the fence, and this request here, to me, if you using it to waste government money and you do not feel that person is useful, then do not hire them, and if you do, have the flexibility to be like the rest of the other Councilmembers in the State of Hawai'i. They all have a personal staff. Ask them. I do not know. Maybe they all do not feel as valuable. Do your due diligence. I know some of the Councilmembers, such as Tommy Waters. I will ask him if personal staff is good. I will ask some of the other members from the outer islands as well, and if you feel that it can add to your ability to deliver whatever answers you need to your constituents, then you do it. If you feel what we have is sufficient, then do not do it, but I think we should have the flexibility to deliver, just as the other members on the other islands.

Council Chair Rapozo: Is there anyone else? That is a good point, Councilmember Kagawa. We approve so many positions throughout the years and our staff here, at Council Services, has not increased anywhere close to the proportion as across the street. Not saying that they do not need it, or they do not deserve it, or whatever. I am just saying for us, we quickly approve all the Administrative requests for new positions and we always have, but when it is for us, I know there is a hesitance, because of the optics and all of that, but I will say last week or two (2) weeks ago, I was scheduled to be at a roundtable meeting at...I forget where it was...and I got tied up here and I could not make it. I had staff call to say unfortunately, I am stuck at the office. If I had an assistant, they could have gone in my place. I think there are a lot of advantages, and it just makes us more effective and more efficient. I, at this point, am not ready to hire a staff. I do not think I need it right now, but having this money bill and this reallocation of these

funds, should I decide to get one at some time in the future, the vehicle is in place to get it done, and we will just see how it works out, but again, this is just first reading. We need to go to public hearing, and I am sure we will have a lot of testimony on this matter. I want to remind the public, you do not have to be mean. You do not have to be really mean. It does not make your testimony any more important because you are mean. If you oppose it, I respect it. With that, the motion is to approve on first reading and send to public hearing.

Councilmember Cowden: Chair?

Council Chair Rapozo: Yes?

Councilmember Cowden: Was there any public testimony?

Council Chair Rapozo: No. No one wanted to give any testimony.

Councilmember Cowden: Okay, no one said...

Council Chair Rapozo: I asked, and no one raised their hand, but...

Mr. Sykos: We did not realize.

Council Chair Rapozo: Okay. Come on up, I will suspend the rules.

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

Mr. Sykos: For the record, Lonnie Sykos. Council Chair Rapozo, as a member of the public I would like to thank you very much for proposing this and moving this forward. I did not learn about politics on Kaua'i, so I will tell you about politics I learned as a child and a young adult in other counties. From my perspective, the person who wields the most political power in the County of Kaua'i is the County Clerk...and so I am not throwing shade and I am not accusing any County Clerk of ever having done any of these things or even thought about it, but I have witnessed County Clerks not put things on the agenda. What are you going to do if you expect something is on the agenda, but it does not show up? Your rules prohibit you from inserting it yourselves, right? What happens if the County Clerk knows that some of the labor hates, not dislikes, actively hates for racist reasons, one of the town Councilmembers and that the only help they get is from the people who hate them? Right? The County Clerk gets to decide which persons help each of you in each individual deal...and I am not throwing shade on any County Clerk...I am saying that this is how your system operates and it is a great thing that you have not witnessed, nor gone through the travails that other counties have. The best reason that you should have your own personal assistant is that you know the person you hired is on your side, right? Again, I am throwing no shade, but how hard is it to go behind the scenes and tell somebody, "If you know what is good for you, this is not going to get accomplished"? This is real world, real politics. So, to Council Chair Rapozo, thank you very much. There is nothing that would give the public more confidence that you are enabled to do your job properly than for you to have an independent agent working for you, paid by us. We all know that the staff are massively overworked, we know that there is a shortage of people,

and we know that there is shortage of expertise, and this is one (1) way to address helping the existing staff and helping all of you with having an assistant that you can have absolute faith in. Thank you.

Council Chair Rapozo: Thank you, Lonnie. Is there anyone else?

Ms. Parker: Yes, really quick. I echo him.

Council Chair Rapozo: Okay. Perfect. We have that on the record.

Mr. Hart: For the record, Bruce Hart. For eight (8) years, with the exception of COVID, I have attended every Council and Committee meeting...I would say ninety-six percent (96%), and that is conservative, and everyone here knows me. The staff know me, and they are wonderful to me. They are always respectful, they are always polite, but it seems to me that...my observation has been that they could use help, and if this would help Councilmembers, then it would help the staff to free them to do things, that they are stressed in doing, because they do not have the time or the manpower, then I am in favor of it. I also know, and I have been privileged to know, every Councilmember personally. That is part of the reason I come. It is because I value, as I have said, those relationships, and I know on a personal level that you are trying to do all you can for the community. It may not be that most people think of a legislator as that type of person, but in this community, this island that we live on, that we belong to, this is our home, this Council...and I mean that in the sense of over the years, not just these Councilmembers. My experience has been that I have seen you go above and beyond what might be expected from a legislator. You have certainly done so for me, so if this is helpful for you to be able to do what you have done for me to other members of our community, then I am in support of it.

Council Chair Rapozo: Thank you.

Mr. Hart: Thank you.

Council Chair Rapozo: Is there anyone else?

Ms. Mo Des: Ana Mo Des, for the record. Your discussion compelled me to share. My respect for the staff could not be greater. The fact that they need to neutrally work with all of you takes so much talent. I am shocked. So, well done, and if the staff is in agreement for this, I, of course, would support it. I believe that Council Chair Rapozo, your point as to being more effective in your role for us, the community members...you are our front line. You are who we have access to, so whether it is in your jurisdiction or not, you have to hear it and you have to deal with it, because we have no other recourse. I am not getting on a plane to go talk to the Governor, or any of that situation, so we rely on you to relay whatever it is that is important to us, so if that is helping you get the job done, I do not see how the community can be against it. I will not be speaking to this in the public hearing, so I am saying it all now that it is effective, but Councilmember DeCosta's point about continuing...the word...

Council Chair Rapozo: Continuity.

Ms. Mo Des: ...continuity, is a really good point to consider with regards to that, and I was happy to hear about your fire prevention, so whatever you folks are doing to get the job done while you are here, inspired by whatever way and means possible, it does have to go on, because none of these major issues and what is coming down the pipeline is crazy, and will not be resolved in a month or in a term, so the teamwork aspect is really important, and we come here when we have grave issues that we are seeing that are potential catastrophes, so, yes, anything to help you folks get that motion in the right direction to appease the community that you are serving is highly effective and worth the budget increase...or you have already allocated it?

Council Chair Rapozo: It is already there.

Ms. Mo Des: Okay, and awesome staff, you folks.

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

Mr. Sykos: For the record, Lonnie Sykos. I would like to point out two (2) things, one of which Council Chair Rapozo has already brought up and Councilmember DeCosta also brought up, which is having people on Kaua'i who have the skills to be your assistants. Member DeCosta was correct that right now, today, on Kaua'i, there is no place to gain those skills. I was a resident on Maui back when we, I believe, had to change the Charter as well as pass a number of Ordinances in order to provide staff for our Councilmembers. The reason that probably pushed the idea into the win column was the fact that personal computers were brand new at the time, you had to know whatever that code was...I do not remember the name of it, but those seventy-two (72) commands, and you did not buy one at Costco, you had to order one that someone made. The internet was brand new, it was dial up, but if you wanted to function in the real world, you had to be online, and so rather than the unreality that our Councilmembers would go back to community college and spend two (2) years developing computer skills, we decided it made a lot more sense to hire people that that was their deal. They are all young. Today, for your personal assistants, you have a great pool of people that are employed by the State government in Honolulu, and your only problem will be housing for them on Kaua'i. It will not be difficult to attract people that have government experience, the small pool of them who would like to come to Kaua'i and absorb a loss of income or housing issues or whatever to be here, but your own children will eventually be able to use this as the stepping stone to work their way, not through elected office, but to work their way through the bureaucracy and being bureaucrats and technocrats in the government. So, this actually is a great works program for the long-term, and I congratulate the Chair, because this is also a great thing long-term for the County. All of the issues right now about, "Does it make sense"? "Can you find someone trained"? "Will it actually be a benefit to the public"? All of that will be apparent down the road and looking at all the rest of the jurisdictions in the country, I agree with Council Chair Rapozo. I have never been anywhere in the country, nor met a politician that did not have the government pay to have an assistant. It is about time. Thank you.

Mr. Bernabe: Matt Bernabe, for the record. First of all, I support personal assistants, but in listening to the discussion I am glad I stayed,

because there is a huge part of me that says, "Okay, you have to have some baseline of education to get this job," but at the same time, if you run as an elected official with no high school diploma, but you talk and you can shake hands, because a lot of that is a lot...I know voters. Trust me, I know. I would not shake hands and I would not be nice, that is why I did not win...you can win. So, you could come in here as an actual official, but you got to have some out-of-state education? I disagree with that. I think a Hawaiian aunty from any village should be able to come in here and work for any one of you folks, because they know this community better than some college...Sorry, Lonnie. I love you, but I am going to disagree on this right now.

Council Chair Rapozo: Matt, hang on. There are no requirements.

Mr. Bernabe: I understand that.

Council Chair Rapozo: Okay.

Mr. Bernabe: But the discussion that we have to go and seek them out...

Council Chair Rapozo: Yes.

Mr. Bernabe: ...or that you need some two-year certificate? Come on. I disagree with this premise, largely. I am not saying, "Let us just get any old Tom, blank, blank, and blank, but let us go and get someone with some skills that has some roots. There is no way you are going to insult me, as a member of this island, and tell me that we could not find a few assistants to come work in here that already live on this island. We probably just insulted a huge load of people. I could not help it. I had to testify, but with that said, I support it.

Council Chair Rapozo: Thank you.

Mr. Bernabe: ...and we do not want dummies.

Council Chair Rapozo: Alright. Thank you. I will call the meeting back to order.

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

Council Chair Rapozo: I want to quickly give clarification. The Clerk does not set the agenda, the Clerk has no authority over the agenda. It is the Chair, and I do not know how our staff is feeling right now, because they are listening to all of this, and wow. Do they feel like they are not fulfilling our needs? I do not know what is going through their brains. I know that when the discussion started pre-budget, a lot of employees, rightfully so, were concerned that we would basically hire our people and get rid of them, and I made it very, very, very, very clear that these positions are assistants to the Councilmembers. They are not going to be working and doing the functions of our staff. They are not. Our staff is intact. Our Analysts are going to still analyze, our Records people are still going to do records. This is a Constituent Services Staff, which means they are going to work

with the constituents. They are going to help us. They are the liaison between the Councilmember and the constituents, the public. They can go in our place. Again, we received a couple of testimonies against this and...Go up to the State Legislature and go walk into any Representative's office or any Senator's office, which they operate four (4) months out of the year. This is how long they are in session. This Council operates all year round. We take a couple weeks off for Christmas and we take a couple weeks off for New Year's, but aside from that we are here every single week. We are in the public every single day, and they have an office staff, they have an office manager. They also have a Legislative Research Bureau, they also have Legislative staff, such as these people, but no one complains about the Legislature. "Oh, Why do you have personal staff? That is my money. Give that money back. Give us tax relief." Right? The Office of the Mayor has the Public Information Officer (PIO), Chief of Staff, Managing Director, Executive Secretaries. Again, I am not saying this because I am angry. I am saying it, because where is the balance? Where is the equality? We are really treated like stepchildren here, the county councils, but I will tell you right now, we work harder than any other branch. I will tell you that right now, and I can speak for all seven (7) of these folks, or six (6), including myself. With that, the motion is to approve. Roll call.

The motion for passage of Proposed Draft Bill (No. 2906) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 20, 2023, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) no.

Council Chair Rapozo: With that, we will break for lunch. We will report in Executive Session at 1:45 p.m.

There being no objections, the meeting recessed at 1:03 p.m., to convene in Executive Session.

The meeting reconvened at 2:39 p.m., and proceeded as follows:

Council Chair Rapozo: Madam Clerk, we are now on Resolution No. 2023-57. There is a motion to approve on the floor. The motion was made by Councilmember Kagawa, seconded by Councilmember Carvalho.

Councilmember Kagawa withdrew the motion to approve Resolution No. 2023-57. Councilmember Carvalho withdrew the second.

Council Chair Rapozo: With that, can I entertain a new motion?

Councilmember Kualifi moved to receive Resolution No. 2023-57 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: With that, is there any discussion? Is there any public testimony?

Councilmember Kagawa: Shall we explain? That way they know how to testify.

Council Chair Rapozo: Yes.

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

Mr. Hart: For the record, Bruce Hart. I need to say that I need my own Executive Session to be able to understand the legalities of this, and I mean that. I do not feel I can speak on it. I do not know how you could get away with this. The intent...I understand the problem, but I do not think this is the way to solve it. Thank you.

Council Chair Rapozo: Let me just say that the Sunshine Law, as I stated earlier today, does not allow for more than two (2) Councilmembers on an item at any given time. We receive a copy of the Resolution when we receive a copy of the agenda, which is the same time that the public receives it. We cannot communicate with the Councilmembers who have introduced it. In this case, you have two (2) co-introducers who introduced the Resolution. No one else can talk about it. I requested the Executive Session so we could receive a legal analysis on this Resolution. That is what we just had and based on what we heard from our County Attorney, which is confidential, this is the outcome—that the motion to approve was withdrawn, meaning that is no longer on the floor; the motion to receive was made, which effectively kills the Resolution. That is what just occurred. Legally, there is no other way to do this. There is simply no other way to do it, and I apologize that there is disagreement on how we do it, but you can thank the Sunshine Law for that, because if we could all get together, have a beer somewhere, talk about this with our County Attorney, and the County Attorney would give his informal...it would be a different story, but it is not that way. I am proud to say that this Council does comply with the Sunshine Law, and that is why we look confused sometimes. It is because we are.

Mr. Hart: I agree. I wish I could join you for that beer.

Council Chair Rapozo: Yes, but then it would not be an Executive Session. Alright, Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. As a member of the public that paid for this farce, I would like to apologize to whoever it was in the County staff that needed to participate in creating this, and especially to whoever it was who has a law degree who needed to choke their ethics down in order to create this document. This is an egregious middle finger to the majority of the people who live in the United States, not just the citizens. You start off this Resolution with this long list of people who you identify and then turn into groups

who you can target. This list of people has absolutely nothing to do with the title that says, "Undesirable Visitor Activities," so what does being foreign-born...how is that an undesirable activity in this County? That is what you are saying it is. If you are foreign-born, you are in this County, and you are an undesirable, should your children be undesirable as well? How about your grandchildren? Should your grandchildren be undesirable because their grandparents were? This is shocking. This is absolutely shocking and offensive, but I do have some agreement with it. Part of it is...and to the public who is listening, I encourage everyone in the public to go online and make a copy of this Resolution and actually send it to the Governor, all the Legislators, the Department of Business, Economic Development & Tourism, Tourism Authority, and the airline companies. You can add to that every one of the states that has a gateway airport, which in your wisdom you thought we should have government agents at the airport gates in other states preventing people from coming to Hawai'i. We also need to send this to our Federal Delegation, because there are seven (7) Constitutional Amendments as well as the Bill of Rights, not to mention the Commerce Clause, all of which needs to be federally changed in order to make this happen. You would completely rewrite and redefine what it means to be in the United States. You have no business declaring anyone as undesirable. None. Your arrogance is repugnant.

Council Chair Rapozo: Is there anyone else? If not, I will call the meeting back to order. Is there any further discussion? Go ahead, Councilmember DeCosta.

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

Councilmember DeCosta: For myself, I would just like to say why this was brought up to attention of the Council, which needed to go into Executive Session, because that was the first time we could bounce the idea off of one another. There was an Alaskan Governor who, on national television (TV), said he is relocating his homeless to different states and Hawai'i was mentioned. We just wanted to make sure that we were making the different travel industries and different governors aware that this is a possibility that could drain the resources for the people who are already here. There was no bad intent. I just want to say that there was no bad intent from myself. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? If not, the motion is to receive. Let us do a roll call vote.

The motion to receive Resolution No. 2023-57 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Bulosan, Carvalho, Cowden, DeCosta	
	Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST RECEIPT:	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 is carried. Now for the final item, Proposed Draft Bill (No. 2905). There is a motion to approve on the floor. Is there any further discussion or public testimony?

Councilmember Kagawa: I think the Fire Chief is here. Sorry, Bruce. Let me get the Fire Chief up here.

There being no objections, the rules were suspended.

MICHAEL GIBSON, Fire Chief: Thank you, Chair and Councilmembers. Mike Gibson, Fire Chief, for the record.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Thank you for being here and for waiting all day. You folks are extremely burdened by rescues. The general public is upset about it. One (1) particular worker at the golf course told me, "If you get back in, can you look at how we can charge these tourists when they do stupid things, such as an older individual snorkeling at 'Anini Beach for the first time in your life and end up drowning?" Where is the logic? When you are hiking the Nā Pali Coast, you are overweight, have not walked significantly in a long time, and then you need to call the Fire Department because you say you sprained your ankle or whatnot, but in actuality you are just tired and dehydrated. I think the public is asking, "Why can we not charge these people who make reckless, foolish decisions that cost our taxpayers money?"

Mr. Gibson: Thank you for the question. I think the greatest value out of the proposal of this program or any program, is the awareness. It is letting people know, number one (1) when we rescue them from the helicopter, it is one of the most dangerous things that we need to do. Putting that bird in the sky is dangerous and the places they need to go—the canyons—and the challenges that they have. If our car stalls, we can pull over to the side of the road. If something happens in a helicopter, there is only one (1) way to go, and it is down. Anything we can do to prevent people from being in the wrong area calling us...do not get me wrong, a helicopter is one of the most valuable tools that we have, because when someone is not breathing, bleeding severely, in pain, or it is getting dark and we need to get them out quickly, that is the way to get them out the fastest and get them to some medical care. This Bill or any proposal that we can add some supplementation or verbiage telling them, "Hike only as far as you can come back. Save half your strength or a little more than half and come back. Do not go into the waters when you cannot." We can give some advisories on some of the dangers and hazards that people are not aware of. Just the fact that there would be a card, a program, or a banner to heighten that sense of it being dangerous. We need to show value in our personnel and for them to know that this is important to you to put a price on, that we value our rescuers and responders who are putting their lives on the line for the public. Thank you.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I have a follow-up. Have we ever done an analysis on the possible expenses that it costs? I know we save hundreds of tourists from the Nā Pali Coast hike via helicopter. How much does it cost us to have the rescuers and the pilot, and the daily cost of the helicopter? How much does that cost us?

Mr. Gibson: I have some of the data with me. I can tell you the unit costs. For us to send fire rescue personnel—the rescue crew and the engine company crew...eight (8) personnel altogether, four (4) on each team—is about three hundred dollars (\$300) an hour. The hourly rate for a firefighter is less, because it is spread out over twenty-four (24) hours, so that does not sound like a high number. Conversely, if you send out the same number of lifeguards, it is about four hundred thirty dollars (\$430) an hour for a rescue in the ocean. If we add the helicopter, today's rate, is six hundred forty dollars (\$640) an hour. That is our cost and that is adding the annual contract cost. We pay for pilot services and maintenance, so we are currently paying four hundred sixty thousand dollars (\$460,000) a year. That is broken down to the amount of hours that we fly. If it was for a call in the water, the total cost for Ocean Safety, the Fire Department with a helicopter is one thousand one hundred twenty-seven dollars and seventy-seven cents (\$1,127.77) per hour. Without the helicopter it is nine hundred sixty-four dollars (\$964.00) an hour.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Chief, we have had these discussions...not you and I, but with former Chiefs, prior Chiefs, that the way we have classified the use of our helicopter prohibits us from charging for rescues. Are we still considered a public-use helicopter versus a commercial?

Mr. Gibson: I believe that is correct. I will defer to the County Attorney. Yes, I believe that is correct.

Council Chair Rapozo: We can have that discussion later, but we need to get to the point where we can actually charge for the helicopter use.

Mr. Gibson: Yes.

Council Chair Rapozo: I did not check, but we were told that if you charge, even on a rescue, if we charge and it becomes a commercial-use, which prevents us from doing some of the things that we do as a public-use helicopter, especially with the altitudes and where we can go...so I really want to pursue that and maybe with the help of the Office of the County Attorney, we can figure how we can make that happen.

Mr. Gibson: Okay.

Council Chair Rapozo: The Ordinance as it stands today without this amendment requires the Fire Department or anyone...actually is says, "County personnel and departments involved in a rescue operation shall keep an itemized record of recoverable expenses resulting from the rescue operation", so that is not

just the Fire Department. It is anyone. If KEMA responds...I understand that is not being done now. Can we get a commitment that it will happen? Because we do not have a choice, the statute says, "We shall." Is that something we can get a commitment and start doing?

Mr. Gibson: If that is what is placed upon us, yes. Currently, we have all the data. We just need to, after the fact, track it down. Just like you, I do have the staffing in place, but we can.

Council Chair Rapozo: I think going forward. I am not asking that we go back.

Mr. Gibson: Good.

Council Chair Rapozo: This is just going forward, and the County Attorney will take it from there.

Mr. Gibson: Yes, sir.

Council Chair Rapozo: I think it is just as you said. If it is an air rescue, how many personnel, how many hours...times that, and send it to the County Attorney. Likewise, on a mountain rescue.

Mr. Gibson: Yes, it can be done.

Council Chair Rapozo: Again, the only reason I bring that up is because based on the Ordinance, it is not a choice.

Mr. Gibson: Yes.

Council Chair Rapozo: We need to get that done.

Mr. Gibson: Okay.

Council Chair Rapozo: Are there any other questions for the Fire Chief? Okay. Thank you, Chief.

Mr. Gibson: Thank you, folks. Good afternoon.

Councilmember Cowden: Thank you for coming.

Council Chair Rapozo: Is there any public testimony?

Mr. Hart: For the record, Bruce Hart. I am glad you had the Chief. One of the things I waited for was to hear what he had to say. Also, Councilmember DeCosta, on the other Resolution, I know you did not mean...none of you...Councilmember Kagawa...you do not mean any ill intent towards anyone. You are trying to solve a problem that we have. In regards to this, I can tell you that almost thirty (30) years ago I lived on the coast in Washington State, and it was a beautiful area. It was one of the largest estuaries in the world. It was

pristine. People would go out there to kayak. It was a wonderful thing to do. Then the tide...they would not check, they were not informed, and the tide would go out and they would be stuck in the mudflats. They are sitting there, they had their cellular phones, they would call, and would want to be rescued. If they would just sit there for a few hours, the tide would come back in, and they could come back. It was a huge controversy among the local community, because of the cost. You are not alone in trying to solve this. I believe that if you check, even that area, I believe they eventually got through the legal hoops and were able to let people know that you better really need rescuing, because you will need to pay for part of it. It discouraged it. As word got out, people did not just...because they were inconvenienced. I understand the problem, I sympathize with it. I encourage you to keep working at it. Thank you.

Council Chair Rapozo: Thank you.

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

Council Chair Rapozo: Is there any further discussion?
Councilmember Kuali'i.

Councilmember Kuali'i: I do not have further discussion, but I want to withdraw my motion. I believe I was the maker of the motion.

Councilmember Kuali'i withdrew the motion to approve Proposed Draft Bill (No. 2905) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 20, 2023, and that it be referred to the Parks & Recreation / Transportation Committee. Councilmember Kagawa withdrew the second.

Council Chair Rapozo: Okay. We are back to entertaining a main motion.

Councilmember Kuali'i moved to receive Proposed Draft Bill (No. 2905) for the record, seconded by Councilmember Kagawa.

Councilmember DeCosta: We were not even able to present our discussion.

Council Chair Rapozo: Yes. Now we will have the discussion.

Councilmember DeCosta: Okay. That was important for us.

Council Chair Rapozo: Yes, absolutely. Councilmember DeCosta.

Councilmember DeCosta: I want to share the floor with my colleague who worked really hard. We worked on this thing for seven (7) months. Would you like to open it up?

Councilmember Bulosan: Yes, I can go first. One of the biggest challenges for our County is unintended expenses, and one of the unintended expenses is the cost of rescuing people, especially when it is in areas where there is plain disregard for any law or how to take care of oneself in those situations, and the burden oftentimes is put on the community. As our testifier shared, it is a challenge that we all try to solve. It took several months. Yes, I would probably say it took about seven (7) months to look at what solutions we can present to our community that the community is asking for. A lot of what we are doing and what we proposed to this Council is brand new. This has never been done before. In fact, a few states have looked at implementing this in a similar way, but just a little bit different, and we found a way that it could be done for our community, but essentially, this is what this is all about. It is about finding an equitable way to make sure that our community is not taken advantage of. That is how the community feels right now. That anyone can break the law, hike, be rescued for free, and not have any recourse to their actions. In fact, a lot of these challenges are compiling. What is happening, what we are seeing in Maui is that a lot of these things could have been prevented in the past. The proposed idea in the Proposed Draft Bill is looking at a voluntary way...a way to capture a group of people who do travel consciously, who do look at the way that they move between states and countries, and want to be responsible and respectful, a way to be a healthy citizen and traveler, do the right thing, and support any future needs that the community they are visiting can receive support. I think one opportunity that we are missing is that when we create opportunities like this for these types of people, we create the society that we hope to see. When you travel, you hope to visit a place, be a good steward of your space, and take care of the place, and what enables you to do it is if that government, that society, or that community has avenues in which you can healthily participate. What this Adventure Rescue Volunteer Program allows a person who is traveling amongst us is a way to voluntarily be a good steward of themselves and the place that they are in. I hope that we can look at this in the future and continue to look at avenues that enable people do the right thing. I think that is what this does. This enables people to do the right thing.

Councilmember DeCosta: Thank you for that elaborate explanation. You were groomed very well when you first took office several months ago. I will start by saying this is actually a good thing. Do you know what the best thing about it is? It is that all seven (7) of us now know the importance of this, and one (1) or two (2) of you might do a Resolution to the State officials to start charging for these rescues, because that Resolution has not been done yet. I am hoping that this Proposed Draft Bill which failed will spark that. Three (3) other counties do it, and I want to complement our Analyst, Jessica, and our Secretary, Lisa, who went on a trip with us and spoke to some of the key people from that state who worked on this same exact bill, made it a mandatory fee, and came back with the language to help Councilmember Bulosan and myself craft this Proposed Draft Bill. That is the importance of why we travel, why we bring staff, why we learn at these conferences. Yes, it was not a bulletproof bill; there were a lot of unanswered questions...I believe that is why our counsel did not support it, and I am worried, but a lot of work went into it, no other county in the United States has a voluntary program like this which asks tourists to put funding into an account to help with our rescue service. I would like to apologize if we did not do enough homework, maybe moving forward some of you folks can take the helm and finish something that needs to be

targeted towards our government leaders at the State level, but I do know one thing folks—right now, there is no money going into rescues of tourists on State beaches or County beaches. We have escalated our prices to rescuing them, and there is nothing. The State is not following their Ordinance, per the Chief, of retrieving the funding. I am hoping Councilmember Bulosan and myself at least sparked that new avenue that we need to move forward. Thank you.

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

Councilmember Kagawa: Thank you. How to reduce the amount of people who are not thinking straight when they get into these accidents that cause firefighters, lifeguards, and police officers to spend a lot of time is an important issue. Unfortunately, there are times when they do not survive, and it becomes a recovery effort which takes days and days of effort. I think one no-brainer place is Queen's Bath, where you have tape saying, "No Trespassing" and other beware signs. Yes, when it is calm there, I can see people feeling adventurous and wanting to jump in, but a lot of times the calm is only for a little while and the swell comes in. A lot of the time it looks calm, they jump in, and end up needing help because they start drifting out. Unfortunately, a lot of these rescues are for tourists. I spoke with the fire personnel. They spend so many days doing these types of unnecessary rescues where our tourists are not listening to Kalani Vierra when they arrive. He is loud and clear in telling them about the dangers of Kaua'i, the waters, and whatnot, but they are just like us—they grab their bag; they do not care about Kalani Vierra. Maybe they would pay attention if they saw Kalani Vierra speaking in-person. It is just frustrating, and it is frustrating for the public when you are in office and they bring it up year after year asking for the status, but it is the State's job to help us with this issue. Even if they do help us with the issue, how long will the State give us the money before they say, "No, we need it, because we pay for schools," and things like that? It is frustrating. When we are collecting, we know what it will go to, right? When the State does it, they might do it for a little while before keeping it for themselves. Thank you, Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I appreciate what was said and I just want to take this short moment to thank our firefighters who do risk their lives on a regular basis and their families. It is an awful lot to consider losing someone that is such a main feature in the family. I think an important take-away from this discussion is for people to not be reckless with their own lives, because they are reckless with other people's lives. If someone is lost, that ripples all across generations. I am thankful we have very competent rescue teams. I think we need to be careful how we train our visitors or guide people to not be putting us at risk, but we also want to have the right methodology to make sure that we are in alignment with all the laws and do it the right way.

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

Councilmember Kualii: I just wanted to state that I appreciate the attempt by the introducers. It is a problem that needs to be addressed. I removed

my motion...because normally you can just make a motion for discussion purposes...primarily because we do not have the legal authority to do this at this time and that any further action should be pursued with the State. Thank you.

Council Chair Rapozo:

Thank you. Councilmember Carvalho.

Councilmember Carvalho: For me, I think the intent of the Proposed Draft Bill is great. The intent is there, however, obviously, there are all these legal issues, and the bottom line is how do we manage this better, how do we address it out in our community...visitors coming, our own families here. Again, I think the intent is good, the discussion part, but unfortunately the legal side of it does not match up right now, so we need to maybe look at navigating a different way and taking a different path, but with the same heart, soul, and intention to really reach out...I think that is a big part for me...and out to our people, our community. I just wanted to say that. *Mahalo*.

Council Chair Rapozo:

Thank you. Is there anyone else? If not, let me just say that back in 1995 I lost two (2) friends from the Honolulu Police Department (HPD), Tate Kahakai and Bryant Bayne. They were police officers, and Special Weapons and Tactics (SWAT) team members who went in a helicopter to retrieve a missing hiker. The weather was horrible. They volunteered to go, because the Fire Department did not want to send their personnel in those conditions. The two (2) SWAT members went up with a Honolulu Fire Department (HFD) pilot. They crashed and all three (3) of them died. The missing hiker is still alive today, but because of that missing hiker's actions, we lost two (2) police officers and one (1) firefighter. That is what I want to address. The money is the money, the fees are the fees, the cost is the cost, but what we really need to focus on is every time that helicopter goes up, we have our brothers and sisters at risk. It is a major risk. We are blessed on Kaua'i with some amazing pilots and an amazing rescue team, but there is a good chance those folks are not coming back because of the winds up in the mountain or our currents in the ocean. I want to focus on that. I need to thank Councilmember DeCosta and Councilmember Bulosan for putting this forward, because, yes, we as a County are limited in what we can do. Those of you who have gone to other jurisdictions and spoken with councilmembers or commissioners from other counties or cities who tell you all that they do, and they do a lot of things that we do not do. Do you know why? It is because their state legislators have authorized them to charge taxes and fees. For the life of me, I cannot figure out why our Legislature will not let the counties charge taxes and fees. They want to keep it all for themselves, but why will they not let the County of Kaua'i charge a tax or a fee on rental cars, airport concessions, or whatever it may be? You could do whatever tax you wanted. You could tag on a county surcharge to a hotel room or a use of a park. There are so many things we could do, but the State says, "No, you folks are little children and are not allowed to charge any taxes or fees." If we had that ability, this Proposed Draft Bill would be legal today, but we do not. Obviously, as much as I would love to see this go through, we are not in a position in which we can do it. Look at all the rescues—they are up at the Sleeping Giant quite a bit, the Nā Pali Coast, the Kalalau Trail—those are all State properties. It is all on State property, but we foot the bill. The County and our taxpayers foot the bill for rescuing people from State properties. The County pays for the lifeguards at a State beach. There is absolutely no...I will not say it. Folks, I think the State needs to

step up and provide the counties with more tools and resources. That is all I am saying. Again, unfortunately, we are not in a position to make this Proposed Draft Bill happen, so it is what it is. I will say that we need to pursue, because even with this amendment not going forward, the mandate is that we will charge. This County shall charge for the rescues that we perform. We have not been doing it. Staff, we need to send something over to the Fire Chief and the County Attorney reminding them of the Statute that is not a choice, we need to start charging, and it is what it is. Okay. With that the motion is to receive.

The motion to receive Proposed Draft Bill (No. 2905) for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Mr. Bracken, will you give an Executive Session recap?

(Councilmember Carvalho, Councilmember Kagawa, and Councilmember Kualii were noted as not present.)

MATT BRACKEN, County Attorney: Matt Bracken, County Attorney. This is for ES-1101, ES-1102, and ES-1103. All three (3) Executive Sessions were Attorney-Client communications, and the communications need to remain confidential at this point, so there is nothing to disclose to the public.

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

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 3:18 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ssdmc