

COUNCIL MEETING

APRIL 20, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, April 20, 2022, at 8:32 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden (*via remote technology*)
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the agenda? Ana, your testimony has to be on the items in the agenda. You know the rules, you have three (3) minutes initially, state your name for the record, the light is going to turn green when it starts, yellow when you have thirty (30) seconds, red when your time is up, and if you need another three (3) minutes, we need to ask if anyone else wants to testify first, then you can come back for your second three (3) minutes.

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

ANA MO DES: I appreciate it, Council Chair, and thank you for the reminder, it has been a long time, but it is such a pleasure to see all of you in person. I appreciate the work that you all do behind the scenes, and once we get here. My name is Ana Mo Des. My testimony is on the approval of the agenda on this specific item of the agenda, and I disapprove of the agenda. I feel it is incomplete for matters of urgency. I submitted a request for an agenda item to be placed on the agenda today. I submitted reasons for it, and I hope that my reasons were read thoroughly. Council Chair, I speak to you with full integrity. I appreciate your position as Council Chair, a man of integrity, a family man, and as parents we know that what we want for our children, we want for all children. So, everything I say

here in this moment is with the utmost integrity, the utmost honesty, the utmost truth I have witnessed myself, and feel it is an urgent emergency to discuss the situation in Kōloa. I have seen it with my own eyes that there is in fact many places of significance worth exploring with a data recovery survey, the second part of a three-part process of the cultural survey. I understand that the County is responding by saying that the developer has completed all requirements, and with the utmost respect and admiration for the work ethic of Scott, it is just not true. There needs to be a data recovery portion of the cultural survey for there to be any peace with the community because we have pictures, I have seen it with my own eyes, and we are demanding due process take place. The data recovery portion is significant, it is when a team goes in and explores each space worthy of investigation. We are not saying or claiming that there is anything, but there is a possibility of it. For the response to be that there is absolutely nothing is absurd by logic standards. It is a 26-acre property in Kōloa right next to Hapa Trail. There has been proven and historic significance of all Kōloa, so how could this particular 26-acre lot have absolutely nothing worth exploring a little bit further, investigating to see what can be revealed, what can be maintained in perpetuity. The people of Kōloa deserve proper due process and for the County to support our requests in asking for such and demanding for such, because it is protocol. I understand the developer is saying that whatever gets revealed along the way, they will stop, but that does not mean that they can bypass initial protocol, and initial protocol has most definitely been bypassed. Either Cultural Surveys Hawai'i is someone we cannot count on, to be honest, or there are other parties in play to the same effect. I would like there to be a proper investigation. I am counting on all of you as our representatives to please demand there be a data recovery survey portion of the cultural survey. It is not complete. Anyone saying it is complete is committing fraud. I am saying this here on the record. I would not be here if I did not know it for certain that we most definitely need a data recovery portion for the 26-acre in Kōloa, Tax Map Key (TMK) that I have already submitted the reasons why I am requesting this of you. I believe that all of you truly feel this as an important aspect and that your call to duty aligns with my request. I really need to understand that due process takes place and that the County supports the community getting involved in such matters. We would not have to if the initial protocols were already checked. You are our final frontier, so I am asking for you all to get involved, please. It is a requirement of your position in representing us. We would not come if there was not a big reason for it, so please step forward, stand up for what is truly happening, and investigate further. Do not take what Cultural Survey Hawai'i has presented for granted. Are there any questions?

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: *Mahalo*, for the testimony. Chair, I know it is not on the agenda, so I will not go further into it, I want to get clarity around the actions that are being requested. I hear there was request for an agenda item. Part of what I am understanding is this *kuleana* that potentially has oversight is within

the State jurisdiction, I want to know how far the group has gone in engaging with Hawai'i State Historic Preservation Division (SHPD) and the right organizations that oversee this.

Ms. Mo Des: Most definitely have to no avail. That is why I am here speaking on the record of it, asking for you folks to step in as representation and make sure that SHPD is acknowledging the request for a true and proper survey. That they do not just take Cultural Survey Hawai'i at their word, which is completely untrue. So, if we have to go over SHPD, if they continue with this story, that I am asking for you folks to step in to do that. Maybe, the Office of Hawaiian Affairs (OHA) has to get involved. There are also two (2) points that have never been...and I know I have another three (3) minutes afterwards if there is more testimony. I can bring that up now.

Council Chair Kaneshiro: Councilmember Cowden has a question.

Councilmember Cowden: My question is for the County Attorney. Is it okay for me to ask him a question?

Council Chair Kaneshiro: Mark is on.

MARK BRADBURY, Deputy County Attorney (*via remote technology*): Sure.

Councilmember Cowden: Can you give clarity on the Council's role? I have followed this issue relatively closely for about a year. How do we step in, or what is appropriate in terms of putting it on the agenda, or how do we have a role, because it is very clear that when we have this piece of property directly across the street from what is visibly an act of part of the Kōloa field system, and they say there is nothing to hear, and told us it is not the Council's role to step in on that. What is the Council's role and what is the appropriate way to put it on the agenda?

Mr. Bradbury: I am not completely familiar with this piece of property that the young lady was discussing; however, at some point in time, if there were permits to be pulled, it should have probably come before the Council. If it has not, obviously, the Council can direct the Planning Director to come before the Council and explain it and open it up to public testimony then.

Councilmember Cowden: Okay, thank you. I will work on that.

Mr. Bradbury: You are welcome.

Council Chair Kaneshiro: Is there anyone else? If not, thank you. Next up is Alison.

ALISON LEWIS: *Aloha*, I am here for the same reason. What I am here to testify about is the actual agenda itself. I am backing up Ana, which is that I think that the County Council...she indicated in her E-mail to you that this was of time urgency and this issue did need to be included in today's agenda as something to address, and begging the County for their immediate action and help in any way possible in stopping what is going on Kōloa, which is being done with a whole lot of layers of irresponsibility. For example, yesterday a bulldozer went through a *heiau* and the cultural practitioners that have been opposing all of this development have worked through all the proper channels through SHPD begging the Department of Land and Natural Resources (DLNR), begging SHPD, begging the County, even talking to Kaua'i Police Department (KPD) who is there "moonlighting" hired by the developer to keep people away. It is a critical, urgent, time-sensitive issue, and that is what I am testifying about right now is that it should have been on the agenda today—the ability to ask you folks to do whatever you can to help stop the desecration. There is a significant population of Kaua'i that is being harmed by the development and they are not being listened to. Thank you, that is all.

Council Chair Kaneshiro: Ana, you have your last three (3) minutes.

Ms. Mo Des: I appreciate it, Council Chair. Thank you so much. This is very true, what Alison just said, a bulldozer went through a large *heiau* that we have pictures of. Again, comes the question, that there is nothing on the property worth a data recovery survey, why is the developer taking these steps to ensure destruction. It is confusion to say the least and to be the most respectful, because I do respect all of you, I respect these Chambers, and I respect the work that happens here. I believe in it and that is why I am here. I am asking you to please step forward and do what is appropriate, do what ought to be done, full force to stop the machine, all the machines on the property until there is a proper data recovery survey. Two (2) questions that I had that were very unclear on protocol, the police officers, which I back the blue one hundred percent (100%), the police officers on-duty, and I appreciate KPD for all their work. There were officers in full uniform with their gear and weapons making it seem as if they were on-duty; my question is later we find out they were "moonlighting" as security. The police officer told me it was in protection for the employees from us and to protect us from any machinery. I do not understand the protocol here. Is KPD a centralized unit that is providing these "moonlighting" outside options? If so, is there an ordinance that we can look at to see how this can be? Of course, you can understand the concern when there are community members showing up knowing that there has been issues on this property that the developer or those supporting the developer have not ensured proper protocol took place, and we are just there to observe and record. Yesterday, one of the women that have been consistently showing up was told that if she does again, she will be arrested for trespassing, when we were initially told that we were allowed to be there and observe, peacefully, which it has all been completely peaceful. That was one question. Also, Hapa Trail, within the thirty-foot barrier, this is a State Highway

right to ponder, there should not be any obstruction on Hapa Trail, there should not be any sort of digging or anything, so I do not understand who owns this property, if it private, if it is State, if it is County, and the permit situation, the developer says that they own it and they do not need to provide a permit. It is all very confusing. Thank you so much. I appreciate your time.

Council Chair Kaneshiro: Thank you for your testimony. Are there any questions from the Members? Councilmember Cowden.

Councilmember Cowden: Can I have an understanding of why we did not put anything on the agenda? Did we get an agenda request on time?

Council Chair Kaneshiro: I never received an agenda request. Did you request that agenda item?

Councilmember Cowden: I did not. I just did a search and I had read this, but it was April 14th, I am not sure about the timing on that. I see an urgent request for briefing on the agenda dated April 14th from Ana Mo Des regarding this. I am seeing this was there on that date. Was that date problematic? Is that why it did not make it on the agenda? Maybe that was too late.

Council Chair Kaneshiro: Our agenda was already posted on that day.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: I still have not received any agenda requests.

Councilmember Cowden: The request is in our E-mail on April 14th, not from me, but it looks like from her.

Council Chair Kaneshiro: The requests usually come from a Councilmember.

Councilmember Cowden: Okay. Thank you. Just so they understand in the room. Thursday, the 14th, the agenda is already set.

Ms. Mo Des: I was also requesting a Councilmember to step forward and meet with Council Chair to request the agenda time. From what I understood that was protocol when I had come to ask, so that was my intention in sending the e-mail to councilmembers@kauai.gov to ask for Councilmembers to step forward and make time with Council Chair, so I continue to ask that of each and everyone of you. Thank you. But time is of the essence so please make the phone calls to OHA, and SHPD. Thank you.

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

Council Chair Kaneshiro: Thank you. Are there any questions or discussion on the approval of the agenda?

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

Council Chair Kaneshiro: The motion is carried. Next item.

MINUTES of the following meetings of the Council:

April 6, 2022 Council Meeting
April 6, 2022 Public Hearing re: Bill No. 2850

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

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: None. Are there any questions or discussion on this item from the Members?

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

Council Chair Kaneshiro: The motion is carried. Next item.

CONSENT CALENDAR:

C 2022-78 Communication (04/05/2022) from Hugo D. Cabrera, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2022 through March 31, 2022.

C 2022-79 Communication (04/05/2022) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 17 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022.

Councilmember Kualī'i moved to receive C 2022-78 and C 2022-79 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions or is there any discussion from the Members?

The motion to receive C 2022-78 and C 2022-79 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMUNICATIONS:

C 2022-80 Communication (03/22/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to All-Hazard Statewide Outdoor Warning Siren Systems.

Councilmember Kualī'i moved to receive C 2022-80 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions from the Members on this item?

The motion to receive C 2022-80 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-81 Communication (03/22/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to

amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Commercial General Zoning District Table of Uses.

Councilmember Kualii moved to receive C 2022-81 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions or discussion from the Members?

The motion to receive C 2022-81 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-82 Communication (04/04/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$53,543.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2022.

Councilmember Kualii moved to approve C 2022-82, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: None. Are there any questions from the Members? Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: Again, I just want to thank the Agency on Elderly Affairs for their diligent work at getting grants and continuing the great work

that they do for both this one and the Kūpuna Care piece that comes next. You folks have been so good at getting everything done and taking care of our seniors, so just *mahalo*. I do not want to let that opportunity pass.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2022-82 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-83 Communication (04/04/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$183,554.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, attendant care, Kūpuna Care transportation, personal care, and home-delivered meals, for the period July 1, 2019 through June 30, 2025.

Councilmember Kualifi moved to approve C 2022-83, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: None. Are there any questions from the Members? Is there any final discussion from the Members?

The motion to approve C 2022-83 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-84 Communication (04/07/2022) from the Director of Finance, requesting Council approval to receive and expend funds in the amount of \$50,000.00, from the State of Hawai'i Department of Commerce and Consumer Affairs (DCCA), and indemnification provisions contained in the HI-WiFi Program Memorandum of Understanding, to upgrade or install Wi-Fi connectivity at various parks or other public locations within the county for the purpose of increasing access to internet and broadband services.

Councilmember Kualifi moved to approve C 2022-84, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: None. Are there any questions from the Members? Councilmember Evslin.

Councilmember Evslin: Reiko or Del, I am just wondering, one, it sounds like a great program, I fully support it, but the memorandum mentions program locations, but it does not specifically say what those locations are; do you have that information here?

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance (*via remote technology*): I am going to defer to Del.

DEL SHERMAN, Information Technology (IT) Manager (*via remote technology*): We have a list of park locations. We are targeting seven (7) locations of parks. If you give me just a second, I will pull up the information I have. Vidinha, Lydgate, Kilauea Park, Isenberg, Waimea Athletic, and a couple of locations in Hanapēpē, and Kekaha initially, we will expand from there if we can, but the agreement with the State on this was, we would try to fit at least seven (7) locations, so those were the primary ones that we selected. They would be reachable with existing infrastructure.

Councilmember Evslin: Great. Will this be twenty-four (24) hours/seven (7) days a week public WiFi at these locations?

Mr. Sherman: That is correct.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Follow-up, Vice Chair Chock, then Councilmember Cowden.

Councilmember Chock: Thank you, Chair. This is great. I am completely supportive, and I appreciate it. I just noticed that there is a big gap in the Wainiha area for connectivity; has there been any discussion about a location there that we might be able to support in the future along with this?

Mr. Sherman: Yes, we have been in discussions with the State and internally in how far we can expand. The issue here is, we are limited with being able to go as far as we would like in that we do not have fiber optic connectivity

to some of these desired locations, and that fiber optic backhaul is needed to give us the kinds of WiFi broadband internet speeds that make these locations functional for our residents. We are trying to extend our fiber optic network coverage as well, we are moving forward with that under a separate project, and as that expands, then some of these “more-out-of-the-way” locations might become reachable, perhaps with some kind of point-to-point radio system. So, absolutely, we want to take those into consideration as soon as they become reachable with our network infrastructure.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Cowden, then
Councilmember DeCosta.

Councilmember Cowden: This is basically a router being placed in different parks to be able to offer public access to internet. Particularly vulnerable people have a hard time finding internet access, is that correct?

Mr. Sherman: Yes, they are referred to as a WiFi access point and it would be a commercial grade of access point to withstand the harsh conditions that exist in these locations, and each location requires more than one (1), so there would be multiple little electronic boxes and their associated antennas that would be required to be deployed.

Councilmember Cowden: What is the frequency that will be used on this equipment? Do you know offhand?

Mr. Sherman: As far as the...

Councilmember Cowden: Hertz.

Mr. Sherman: These will support the old 2.4 and will also support WiFi 6 and newer standards of 5 gigahertz (GHz).

Councilmember Cowden: It does have 5 GHz.

Mr. Sherman: Yes.

Councilmember Cowden: Okay. Thank you.

Mr. Sherman: You are welcome.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I wanted to piggyback on what Vice Chair Chock said about Hā'ena, but my location would be Waimea Valley. We cannot forget about Waimea Valley with the internet. I did the math quickly on the seven (7) possible locations that we are going to put the router. You mentioned three (3) to four (4) in the Līhu'e and east area, you mentioned one (1) at Waimea Park, so that gives us five (5) areas, you said a couple in Hanapēpē, a couple to me is two (2), so

that is seven (7), then you mentioned one (1) in Kekaha, so if you are going to do seven (7), I think one (1) of those spots will have to go. I think Kekaha, Waimea Valley, and Hā'ena should be a priority focus. I am not sure if we need to lobby money to get the fiber optic line there, but it is important because a lot of the kids, with the weather conditions cannot get to school, and they need the WiFi to do their curriculum.

Mr. Sherman: Yes, we are happy to entertain any suggestions when it comes to locations we can add, anyone who is inclined, feel free to throw those our way and we will analyze whether they are reachable or not with our infrastructure. If not, we are happy to invest some time in looking into what it would take to get out there with the network connectivity that would be required. Our locations being targeted, we agreed that if we accept these funds from the State, that we would do at least seven (7). Nothing prevents us from adding some if we can reach them. I think with the funding the State is providing, there is enough there where we can add additional pieces of equipment and not exceed our budget, so always open to suggestions. I think this is really important. I am happy to pull our thought processes on this and where we think these would be best suited and move forward accordingly.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: From the top when you were talking about the seven (7) locations, do you have a plan to do all of the County parks and public facilities?

Mr. Sherman: At present, not all the parks would be reachable. We do plan to add WiFi to any one of them that would be within reach of our fiber. In some cases, what that means is we would have to shoot a point-to-point radio from a fiber node to a park, and the distance may be as much as a mile, beyond that, we would have to look at other alternatives to getting connectivity to that park. Does that answer your question?

Councilmember Kualii: Sort of. For the ones that are not reachable, you said we would have to look into other options, and obviously that would probably cost a lot more money, but right now there are a lot of Federal dollars out there, infrastructure dollars, and it would probably be available for a few years to come. I know that they are making connectivity a priority, especially for outlying rural areas, disadvantaged areas, so I am just wondering if we have a plan to take advantage of that, and make the sky the limit, even to try and reach those hard to reach areas, because it is probably the areas that need it the most, potentially.

Mr. Sherman: Agreed. If I can comment on that, I know that some of the infrastructure vendors, such as Spectrum and Hawaiian Telcom, are taking advantage of some of those funds to extend their fiber to some of these presently unserved locations. I think as these companies extend their fiber, we can leverage their infrastructure to add more public WiFi along their routes. We will see

where it goes. I have tapped into all of the funding that I am aware of, but if anything else becomes available, this is something that really has my interest and clearly the support of you and others in the County, so we would be totally open to going as far as we can with this.

Councilmember Kualii: I will just tell you that several of us have been participating with the National Association of Counties (NACo), and I will get some information on funding and send that all to you. Thank you.

Mr. Sherman: Much appreciated.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: With this amount here of fifty thousand dollars (\$50,000), which is not a lot of money, so that is a little bit of hardware pieces for these routers. I also want to call attention like in Wainiha, a lot of times you cannot use your cell phone, they do not have the towers, so the convenience of just adding a signal out there is incredibly costly and significant, it is not just putting in the small box, is that accurate with your understanding, Del?

Mr. Sherman: To deliver cellular service to these locations is a whole other ballgame, but the one thing that this does open up, when we can reach some of these limited cellular coverage areas with WiFi, generally, all of the new smartphones have the ability to make phone calls over WiFi, so being that these networks are public, someone can connect up to County WiFi now and make calls with their phone over the WiFi network. It opens phone coverage a little bit, but we are mostly concerned about data, and especially for families that do not have internet or students that need internet for schooling and do not have any means to access that from their homes, so we have been cooperating with the college and others in making them aware of these locations so that they can get to them. Cellular service would be a whole other discussion.

Councilmember Cowden: Okay. Is there an inquiry into the environmental hazards or the health hazards with 5 GHz. I am just asking, I am not sure if that hits what is considered the term of 5G or not, is it 5G or not?

Mr. Sherman: No, it is not 5G. There has been a lot of studies done on that, it is an interesting thing to look into. There are opinions on both sides of that equation, but we would not even be getting into that at all, so it is a non-issue in this particular case.

Councilmember Cowden: Okay, thank you. I just wanted to clarify that, because there are a lot of concerns on that, and I know at the NACo meeting in Las Vegas two (2) years ago on this broadband, it was an overfull crowd and in that overfull crowd in that room there was a concern about not visiting 5G everywhere, anywhere, and so much so that it went on the priority list to allow counties the choice, and to not bring that top down. It was a very big issue to allow counties their own health choices, and it is complicated, but I want to people to hear that might be listening that this is not 5G. This is simply what we are used to for internet access,

and I think that it is important for people to hear and understand. Is that in alignment with your awareness as well, Del?

Mr. Sherman: We are in total agreement on that. This is not 5G, even though they both have the number five (5) in them, 5G actually runs in the 24 GHz up to 54 GHz range. We are in the bandwidth that just overlaps with consumer WiFi, the same thing that people have had in their homes for decades. We have no plans as a County to do any kind of 5G system deployment—this is not that definitely.

Councilmember Cowden: Thank you so much for that clarification. It is important that people are not afraid to go to the parks, that they understand that going to the partks will help disadvantaged people. Often, we have people who do not have access to the internet, so they can go to the park and sign up for programs or other things of that nature. Also, funerals and things like that happen at the parks and a lot of times they try to Zoom or broadcast over these past couple of years, so I am supportive of these choices. Thank you so much.

Mr. Sherman: Thank you all.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I want to say how totally supportive I am of broadband and of course WiFi for our whole island—all parts of our island. To pick up where Councilmember Kualii was going as to the NACo conference, there was major discussion on broadband and opportunities for funding, there is connecting there that has already happened, so you will want to take that to the next level if possible, because to me, the sooner the better for the people, especially going through what we have gone through for our island in the past. We need to get this connectivity happening sooner than later. I think we had this discussion in the budget sessions, but I just wanted to bring that up and say how important it is for us to get there sooner than later, and I know there are resources available, and we can connect that, and I feel strongly about that. Thank you for taking this to the next level.

Council Chair Kaneshiro: Are there any further questions from the Members? Is there any final discussion?

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

Council Chair Kaneshiro: I will say it is a great thing. Del, check with our Washington, D.C. consultants, they have a great plug in with our legislators. We have been through a bunch of presentations at NACo and with our individual legislators where the Federal has a big push for broadband connectivity. I know our D.C. consultants have a great working relationship with our legislators and they can probably put some type of package together specific for whatever our needs are to try to get some of the Federal government money. Just putting that out there. Is there any further discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I just wanted to say how important it is when we go to those conferences like we just did with our group and get *akamai* about the funding that is available through the government, so thank you, Council Chair Kaneshiro and Councilmember Kualii, for mentioning that.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2022-84 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

LEGAL DOCUMENTS:

C 2022-85 Communication (03/31/2022) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreements with William Hyde Rice Ltd. and Cumberland and Western Resources LLC, respectively, for the Kīpū Bridge Rehabilitation Project, to repair Kīpū Bridge, install new guardrails, and resurface the asphalt pavement on the bridge and bridge approaches to the properties situated at Tax Map Key (TMK) Nos. 3-1-002:001 and (4) 3-3-018:002, Līhu'e, Kaua'i, Hawai'i.

- Property Adjustment Agreement by and between William Hyde Rice Ltd. and the County of Kaua'i related to TMK 3-1-002:001, and
- Property Adjustment Agreement by and between Cumberland and Western Resources LLC and the County of Kaua'i related to TMK (4) 3-3-018:002

Councilmember Kualii moved to approve C 2022-85, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: None. Are there any questions from the Members? Council Vice Chair Chock.

Councilmember Chock: I just wanted to hear more about this particular TMK and the jurisdiction that it falls under.

There being no objections, the rules were suspended.

MICHAEL MOULE, Chief of Engineering Division (*via remote technology*): The situation here is that Kīpū Bridge, on Kīpū Road over Huleia Stream, that has been a County bridge for a long time. It is a Federal aid bridge that we inspect every two (2) years. The road right-of-way for Kīpū Road is on easements through private parcels. The County owns and maintains the portion of Kīpū Road to the bridge, after the bridge is actually considered a road-in-limbo, we have a response that discusses that road amongst others that I understand is currently in legal review, talking about roads-in-limbo, and you will find out more about that piece of Kīpū Road past the bridge, but because the bridge and the adjacent road are on easements, there are actually two (2) different parcels that we are asking for Property Adjustment Agreements for, two (2) parcels that we sent to you. I think one (1) on each side of the bridge or actually each side of the stream, and we are getting the Property Adjustment Agreement because we will be working on those properties mostly within our easement, but potentially, especially on the other side of the bridge off of the easement a little bit in order to do the work, that includes on the north side of the bridge, the nearside if you are coming from the highway there is a way down area on that side that is shown on the maps with the Property Adjustment Agreement, and the area off to the side of the road fully on private property, for us to have our contractor stage their equipment and materials for them to do the work. But these are very large agricultural parcels, and we are just trying to get easements to do the work on the bridge. Does that answer your question?

Councilmember Chock: Yes, thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I wanted to know, Mike, is the Kīpū Bridge right past the old Kīpū Falls parking area where people would go to the waterfall?

Mr. Moule: Yes, it is that bridge.

Councilmember DeCosta: You informed us that the bridge is on our County road, but the road passing the bridge is a road-in-limbo, then that road-in-limbo, where does it lead? Does it lead to a public place? Does it lead only to a private Rice estate? Could you educate us on where that road leads to?

Mr. Moule: As I have mentioned, the road is considered a County road to the bridge and on the bridge. On the other side of the bridge, there is about another half a mile or so of, paved might be a stretch, but it used to be paved, it has some pretty big potholes now, it leads to several private parcels, some of which are own by Rice, some of which are owned by Grove Farm, and there are other landowners. There is the Kīpū All-Terrain Vehicle (ATV) Tours and the Kīpū Zipline Tours that use that road. Also of note, this is the road amongst other roads through other private parcels that would access the KipuKai land on the other side of the

mountain range that is currently privately owned, but I think most people are aware it is supposed to be turned over to the State as State land after heirs pass on, as I understand it.

Councilmember DeCosta: I just want to make sure that when we spend our funding like that, we are not just...if this is a public area where the public can drive and visit, that is great, but if it is not, and we are entertaining specific landowners, you have mentioned Kīpū ATV Tours and Kīpū Zipline Tours, but those are still companies that operate on private property, so I just want to make sure our funding is being well spent and that it benefits the public.

Councilmember Kualī'i: There are homes back there.

Councilmember DeCosta: Again, where are the homes? Does it sit on the Rice land or is it private landowners? That is what I want to find out.

Councilmember Kualī'i: Probably a mix.

Councilmember DeCosta: Can you get us that information, Mike? Those homes that are there, are they on the Rice property lands or are they private landowners that own small parcels of land that is landlock within the Rice Estate?

Mr. Moule: Give me a second here.

Councilmember DeCosta: You can get back to us.

Mr. Moule: I can tell you how many homes there are by that road, just give me a second. I have a spreadsheet that counted those. There are eleven (11) dwelling units on the parcels that are there. They are, generally speaking, within the large parcels of land that are back there, but it is multiple parcels, it is not just a single parcel of land where those homes are, I believe. Also to note, although it is a road-in-limbo pass there, we understand it is an easement over the land up until you get to the end of the paved road where it splits off into separate smaller driveways to go to each of the private parcels at the end—that is a public easement. So people do drive, bike, or walk to the end of that road as a public access location, in addition to the fact that they access the eleven (11) homes that are on those parcels, as well as the businesses that we just discussed that are accessed by that road.

Councilmember DeCosta: Are those eleven (11) homes privately owned by residents throughout Kaua'i or are they homes owned by the Rice family that are rented?

Mr. Moule: I do not have that information.

Councilmember DeCosta: Remember I spoke to you folks about a road-in-limbo in Lāwaʻi and there are a bunch of community residents who live back there, and I wanted to make sure we are being fair when we do work near road-in-limbo, that we do not just pick and choose the areas that we work on.

Mr. Moule: I understand that, and as I have mentioned earlier, we do have a road-in-limbo report coming to you all. Vague way due to the amount of research that it took to do it, it is being reviewed by the Office of the County Attorney right now, that is going to look at all the roads-in-limbo and prioritize them for possible acceptance by the County to take over those roads and start paving and maintaining them. In this case, this portion is already County owned, the bridge is already County owned, and we think it is important, regardless of whether the County decided to take over the road-in-limbo in the future, and this road is on the list, compared to other roads-in-limbo, we think it is important that we maintain the existing infrastructure that we do own, so that it is safe for the travelling public whether it is for the overall public or for these private landowners and the businesses there, we think it is important that we maintain this bridge. Really, this is a project fully to repair, so that we are fixing the small concrete, making sure the reinforcement is not exposed to the weather and that sort of thing.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to backup Councilmember DeCosta's questions, because I think they are very important. There are many roads-in-limbo. There are bridges that need to be fixed. We see problems like 'Aliomanu where you start to wonder if on the far end, those houses will even be reachable, although, that could be something like a community, finance, monetary development fund like we saw for Kukui'ula. Am I remembering correctly, Michael, that at one point when we had car accidents, that road was used as a bypass, or does it not go anywhere? Am I remembering the wrong spot? You could never use that for a public purpose, that road-in-limbo. What was it? Could you go around there? It seems like they stopped the use of a road back there, because private landowners do not want it utilized, and that is what I see happening with these government roads in limbo that are allowed to decay. There are many places where they are allowed to decay to privatize areas. What is happening with that there?

Mr. Moule: I will answer that by sharing my screen, if that is okay, and sharing a map of the area, so you understand where this bridge is.

Councilmember Cowden: Please, that would help.

Mr. Moule: If you can see the screen here, this is just a Google Map image of this general area. I will zoom in as much as I can. Generally speaking, this is the greater Līhu'e area, Rice Street here, the County offices are here in the upper right hand corner. This area here is Costco, Kukui Grove Shopping Center. This is the neighborhoods in Puhi. Here is the harbor down here, Nāwiliwili. This road here is labeled incorrectly in Google, but this road from here to here is called Kīpū Road, officially. The continuation of what was and still is a bypass is called Ulumalu Road, that follows this alignment here. It connects to Puhi Road here, and you can get into Puhi this way on Puhi Road. It continues this way, connects to Haleaka Road, or you can go to the Pua Kea subdivision, and the Pua Kea Golf Course, and then continues down pass the Menehune Fishpond overlooking down in to Niumalu and ultimately to that Nāwiliwili Harbor area in Kalapakī. Kīpū Road as I have mentioned, is this first little leg of that bypass, is Kīpū Road as it is officially named. Kīpū Road then turns right, and it was never part of the bypass. It would have been presumably access to the tunnel that was used for sugar cane hauling and is currently used for some of the ATV tours, as I have understood it, although I have never done that, but I will zoom in here a little bit. Again, this is the highway, Kīpū Road, Ulumalu Road, then Kīpū Road turns to the right, comes down here where it crosses the stream here is where the bridge is. The County owns this portion of Kīpū Road that owns and maintains it from all the records that we could find, and this piece is what is considered a road-in-limbo. This last little piece that goes to here. At this intersection here, the pavement ends, and the easement ends, so it really is just this last half or quarter mile that is the road-in-limbo, and the County has and does maintain this portion of Kīpū Road and the bridge here, but this bridge was never part of the bypass that could be used for the bypass. Before the highway was widened through Puhi, or when there is a crash, people cannot use this to get around traffic, it does not go anywhere except to these private parcels, and the tunnel of course, which is not open to the public to use as a passing, it is not safe for that purpose.

Councilmember Cowden: Okay, thank you so much. I really look forward to this report on all of our roads-in-limbo. I think it is very important for us to be looking at those and holding on to the roads that are valuable for our people. I am respecting what was said, that we are investing a lot for a small group of people, so it is important to see that we do not pick winners and losers unfairly, but I also get that once these bridges are gone, they are effectively gone. I appreciate the clarification.

Council Chair Kaneshiro: Are there any further questions from the Members? Is there any final discussion from the Members?

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

The motion to approve C 2022-85 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-86 Communication (04/05/2022) from the Director of Parks & Recreation, recommending Council approval, of a Right-of-Entry Agreement and associated terms between the County of Kauaʻi and the State of Hawaiʻi Department of Transportation for the Wailua Beach emergency project, situated at Tax Map Key (TMK) Nos. (4) 4-1-004:001 and (4) 4-1-005:004 (por.), for a public purpose, to wit: the construction, preservation, and protection of the highway project known as the Kūhiō Highway Emergency Shoreline Mitigation, Federal Aid Project No. ER-24 (004).

- Right-of-Entry Agreement

Councilmember Kualīʻi moved to approve C 2022-86, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions?
Council Vice Chair Chock has a question.

Councilmember Chock: Pat, I do not know if you are on or if anyone else can answer. The map that we have here Exhibit "A," I just want to clarify; it looks like this is part of the beach closer to the *heiau* as well as the pathway. I just wanted to confirm that is what this is. I have a second legal question about what the implications are if we are getting a right-of-entry with the kind of work that we are going to do, and what we have seen in terms of the shoreline degradation. Can you share with us a little bit about the work being proposed?

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation (*via remote technology*): This right-of-entry is for the Department of Transportation, so the County will not be doing any work in this area.

Councilmember Chock: Okay.

Mr. Porter: One hundred percent (100%) the Department of Transportation. I do not really want to speak too much about what the project is, because I do not know the full extent of it, but apparently in a nutshell, whatever they are going to put in is a new technology that is supposed to enhance the beach also. It is supposed to retain sand and it is some type of new technology for shorelines that they are going to put there.

Councilmember Chock: Understood. So, it is the beach restoration project that we were talking about that needs access?

Mr. Porter: It is part of it, also to protect the highway.

Councilmember Chock: The only right-of-entry that they need is the area that you oversee, which is the bike path part.

Mr. Porter: The portion fronting Coco Palms, yes, that stretch.

Councilmember Chock: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there any final discussion from the Members?

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

The motion to approve C 2022-86 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

CLAIMS:

C 2022-87 Communication (03/28/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by James Brown, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2022-88 Communication (03/31/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sashalis Catley-Kanei, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2022-87 and C 2022-88 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions or discussion from the Members?

The motion to refer C 2022-87 and C 2022-88 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2022-04) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2848 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00*),”

A report (No. CR-COW 2022-05) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2849 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kaumumene (Hideaways Beach) CIP Budget – \$1,500,000.00*),”

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

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none, are there any questions or discussion from the Members?

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

Council Chair Kaneshiro: The motion is carried. Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2854) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-2)

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2854) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 18, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Chock.

(*Councilmember DeCosta was noted as not present.*)

Council Chair Kaneshiro: We receive no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none, I will suspend the rules, Jodi, if you want to give us a brief description on this item.

There being no objections, the rules were suspended.

JODI HIGUCHI-SAYEGUSA, Deputy Director of Planning (*via remote technology*): This Bill is relatively simple, it is a Bill that includes the Kaua'i Emergency Management Agency (KEMA) managed out their warning signs system and infrastructure from, it exempts them basically from some of the zoning requirements that would be imposed should they were to install warning signs or signs of that nature to help warn the public of any hazards. Most of these are going to be in the coastal areas, so it would not necessarily exempt the Special Management Area (SMA) permits.

(Councilmember DeCosta was noted as present.)

Ms. Higuchi-Sayegusa: There would likely be a measure of oversight, it is just under the Shoreline Setback Ordinance, for instance, there would be years of study requiring and to manage an assessment, shoreline certification survey, which could cost thousands of dollars just to site sirens and to work towards installing these critical infrastructures that is meant to warn the public. We wanted to make it a little bit easier for them as far as taking out of some of the Shoreline Setback Ordinance requirements and of course allow them to install these things in a little easier fashion, but of course SMA permits may still be required.

Council Chair Kaneshiro: Are there any questions from the Members on this while the rules are still suspended? Is there any final discussion from the Members? If not, roll call vote.

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

The motion for passage of Proposed Draft Bill (No. 2854) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 18, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualī'i, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Proposed Draft Bill (No. 2855) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-3)

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2855) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 18, 2022, and that it be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Jodi, if you want to give us a brief description on this item also.

There being no objections, the rules were suspended.

Ms. Higuchi-Sayegusa: Sure. This Bill is meant to simply clarify confusion that is already existing under the Commercial General Zoning District in the Use Table. Warehouses are listed twice. First, it allows warehouses to be generally permitted. In addition, later on down the table, it specifies that warehouses require a Use Permit, so this is meant to just clean that up, and clarify that in the commercial General District, warehouses should be outright permitted instead of requiring Use Permits.

Council Chair Kaneshiro: Okay, thank you. Are there any questions from the Members? Is there any discussion from the Members? Roll call vote.

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

The motion for passage of Proposed Draft Bill (No. 2855) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 18, 2022, and that it be referred to the Planning Committee was then put, and carried by the following vote:

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

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

BILLS FOR SECOND READING:

Bill No. 2848 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00*)

Councilmember Kualii moved to approve Bill No. 2848 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions or discussion from the Members? I am happy to be approving this measure. I think we always look at beach access and mountain access as an important issue for residents and in this case, there was a difficult beach access here, someone was injured, it was brought to our attention that a lot of our paperwork was not cleaned up, the easements and all of that information, and in this case maybe it was a blessing that it happened, because we are able to cleanup the easement. I have to commend everyone for passing a Charter item on the Open Space a while ago that allows us to do these kinds of one-type improvements, so in this case, we are allocating one million five hundred thousand dollars (\$1,500,000) to improve that access that has all of the legal documents in order, and we are basically perpetuating that access for the future forever, so I think it is a great thing, and I will be voting in favor of it. Is there any other discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I also want to express gratitude. I hope that it does not cost a whole one million five hundred thousand dollars (\$1,500,000), but I want to thank the Planning Department for working on this, the Open Space Commission, the rest of the island for allowing this to be a priority. Hideaways or Kaumumene has been an important piece for the North Shore and Princeville, it is one of the remaining places that people can get down there. I want to thank Pu'u Poa. I want to thank the volunteers, Michael Lyons was a really strong one, and Surfrider. I think this is an excellent example of the range of the community coming together to do the right things, and it is an honor to be part of Council when we are protecting something this important to our community. Again, *mahalo* to the entire island, because it takes a certain amount of sacrifice from each area to support an open space strengthening on another part of the island, so *mahalo* all.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I just want to echo what Councilmember Cowden said, how all the people came together to make this open space beach access available and to fruition. Actually, directly *mauka* from that there is land that is land-locked that east and north shore people cannot get to. It is so funny how we can get to the beach, but we cannot get to the mountain, but we always say *mauka* to *makai*. Maybe we can send a message out to our constituents telling them this

happened and let us think big and maybe we can get mountain access someday on the North Shore, unit "C" lot land area. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to say *mahalo nui loa* to everyone mentioned. I will say that this is just one example of protecting, improving, and continuing public access, and we have many other areas that also need attention and perhaps funding as well. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion to approve Bill No. 2848 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Bill No. 2849 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kaumumene (Hideaways Beach) CIP Budget – \$1,500,000.00*)

Councilmember Kualii moved to approve Bill No. 2849 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none. Are there any questions from the Members on this? If not, roll call vote.

The motion to approve Bill No. 2849 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

(Councilmember Kualii was noted as not present.)

EXECUTIVE SESSION:

ES-1072 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1073 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of Dylan DePue, et al. vs. County of Kaua'i, et al., Civil No. 5CCV-21-0000122 (Fifth Circuit Court). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1072 and ES-1073, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

(Councilmember Kualii was noted as present.)

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

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

Council Chair Kaneshiro: Seeing none. Is there any discussion from the Members? We will take this item at the end of the day today.

The motion to convene in Executive Session for ES-1072 and ES-1073 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: That concludes the business on our Council agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:44 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:jy