

COUNCIL MEETING

JULY 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, July 20, 2022, at 10:02 a.m., after which the following Members answered the call of the roll:

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

APPROVAL OF AGENDA.

Councilmember Carvalho moved for approval of the agenda, as circulated, 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 one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Is there any questions or discussion from the Members?

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:

July 6, 2022 Council Meeting

July 15, 2022 Public Hearings re: Bill No. 2868, Bill No. 2869 and Bill No. 2870

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

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

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

Council Chair Kaneshiro: Are there any questions or discussion on this item from the Members?

There being no objections, the rules were suspended.

TARA ROJAS (*via remote technology*): I have a question.

Council Chair Kaneshiro: Are you wishing to testify on the minutes?

Ms. Rojas: I have a clarifying question. The next meeting is August 3, 2022. Is there going to be an opportunity available for a discussion with the community instead of only hearing testimony and then something gets passed? When is there a town hall or discussion-type of meeting where we can have a discussion with the Kaua'i County Council or the Planning Commission? When does that ever happen? People have been testifying and what the Councilmember just said earlier to clarify the Bill...how does it work where a discussion can occur?

Council Chair Kaneshiro: If you want to leave your phone number and your E-mail address, we can have staff or a Councilmember contact you. We can tell you the procedures for the Council Meeting. August 3rd is when the item will be coming back up. There will be a Committee Meeting for the public to speak on it and that is when the Councilmembers will discuss the Bill further. If you have any further questions, please leave your name, number, and E-mail address and we will contact you.

Ms. Rojas: Okay, so there is never really a sit-down session with the community and the Councilmembers to discuss these things? That is not how it works? That is part of how these meetings are held?

Council Chair Kaneshiro: Councilmembers can meet with the public at any time throughout the week. A Councilmember can meet with any member of the public. The public hearing is the time when the public can testify on the item and specifically to that agenda item. Ultimately, it is the Councilmembers' decision during Committee if they want to amend it, vote it down, or move it forward.

Ms. Rojas: Okay, so there is no sit-down with the community and the entire Council to talk and discuss things?

Council Chair Kaneshiro: Not on every agenda item. Again, if you want to leave your name and number, someone can talk to you about what you are asking. Right now it is not the appropriate time for us to be going back and forth on the procedures of the Kaua'i County Council meeting, it is actually holding up the meeting. Please leave your name or contact information and we can contact you after the meeting. We are on the minutes.

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

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 2022-155 Communication (07/05/2022) from the Mayor, transmitting for Council consideration and confirmation, the reappointment of John Latkiewicz to the Board of Ethics – Term ending 12/31/2024.

Councilmember Carvalho moved to receive C 2022-155 for the record, seconded by Councilmember DeCosta.

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

There being no objections, the rules were suspended.

LONNIE SYKOS: Is this for the reappointment to the Board of Ethics?

Council Chair Kaneshiro: Yes, for John Latkiewicz. Let me just mention that we do have his Resolution coming up later on the agenda. We will incorporate your testimony for his Resolution as well.

Mr. Sykos: Would you rather me speak now or later? It makes no difference to me.

Council Chair Kaneshiro: It is up to you if you want to speak on it now or later. You can wait for the Resolution as well.

Mr. Sykos: I prefer now so that you have time to reflect on what I have to say. My understanding of when you get on a board or commission in this County, there is a process of training, which is primarily to protect the County from inappropriate public statements or activities by the board members, and an introduction of Robert's Rules of Order. There is no training in what it is the board itself is supposed to do. My question for this candidate is, what informs his perception of ethics? This is a very critical question to the public, because he is going to determine ethical behavior for government officials, and government officials have protections that ordinary citizens do not have. For instance, if the government can demonstrate that there was a past pattern of behavior, even if the behavior was criminal, so long as the prosecution cannot prove that they knew beyond a shadow of a doubt that what they were doing was criminal, they have an absolute defense against criminal prosecution or civil suits based upon the fact that it is the past

practice of the government. This has occurred many times in this government, and I will address the five (5) audits that were performed when we had a County Auditor. My question for the person for the Board of Ethics is what informs your ethics? It is entirely possible that something I would consider unethical like having personal possession of public property and that I am allowed to have it or dispose of it because it was past practice that people have always done this, thus I have not done anything wrong, but is it ethical? Can something be legal and unethical? That is my question. This is all within the practice of government officials. Will he use the Board of Ethics as a bully pulpit, or will they be mute and wait for the public to make accusations of unethical behavior, or will the Board of Ethics be proactive? Thank you.

Council Chair Kaneshiro: Lonnie that is your first three (3) minutes. Is there anyone in the audience wishing to testify? Alice.

ALICE PARKER: I think Lonnie brings up good points. We have all seen some horrendous ethical problems in this County. We do not want it to continue. We want to make sure that ethics is clearly defined. Thank you.

Council Chair Kaneshiro: That testimony will be incorporated with the Resolution. Lonnie, did you want your second three-minutes? Is there anyone on Zoom wishing to testify? Seeing none.

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

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

The motion to receive C 2022-155 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2022-156 Communication (06/27/2022) from the Director of Finance, requesting Council approval, to accept the terms contained in the Standard Terms & Conditions of the Trepp, Inc. contract for Real Property Assessments, to provide the County with data and analytics of appraisal data such as comparable property data, benchmarks, historical financials, appraised values, and property subtypes.

Councilmember Carvalho moved to approve C 2022-156, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Do we have any questions from the Members? Councilmember Cowden.

Councilmember Cowden: Thank you, Reiko. I just basically want a very simple understanding of our relationship with Trepp. Is it a software and we just utilize

their software? I know we have approximately thirty-six thousand (36,000) properties, that is a lot to assess. If they basically scan all the data and give us a starting point for that assessment, what is our relationship structured like?

REIKO MATSUYAMA, Director of Finance (*via remote technology*): Thank you for the question. Trepp is software- and web-based, so we are just going to have a log-in, to their information. It basically provides us information. It is powerful information that we can use to help our assessors in Commercial-, Industrial-, and Resort-type properties. It will not help us at all with Residential assessments.

Councilmember Cowden: Okay, so this is for higher-end properties. Is it basically we put parameters in it and do they send...who goes and assesses the property? Maybe it does not need to be assessed? Do we ever talk to someone from Trepp or is it that we have the software?

Ms. Matsuyama: We just have access to the software. Our assessors are still going to be the ones doing the assessments, but it will help us in defending those assessments at the Board of Review and State Tax Court as well.

Councilmember Cowden: Is this a new contract and new software for us? Are we stepping into a whole new pathway?

Ms. Matsuyama: That is correct. Yes.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want you to explain this a little bit more for me personally and for the people watching. You mentioned that the Residential assessments or appraised values will not be affected and this is more for Commercial or Resorts. I was a little worried for our local families having a home worth, in the building, approximately three hundred thousand dollars to five hundred thousand dollars (\$300,000-\$500,000) living next to a property that someone from the mainland moved over in a year and built a two-million-dollar mansion. I am worried that our local people in their residential homes, their assessed value would rise. It only helps if you are going to sell a property. It does not help if you have to pay the taxes and keep the property in our families. Can you explain again whether it will affect the residential properties?

Ms. Matsuyama: Just to be clear, this is not going to change how we appraise any properties. This is just another tool in our toolbox that we can use to help us defend our valuations. Yes, it gives us access to commercial data, financial information, appraisals, and those kinds of things that we would not otherwise have at our disposal.

Councilmember DeCosta: You were saying that you are not going to use that data against residential homes to increase their...

Ms. Matsuyama: Trepp does not provide any residential data.

Councilmember DeCosta: Thank you, Reiko.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there anyone in the audience or on Zoom wishing to testify?

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

Council Chair Kaneshiro: Is there final discussion from the Members?
Councilmember Cowden.

Councilmember Cowden: I am encouraged to learn about this. Just my standard question I ask regularly, have we broached this with the Hawai'i Lodging & Tourism Association just to let them know that we are having an update in how we manage our assessment pathways? It is always good, to me, that they are aware that we are making a change, whoever might be impacted. What might be accurate for us is that a resort might be worth more than we think it is or maybe it is worth a percentage less. One would expect that when we improve our process by using comparable data, that there would be a difference, otherwise we would not be investing in this software. I think it is always good if the people or entities affected by our choices are made aware of it. That might really be a question for Reiko. I guess it is a question for Reiko. Are they aware that we are making a change and is there a pathway for helping their awareness?

There being no objections, the rules were suspended.

Ms. Matsuyama: Again, it is not changing anything. We are going to continue to appraise them as we always have. It is more information that we would not otherwise had when we are developing the valuation.

Councilmember Cowden: I get that. We are doing it because it is going to make us better at what we are doing it, right? We would not buy it if it did not make us better. I was just curious if there is anyone from the organization that we could let know that we are doing it.

Ms. Matsuyama: No, we have not told anyone.

Councilmember Cowden: Okay, alright. Thank you.

Council Chair Kaneshiro: Are there any further questions?

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

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

The motion to approve C 2022-156 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item

C 2022-157 Communication (06/28/2022) from the Chief of Police, Deputy Chief of Police, and Elliott K. Ke, Assistant Chief, Patrol Services Bureau, requesting Council approval to receive and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions for the first quarter, with a total anticipated amount for the Fiscal Year of \$402,612.00, and approval to indemnify the State of Hawai'i, Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contracted period of July 1, 2022 to June 30, 2023.

Councilmember Carvalho moved to approve C 2022-157, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Do we have any questions from the Members? Councilmember Cowden.

Councilmember Cowden: I just have a very simple question. First of all, I appreciate getting State funding as it stretches our money further. It looks like this pays the complete salaries for those three (3) Dispatchers. I am trying to remember how many Dispatchers we have. Is it around twelve (12) or more? Fifteen (15)? Is this just a percentage of what our total cost is?

TODD G. RAYBUCK, Chief of Police (*via remote technology*): Good morning. This is a recurring grant that we receive from the State that does fund those three (3) positions. I also have Assistant Chief Ke from the Patrol Services Bureau that oversees the dispatch center online so that he can answer that question for you.

Councilmember Cowden: Thank you.

ELLIOTT K. KE, Assistant Chief of Police, Patrol Services Bureau (*via remote technology*): Councilmember Cowden, to your question, we have nineteen (19) dispatcher positions. I believe we have one (1) current vacancy in there. This grant is used to fund the entry-level dispatcher positions and once they become permanent, that is when we start funding them. These funds can also be used to fund shortages because of vacancies. That is what the State allows us to do.

Councilmember Cowden: Okay, thank you. That completes my interest in that question. Thank you for all that you do and for getting this extra funding for the entry-level people.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify on this item?

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

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

The motion to approve C 2022-157 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item

C 2022-158 Communication (06/28/2022) from the Deputy Planning Director, requesting Council approval to receive and expend Federal/State funds for the Hawai'i Coastal Zone Management (CZM) Program in an amount up to \$354,947.00, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the program. This reoccurring pass-through grant will be utilized to continue the implementation of the CZM Program on Kaua'i commencing July 1, 2022 to June 30, 2023 and be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kaua'i and Shoreline Setback provisions of Chapter 8, Kaua'i County Code 1987, as amended.

Councilmember Carvalho moved to approve C 2022-158, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Do we have any questions from the Members? Councilmember Cowden.

Councilmember Cowden: Thank you. I know this is a recurring grant so I just have very simple questions. Thank you for the schedule on the budget. What does CBA stand for?

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director (*via remote technology*): The collective bargaining agreements. The fringe benefits related to those positions.

Councilmember Cowden: Okay. Are these four (4) positions fully-funded by these State moneys or do we pay a portion of any of it?

Ms. Higuchi Sayegusa: They are fully-funded by the CZM grant.

Councilmember Cowden: Are these job positions fully dedicated to coastal zone management?

Ms. Higuchi Sayegusa: Yes, their primary duties are to implement the CZM program and specifically the Special Management Area (SMA) and Shoreline Setback program. Of course, they also do support, in general, the Planning Department and its various functions. That is the primary duties of those positions.

Councilmember Cowden: I thought this last weekend or last couple of days is a really good example of why it is important, when we have had these king tides in Po'ipū...the Kona footage was really incredible. Are the County's goals are shifting or evolving with these job functions? My guess is that they adapt as we have events such as that. It seems like we did not have a washout like that since the hurricane. It has been a really long time.

(Councilmember DeCosta was noted as not present.)

Ms. Higuchi Sayegusa: It was definitely a notable event. There is definitely discussion within the Department on how the event would affect things like shoreline setback and of course other regulatory measures that we are looking at implementing as far as SMA. Yes, it is definitely a very important area and also notes the importance of the CZM program and the moneys that go towards making that a priority for the Department as well.

Councilmember Cowden: Thank you. If I could request, if it is not easy then I do not need it, but I would love to see if we have any kind of map that shows where the impact of that king tide was. I want to see if it impacted Salt Pond. I heard that it did not hurt the landfill. I have not really seen a map of where the reach of that was. I know in Nāwiliwili, I heard from some people there that it was really nerve wracking how the water moved into Nāwiliwili. That was just a particular call that I got. I do not know if our CZM program tracks things like that. If they do, I would be very interested to see the impact of those king tides. Have you heard from the salt farmers if it impacted them?

(Councilmember DeCosta was noted as present.)

Ms. Higuchi Sayegusa: I am not one hundred percent (100%) sure. I know some of our staff did go out and physically take note of some of the various impacts, as well as other agencies. We can definitely provide you with some background information.

Councilmember Cowden: Okay. That would be good. I know there has been a lot of shoreline erosion in Kekaha. I am at a conference, otherwise I would have driven out to go and look to see how much of that beach edge washed back. Some properties have lost close to an acre in the past ten (10) years. Thank you for having this CZM program. I am glad that the State is paying for it. They are the ones requiring it, so they pay for it. Is that correct? Is that why they pay for it? It is a funded obligation.

Ms. Higuchi Sayegusa: The CZM program has its set priorities, which is of course sea-level rise and climate change impacts.

Councilmember Cowden: Thank you.

Ms. Higuchi Sayegusa: Also, it is a Federal pass-through grant. It is a Federal grant under the Coastal Zone Management Act that is passed through the State, which the County implements.

Councilmember Cowden: Okay, thank you so much.

Council Chair Kaneshiro: Are there any further questions from the Members? Is there anyone in the audience or on Zoom wishing to testify? Lonnie.

Mr. Sykos: I want to thank Councilmember Cowden for the questions that she asked. This is very important to the public, although probably many people in the public are preoccupied trying to survive to think about these issues. For example, I live in Wailua Houselots. The bridge that connects me to Līhu'e currently is two-thirds (2/3) blocked by sand and gravel, the river channel. It is two-thirds (2/3) blocked by sand and gravel. Prior to the storm event that brought all the logs down, about one-third (1/3) of the channel was blocked. The State is going to come in and do a project to try and eliminate the problems created by two-thirds (2/3) of the channel being blocked without clearing the river channel. For all of us that live are indirectly impacted by coastal disasters. Whether or not they get this right before the event occurs is everything. I am very much grateful to hear the questions and that we have these positions that have been funded for many years. What is the tangible result of all of this funding in regards to the management of our coastal lands and how that is completely intertwined with our civil defense? The proper coastal zone management would hopefully prevent some of the problems that we see could occur with sea-level rise, storm surge, and all of that. I encourage the Administration to look at what has been done over the last decade with these funds and inform the public what the tangible, real, and measurable benefits that we got out of it versus just saying that we studied a lot of stuff. You need to study things, I am not dogging that, but that is not a tangible result for the public. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience or on Zoom wishing to testify? Seeing none.

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

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

The motion to approve C 2022-158 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. With that we are at 10:30 a.m., so we will take a ten-minute caption break and come back.

There being no objections, the meeting recessed at 10:31 a.m.

The meeting reconvened at 10:44 a.m., and proceeded as follows:

C 2022-159 Communication (07/05/2022) from the Housing Director, requesting Council approval to engage with Hawai'i Data Collaborative, to conduct a study of financial need and housing affordability on Kaua'i. The proposed project has an estimated value of \$40,000.00.

Councilmember Carvalho moved to approve C 2022-159, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Is there any questions from the Members? I will suspend the rules. Councilmember Cowden.

Councilmember Cowden: Can I ask Adam for a simple explanation on the Hawai'i Data Collaborative and what information will form our strategies? I think I heard him say something during discussion about "scraping the web?" I found that interesting. I want to know what we will get and how likely are we to get help from it?

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (*via remote technology*): Aloha Chair, Adam Roversi, Director, Housing Agency. Thank you, Councilmember Cowden. I think we anecdotally understand that rents have increased and rental units are more difficult to come by than they have been in the past. People are being squeezed out of available units. While there is more data available on home prices because all sales are publicly recorded, there is not a lot of data or information publicly available and compiled about renters. The purpose of this study is to try to put together a picture of the rental market on Kaua'i and the need similar to what is available for homes that are for sale. You mentioned "scraping information" from the website. Many rentals are advertised on Craigslist and other web-based platforms—that is one of the procedures that Hawai'i Data Collaborative, which is a nonprofit organization, will utilize to come up with a rental picture for Kaua'i based on geography. Another opportunity that will help with doing this project is through the Emergency Rental Assistance Program, where we provided rental help to almost two thousand (2,000) Kaua'i households. That has provided us a pool of data about rents in specific geographic areas. While protecting personal data of anyone who received assistance, because that will not be shared with the Hawai'i Data Collaborative. However, they will be able to review the higher-level rental amounts and geographic area information. To add to the work that they are already doing, scraping information from the internet and websites, to try to put together a snapshot in time image of the rental picture on Kaua'i, as well as the degree of financial hardship or financial need of the residents on Kaua'i, based in part on information we have collected through the rental assistance program, through census data, and other publicly available information.

Councilmember Cowden: Thank you. I am pleased to hear that we have an outside contracted person to help us get that. I know they are a nonprofit or something to that effect.

Mr. Roversi: Yes. They are donating these services to us at no charge.

Councilmember Cowden: That is wonderful and why we see an estimated value of forty thousand dollars (\$40,000). If I could make a recommendation for some type of portal on the housing page where we are able to see how many people are leaving the island. I asked the Department of Motor Vehicles the same question before, but we

do not really understand why; there could be a number of reasons why people leave or terminate. We had a testifier earlier today that said something that resonated with me about people leaving on the daily. That was “his” words, it was not about leaving monthly. I might not hear about it every day, but weekly, I hear from people we are being squeezed out. It might not be the amount of money to pay for rent, it is the lack of ability for any place to rent. That might be an interesting number for us to have a vector. If people want to volunteer that information if they have it, I think it is important indicator. I only know anecdotally. If that is something that you can talk to your data tracker on and to look for who is leaving, and to suggest there might be some way we can collect that data ourselves.

Mr. Roversi: We can certainly explore that possibility.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Adam. I wanted to share with you, but I am sure that you already know this. I believe the Department of Finance, Real Property Tax (RPT), has a list of local homeowners who rent under the Affordable Rental Housing Program, which should show you some numbers of available units that are for rent and the amount of rent they are charging. I am one of those people who partners with the County’s Affordable Housing Program to ensure local families have a place to live. I am sure there is a lot of information you can get that is readily accessible and/or point a nonprofit in that direction. Councilmember Cowden brought up a good point regarding having a database. It would be nice to see who is out there renting their units at an affordable price and who is not renting to the local rental market. Thank you.

Mr. Roversi: Thank you. Yes, RPT preliminarily shared their data about the Affordable Rental Program as it relates to the Tax Exemption Program for the past year. To be honest, I was shocked at how many people are participating in that program. Not having seen the data, I presumed it was much lower. From my recollection, it is that it is somewhere in the ballpark of one thousand seven hundred (1,700) units participating in that program. Do not quote me on that, that is from my memory, I have not looked at the data in a few months. I can confirm that with RPT.

Councilmember DeCosta: Adam, earlier today we had testifiers who talked about ethics and having politicians with ethics. I think this is a good way to show the people that some of your politicians have ethics and are renting out affordable housing.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, while the rules are still suspended, is there anyone in the audience or on Zoom wishing to testify? Tara.

Ms. Rojas: Yes, *aloha*. I would like to testify and from hearing you say that you need data and have a mechanism to track data. For me, it is surprising to see the amount of people who are leaving daily. My comment is, I do not

know how it all works, but I know the *lāhui*, the people, and the community are willing to share data and they want to be heard. Through this colonized time-consuming process that people do not know about...I barely know myself and am only finding about this now. Why can we not have some kind of town hall or community meeting be held? That is how you are going to get more data. When I hear you talking about this, about, "...oh we have to find the data, it would be very interesting to hear," or "I am surprised to hear about people participating in an affordable housing rental unit" you can correct me if I am wrong, but there are so many people. I do not know who is being consulted. Open up a meeting and make it with a title that is relatable for the community. Ask to hear everyone's feedback. What the testifier Lonnie said, what are the tangible results in gathering this feedback? There is so much data from the *lāhui* and the community, that you can gather. There has to be a way outside of this colonized system for it to happen. This Sunshine Law, Planning Commission, or these agendas, we need common sense where regular people living here have the opportunity to speak. That is where you will find the data. When I mentioned the Thirty Meter Telescope (TMT) trying to find consultants within the community, who did they actually consult with? Just like how you are able to hear out developers for their permits and submittals that they submit to the Planning Commission, just as you hear developers and corporations, when are you going to hear the community, reach out, and listen to the community. That is where you are going to find the data regarding this that is going to drive the affordable housing and any resolution. All of that should have been done and already be in place. Not for outsiders, not for tourism, for the local community. It should be the people for the people. *Mahalo*.

Council Chair Kaneshiro: Okay, thank you. Is there anyone else on Zoom wishing to testify? Lonnie.

Mr. Sykos: Addressing the Council Chair, I apologize for the rest of the members of the community that I am a part of, who when they address the Council obviously have no understanding of what is the *kuleana* of the County, the *kuleana* of the State, and the *kuleana* of the Federal government. It is distressing for the public to listen to all of this testimony that is well-intentioned, but utterly misguided in regards to what a problem is and where the authority lies to address it. Some of the issues that you get pounded over are State or Federal issues and not County issues. For that, I apologize. Your jobs are hard enough without getting pounded for things you are not responsible for. Thank you.

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

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

Councilmember Cowden: I had my hand up.

Council Chair Kaneshiro: My apologies. Councilmember Cowden.

Councilmember Cowden: I just wanted to speak for a moment to the distress of the testifier and let her know that there are seven (7) of us. All seven (7) of us are regularly out in the community whether it is paddling, grocery shopping, or

attending a wedding, funeral, or meeting. We hear these anecdotal stories all the time. We meet with people at these events. I will say that all seven (7) of us care very deeply about the pressure pushing people off of the island. We appreciate this particular study that the Housing Agency is getting that has someone who is willing to try to quantify and give us these numbers. We all know that there is a problem happening on a regular basis and people are living under stress. This Housing Data Collaborative is just going to help us get some numbers. We do try very hard. Thank you for participating.

Council Chair Kaneshiro: Does anyone else have any discussion?

The motion to approve C 2022-159 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item

C 2022-160 Communication (07/07/2022) from the Chief of Police, Deputy Chief of Police, and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) Grant (Grant Award No. G21H10002A) funding from the Office of National Drug Control Policy, in an additional amount of \$2,500.00 for a new award total of \$144,100.00, to send three (3) officers to the statewide D.A.R.E. training on O'ahu, purchase prevention-related supplies, such as drug prevention videos and media, and conduct D.A.R.E. training in schools.

Councilmember Carvalho moved to approve C 2022-160, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Are there any questions from the Members? Councilmember Cowden.

Councilmember Cowden: I am hoping for a basic explanation. I really appreciate the D.A.R.E. program that we have had over the years. Even now as we are really trying hard to make our Adolescent Treatment and Healing Facility manifest. Can you give us the basics of the D.A.R.E. program? I know that it adapts year-after-year. What recent changes have happened? What age groups are you targeting? Who is it that is going to this training? I just want to give them gratitude for their effort. I just want a simple overview. Thank you. I think that would be a question for you, Acting Assistant Chief Ozaki.

There being no objections, the rules were suspended.

MARK T. OZAKI, Acting Assistant Chief of Police, Administrative & Technical Bureau (*via remote technology*): Good morning, Councilmembers. I apologize, I was giving...the proper protocol usually is for the Chief to have an opportunity to give a statement first. Chief, would you like to say something before I do?

Chief Raybuck: Sorry, my computer was locked up. Thank you for the question, Councilmember Cowden. Go ahead, Assistant Chief.

Mr. Ozaki: Thank you for that question, Councilmember Cowden. It seems like there were several questions there. The D.A.R.E. program has been around for a long time, probably from the 1980s. It has gone through several

transitions since then. We remember it as, "Just Say No" with President Reagan out there. The war on drugs and "Just Say No." Probably about eighteen (18) or so years ago it already started transitioning. D.A.R.E. is more of a decision-making type of lesson plan and curriculum. It is a better decision-making model. In fact, the corporate name for D.A.R.E. is still Drug Abuse Resistance Education, but the new way that they market or use the D.A.R.E. emblem is as D.A.R.E. Keeping It Real. What they really stress is a D.A.R.E. decision-making model. In the past where they would really harp on what is "D-Drug," "A-Abuse," "R-Resistance," and "E-Education." It is now "D-Define, describe the problem, challenge, or opportunity." "A-Assess, what are your choices?" "R-Respond, what is your choice and what information did you gather to make that choice?" "E-Evaluate, review your decision, was it a good one, and would you modify the decision that you made?" It is about peer pressure, positive and negative. That is really the goal of D.A.R.E. now. It is to create a better decision-making for our juveniles. I think you asked about the age groups. We primarily target fifth graders in elementary schools and seventh graders at the middle schools. That concept is around catching them in the fifth and seventh grades, and then at ninth grade we have School Resource Officers (SROs) in the high schools and they can continue that rapport and relationship with our SROs, who probably may have taught them D.A.R.E. at one time or another in seventh grade. That was the response in a nutshell. I would be happy to answer other questions you may have. That is it in a nutshell as to what the D.A.R.E. decision-making model stands for now.

Councilmember Cowden: Okay, thank you. SRO for the people listening, means School Resource Officers. We have police officers on each of the high school campuses to just be there to keep people safe and to help people make the right decisions. Thank you for that. I support that good decision-making rather than "Just Say No." It sounds like a better strategy. These three (3) individuals, are these existing police officers who are maybe shifting in their position and are going to O'ahu to learn what?

Mr Ozaki: That is correct. Due to retirements, promotions, transfers, et cetera. In the past, we had Detective Barry DeBlake who transferred out of the unit, Lieutenant Lance Okasaki who transferred out of the unit, Detective Morris Unutoa who transferred out of the unit, Detective Lucas Hamberg who transferred out, and Officer Andrew Muraoka transferred out due to a time rotation. We have to get new people in there. Right now, we have Officers Johnathan Anderson, Kaulana Renaud, and Charles Bedford. The current group include Officer Bobilee Silva and Sergeant Kevin Gras. That is kind of the five (5) that they are replacing over attrition. It is a two-week training on O'ahu. It is a free training, except we have to get them there. That is why the additional moneys are needed. It is more for travel expenses and not really for registration fees or anything like that. The two-week training, they learn how to teach this D.A.R.E. decision-making model curriculum, but they also have presentation training. They are able to better present and not only be tied down to the D.A.R.E. decision-making model. They have other lesson plans that some people might want to reach out for. They are the primary people with our Department. They work with our Human Relations Section. They are big advocates for our Department and we use them a lot.

Councilmember Cowden: Thank you. I want to thank all of those people whose names you mentioned. I do not want to go through the whole list, but I recognize most of those names. I just want to recognize also how important it is that we develop relationships with our youth. Good relationships, role modeling relationships built in trust not fear...I thank you for continuing this program and thank Chief Raybuck and our whole team for doing good work. This is such an important issue for our island as we have suicidality and depression in many of the causes that end up in the symptom of drug abuse. *Mahalo*.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, while the rules are still suspended, is there anyone in the audience or on Zoom wishing to testify? Lonnie.

Mr. Sykos: I am sixty-eight (68) years old. For the record, I was educated in public schools and, to me, it is abhorrent to have police officers in public schools. Are these SROs child psychologists? What education or experience do they bring to this in dealing with the psychology of the children at school? The police officers exist to arrest people for breaking the law. That is why we have police. They serve other functions, but their primary function is to arrest people. Why are they in the schools? I could see putting a child psychologist in the school. I could see having people with training in child behavior...but to send someone for a few days at some workshop and think that is the equivalent of a Master's degree in child psychology or any of the other degrees in which you do not get to practice on a human being until you get past a Bachelor's degree and get an advanced degree. What these children need are child psychologists or psychiatrists, people trained in child behavior, which, and I am not dogging the Police Department, but this is not their job. They are not trained. Police departments did not come to existence back in time to be in public schools. The D.A.R.E. program has changed over time. My late wife was a drug and alcohol counselor, as well as an addict. At the end of her life, there was absolutely no difference statistically and a community that had D.A.R.E. in the community that did not. My question is, we spend all of this money, put Police Officers in our schools, which has its advantages and disadvantages, what is the measurable outcome of whatever it has been since the mid 1980s, the D.A.R.E. program and specifically the last ten (10) years. If we did not have the D.A.R.E. program, is there someone who can show me...

Council Chair Kaneshiro: Lonnie, that is your first three (3) minutes. Is there anyone else in the audience wishing to testify? Seeing none, you can have your second three (3) minutes.

Mr. Sykos: Basically, I am asking for a spreadsheet that shows this was D.A.R.E. and these were the things that we can actually measure about the positive impacts of the program. There is nothing about developing a relationship unless you can measure the value of the relationship...what is the measurable benefit of this program? Quite frankly, if it is to keep kids off of drugs, not that this could easily occur because of how budgets happen, but would we not be better off to have this money spent to open our Adolescent Treatment Facility? That is the actual need we have now. Does the program work? If it is not working, we need to figure out what could make it work? If it could work, we need to do other things and not the same things over and over again. That is my point in this. I hope the D.A.R.E. program has become much

more productive than it was in its first twenty (20) years. I really hope that they can come to us and say, "Yes, you would have twenty percent (20%) higher negative outcomes, et cetera." That is my question for the Police. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience or on Zoom wishing to testify? Tara.

Ms. Rojas: *Aloha.* I am just listening to this and what came to mind is anything for drug awareness, treatment, et cetera, is great. There were, for example...this document...on the continent at a school that had a lot of issues going on, what came to mind as I was listening to the previous testifier, what about in this island community...what they did there was they had parents, fathers, mothers, but in that particular program they had dads going into the schools and they found that really helped. Having them there as part of the resource...those relationships could be developed. It really did have an impact on the students' behavior. Here in Hawai'i, if something were along the lines of *kūpuna* where the respected *kūpuna* who were willing to be there as well, as part of the ability to reach and connect with the youth. Having these relationships on the daily allow the youth to grow up feeling safe, heard, accounted for, and to guide them to make the right decisions. It is out of the box thinking. On the *āina* type of thinking to connect with and have *kūpuna* in the schools as well might be a good idea, to have these type of drug awareness or drug prevention program incorporate that as an idea. *Mahalo.*

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom wishing to testify?

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

Council Chair Kaneshiro: Is there any discussion or questions from the Councilmembers? Do you have a question or discussion, Councilmember Cowden?

Councilmember Cowden: I would like to give the Chief a chance to respond. I appreciate the testifier's comments. I also feel like especially in this time where we are having shooter violence in schools and everything else, it might be that the teachers and kids never feel safe if they do not have a representative there. Chief Raybuck, would you like to respond to the question that was asked by the testifier?

Chief Raybuck: Thank you for the opportunity to respond to the speaker's points. Some of them were very well positioned. As was mentioned, the early iterations of the D.A.R.E. program proved to be emotionally effective, but not statistically or scientifically proven effective. As Acting Assistant Chief Ozaki mentioned, the program has been revamped and it is now based on science and evidence-based statistical data that shows that the decision-making program that is focused on that Keeping It Real curriculum, does in fact have a positive effect on modifying behavior for those students who receive the training. Some of the statistics identified that the positive effect can be realized over fourteen (14) months after receiving that training. The importance of the current D.A.R.E. program extends beyond just drug awareness as was already mentioned. It highly focuses on decision-making and decision-making is an important factor for our youth to identify not just in the world of D.A.R.E. or in drug awareness, but as you mentioned, in school violence, and avoiding those types of situations. This new program also identifies methodologies and approaches in avoiding violence in the schools. I would disagree

that police officers do not have a role in the school today. Specifically with the level of unfortunate violence that we are seeing across America, police officers developing relationships with school staff, becoming very familiar with the layout of the school, and the students in the school is a valuable opportunity for our law enforcement community to work together to prevent these types of incidents and hopefully if one does occur, we are able to better respond to an incident in the schools. It was a relationship and an encounter that I had very early in my life as I had mentioned previously to some of you where a police officer, not then called a D.A.R.E. Officer or SRO, it was an officer-friendly program. That officer when I was in elementary school, showed me that he cared about me, he wanted me to be safe, and taught me to ride a bicycle. It was that early impression in my life that gave me a positive influence towards police officers. That is what our SROs do every day. It is not their primary responsibility to arrest individuals. Their primary responsibility is to develop positive relationships and be positive role models in our community, and develop those relationships with our most important members of our community, which is the future of our community in our youth. I hope that was a proper response to the questions raised.

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

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

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Thank you for that response, Chief. I have some constructive information for this and I hope I can address Lonnie with some tangible responses and not an opinion. I personally work out at Kapa'a High School. I have been in transition in the last year with both officers. The old one who left and the new Officer Anderson who is there now. I see a tremendous value to having an officer on campus. Officer Anderson has built that relationship with the students and he basically told me that is what he learned from his Acting Assistant Chief Mark Ozaki, that the main thing about being on-campus is to build the relationship with the children. Yes, maybe they are not psychologists, although on campus, we do have our own clinical psychologist and we do have our counselors to address the emotional and social needs of our students, but it is amazing to see what our police officers do in the D.A.R.E. program. I am at the forefront to tell you that it is working and it is a good thing. The last thing I want to say is that I want to give props to the Chief. You let Mark Ozaki do his job to explain the D.A.R.E. program. You did not micromanage him. That shows me that there is some culture being built in the Police Department and that Mark Ozaki is doing a fine job stepping up to the plate of being an Acting Assistant Chief in that Bureau. I am impressed today. Thank you.

Council Chair Kaneshiro: Does anyone else have any discussion?

The motion to approve C 2022-160 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item

C 2022-161 Communication (07/08/2022) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2022-886, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For the Fiscal Year July 1, 2022 Through June 30, 2023, By Revising The Amounts Estimated In The General Fund, for the transfer of Position No. 1202, Parks Project Manager to Project Manager, inclusive of salary and fringe benefits, from the Department of Parks & Recreation to the Department of Public Works, to unify the County's Project Managers under a single department.

Councilmember Carvalho moved to receive C 2022-161 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Is there anyone else in the audience or on Zoom wishing to testify on this item? We are receiving it for the record. Actually, this is coming up as a Proposed Draft Bill. Lonnie, if you want to testify now, we will add it to the Proposed Draft bill when it comes up later. You will not be able to testify on it later.

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

Mr. Sykos: I think I will wait until later. Thank you.

Council Chair Kaneshiro: Okay. Is there anyone online wishing to testify? Seeing none.

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

Council Chair Kaneshiro: Are there any questions from the Members?

The motion to receive C 2022-161 for the record was then put, and unanimously carried.

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

C 2022-162 Communication (07/12/2022) from Councilmember Evslin and Councilmember Kualii, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8 (Comprehensive Zoning Ordinance), Chapter 12 (Building Code), And Chapter 13 (Electrical Code), Kaua'i County Code 1987, As Amended, Relating To Electric Vehicle Charging Infrastructure Requirements For Parking.

Councilmember Carvalho moved to receive C 2022-162 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We did receive written testimony for this item on the Bill. Is there anyone else in the audience or on Zoom wishing to testify on this

item? Again, this item will come up later on the agenda as Proposed Draft Bill (No. 2877). Are there any questions or discussion from the Members? Councilmember DeCosta. Do you have a question or discussion?

Councilmember DeCosta: Question. Can you clarify that this will just be electric vehicle (EV) chargers...

Council Chair Kaneshiro: Let us hold questions until the Proposed Draft Bill comes up.

Councilmember DeCosta: Okay.

Council Chair Kaneshiro: Are there any other questions or discussion?

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

The motion to receive C 2022-162 for the record was then put, and unanimously carried.

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

COMMITTEE REPORTS:

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2022-04) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2861 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-3.4, 5A-6.1, 5A-6.4, 5A-12.1, 5A-12.3, 5A-12.7, AND 5A-12.8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES,”

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

Council Chair Kaneshiro: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify on the Finance & Economic Development Committee report?

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

Council Chair Kaneshiro: 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.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2022-11) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2863 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

A report (No. CR-COW 2022-12) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2864 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

A report (No. CR-COW 2022-13) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2865 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

A report (No. CR-COW 2022-14) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2866 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,” and

A report (No. CR-COW 2022-15) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2867 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

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

Council Chair Kaneshiro: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify on the Committee of the Whole reports?

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

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

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

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

RESOLUTION:

Resolution No. 2022-26 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*John Latkiewicz*)

Councilmember Carvalho moved for adoption of Resolution No. 2022-26, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. We did hear testimony earlier this morning on it. Is there anyone else in the audience or on Zoom wishing to testify on this for the first time?

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

Council Chair Kaneshiro: Is there any final questions or discussion from the Members? Councilmember Cowden, question or discussion?

Councilmember Cowden: I have a simple discussion point. I did get a chance to talk to the nominee, and I appreciate everyone who is doing the work. I guess I am commenting on the earlier testifier's point. I am in agreement that content training for each of these boards is very important. I would like to see them really get trained in their areas of expertise. The training really is more about participating in the meeting and in the Sunshine Law. I agree with what was stated earlier. I am happy with this Board Member.

Council Chair Kaneshiro: Does anyone else have final discussion? For me, I have worked with John for a while. He was a part of the Agriculture Committee of the Kaua'i Economic Development Board (KEDB). I think John is a level-headed person and I think the Board of Ethics is a good spot for him to be. He is a straight-shooter and I think that is what you need on the Board of Ethics when it comes to upcoming issues. He is going to take each one on an individual basis and he is going to make the right decision. I will be voting in favor of John. Does anyone else have anything to add? If not, we will take a roll call vote.

The motion for adoption of Resolution No. 2022-26 was then put, and carried by the following vote:

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

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

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2876) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Department of Public Works Project Manager Transfer - \$118,177.00*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2876) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 17, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. I will suspend the rules. If Troy, Pat, or Wally wants to give us a brief description on this item.

There being no objections, the rules were suspended.

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Council Chair, good morning. This is a request that is asking to move Position No. 1202 over to the Department of Public Works. As you are aware, the County has been seeing a large influx of moneys related to capital improvements and large projects. It is not just isolated to the Department of Public Works, but all of our departments have to some degree larger, complex types of management items that are now being put to the forefront as a responsibility for our different shops. Currently in the Department of Parks & Recreation, we have one (1) Parks Project Manager in the Planning Division. Although it is tasked for handling the CIP projects, there is not much redundancy in terms of being able to have that individual receive proper backup or groupwork situations requiring larger dialogue. This consultation was initiated with the union back in January 2022. The representative for the Collective Bargaining Unit gave us a clean consultation memorandum to be able to proceed with this. We initially tried to do this as part of the budgetary process based on the ordinance you amended, but we needed to go through that process given there is a live employee in the position that needed to go through consultation.

We believe this is part of a larger initiative for us to have greater focus on project management with our contracts. As you know, the Transient Accommodation Tax (TAT) moneys that came in greatly increased the amount of construction activity that Kaua'i County is being able to manage and supervise. The impending amounts of money that are going to be coming through federal earmarks, housing, and moneys relating to the sewer system that will be coming down the pipeline. It is incumbent on us to have a more focused leadership team versus something that is devolved. That is the gist of the proposal of this position, to be consolidated with the other project managers who are currently in the Department of Public Works, to provide that synergy and redundancy. Chair, I am open for any questions.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: Thank you. I believe the Department of Parks & Recreation used to be part of the Department Public Works at one time.

Mr. Dahilig: That is correct.

Councilmember Cowden: So, it is a little bit of a natural return. If we have a project with...I am just going to make one up—fixing the broken areas on the Kapa'a Bike Path. I would presume when you have a project manager from Public Works that they would be deeply consulting with the Department of Parks & Recreation anytime something needs to be fixed—the basketball courts, et cetera. That project manager would still refer to the Department of Parks & Recreation for partnership. Is that correct?

Mr. Dahilig: That is correct. What happens is construction involves more than one (1) department. Councilmember Cowden, as you described, while it may be a Parks asset, a lot of the expertise in engineering or contracting with larger amounts would be better suited for the apparatus within the Department of Public Works. We do not see this as an inhibition of that dialogue to continue with different departments but rather providing a consolidated support-base for complex contracts to be managed and supported with the best fiscal means.

Councilmember Cowden: How many job positions does the Department of Parks & Recreation have as a project manager? Is there more than one (1)?

Mr. Dahilig: This is the only one. There is another position that was a carryover from the split, also known as an EM-5 position that we will be looking at. Through the consultation process, we got clean reviews on that. However, in terms of being able to properly manage the overall portfolio of that other position, that will remain with the Department of Parks & Recreation until we are able to get that sorted out. This is the first increment of what we are attempting to do in consolidating these types of activities.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Mike. I am excited about the reorganization. Do you see it bringing cohesiveness and efficiency to the Department of Public Works and to be able to handle those projects?

Mr. Dahilig: That is the idea, especially for the Department of Parks & Recreation, and that side of the portfolio. The current way of looking at it was through a "lone wolf" type of situation. This will provide us a support base for synergy.

Councilmember DeCosta: Thank you for providing ways of efficiency to the departments.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Mike, a quick question. In forming the Department of Parks & Recreation, I want to ensure overall attention is there to support both departments, and they have what they need. I hear what you are saying. With everything going on, the intent was to ensure the departments had proper coverage. I wanted to make sure that was clear.

Mr. Dahilig: It is clear. I think that is why we want to ensure that when we commit the Department of Parks & Recreation projects, there is enough backup and support to be able to have the committed projects completed in a timely fashion, and under budget.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Mike, is this position currently filled or is it a vacant position?

Mr. Dahilig: It is filled, and that is why we needed to go through a Collective Bargaining consultation rather than a position movement through the broader budgetary process that concluded in May with the Council.

Council Chair Kaneshiro: Are there any further questions from the Members. If not, while the rules are still suspended, is there anyone in the audience wishing to testify? Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. Mike, thank you very much for the hard work you do for the County and particularly with this piece today. Inefficiency in County operations has been extremely frustrating for the public to watch. We hope this will clear up situations like when the County spent three (3) years trying to get signs put up at the beach. According to public testimony, there was no mechanism for the three (3) departments involved to talk to each other. The sign painters did not know what to create because the Fire Department did not have a mechanism to talk to the Planning Department. What ended up happening was the Kaua'i Lifeguard Association contracted a mainland company to install signs in nine (9) months from the day they started. Thank you very much Mike, and your

team in the Office of the Mayor, for your diligent and hard work at bringing greater efficiency to the County operation. Thank you very much.

Council Chair Kaneshiro: Is there anyone else in the audience or on Zoom wishing to testify? Seeing none, are there any final questions or is there any discussion from the Members? Councilmember Evslin, do you have a question or discussion?

Councilmember Evslin: I have a quick question. Thank you, Chair. Thank you, Mike. I know you mentioned having conversations with the union. Has the individual who is being transferred aware of the transfer?

Mr. Dahilig: That is a good question. They are aware via the Collective Bargaining Unit process. Typically, when we go into discussions with the union, they are the exclusive representative of the individual. In terms of us engaging in direct dialogue, we position the dialogue and handle this process through the union. The initial feedback in writing from the union indicated that there seemed to be no issues that needed to be resolved as a consequence of that consultation.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Mike, this person that was managing the Department of Parks & Recreation projects will now be managing projects in the Department of Parks & Recreation and the Department of Public Works. Is that correct?

Mr. Dahilig: It is a little of both. We would expect the portfolio to be spread within the departments, and if there is backup from the Department of Public Works that needs to support his portfolio and vice versa.

Councilmember DeCosta: I want to ensure this person is supported in the Department of Public Works because that is a lot of work. He is going from an urban park developer type manager going over to the Department of Public Works. I know we have Troy and Boyd Gayagas. That is a good team there, I want them to support the new transferred position.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, I will call the meeting back to order. Is there any final discussion? 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. 2876) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 17, 2022, and that it be referred to the Committee of the Whole 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.

Proposed Draft Bill (No. 2877) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING

Councilmember Kualii moved to refer Proposed Draft Bill (No. 2877) to the Planning Commission, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received written testimony on this item. I will suspend the rules. Councilmember Evslin, if you want to give us an overview, I know there is a presentation on this.

Councilmember Evslin: We have short PowerPoint presentation that Councilmember Kualii and I will be presenting. I will start off by briefly saying that we have been working on this for a while. Hawai'i Revised Statutes (HRS) 291-72 gives the County the authority to enforce charging station requirements. There are abilities within that authorization or enabling legislation that are limited and there are some preemption issues in here. This Bill has been somewhat difficult to work on and tether it within what we clearly do have the authority to do as a County and what is within the State's intent. As Councilmember Kualii will get into, it is in line with our General Plan, et cetera. I want to start off by saying it is a simple Bill, but it was complicated to get to the end result because of some state preemption issues. With that being said, I will hand it over to Councilmember Kualii to get us going.

Councilmember Kualii: I will say that we have been working on this for almost a year. We started with Kauai Island Utility Cooperative (KIUC). As far as the findings, Hawai'i State Law and the Kauai General Plan commit the State to zero (0) emissions from ground transportation by 2045. Many electric vehicles are already cheaper to finance and own than a comparable gasoline car and they get cheaper every year. The number of electric vehicles in Hawai'i is rapidly increasing, with a thirty-three percent (33%) increase in EVs on the road in Hawai'i between 2021 and 2022. Hawai'i needs an estimated five-times more publicly-available chargers by 2030 to meet demand. EV-ready infrastructure can be installed during new construction for four thousand dollars (\$4,000) to eight thousand dollars (\$8,000). With each dedicated receptacle able to serve two (2) stalls for two thousand dollars (\$2,000) to four thousand dollars (\$4,000) per stall. Retrofitting existing parking lots for EV charging costs estimated five-times more. Numerous

rebates are available for EV charging infrastructure. The purpose of the Bill is primarily to require EV charging infrastructure during new construction and modifications of two thousand (2,000) square feet or more.

Two (2) Definitions. The first definition word-for-word comes straight out of the Bill on Page 3. "EV-ready space" means a designated parking space which is provided with a dedicated branch circuit that is not less than forty (40) amperes and two hundred eight by two hundred forty (208/240) volts assigned for electric vehicle supply equipment terminating in a receptacle or junction box located in close proximity to the proposed location of the EV parking space. For two (2) adjacent EV-ready spaces, a single branch circuit is permitted. Electric Vehicle Charging System-installed "EVCS-installed" refers to an installed level 2 or faster charging station. Councilmember Evslin.

Councilmember Evslin: What the Bill essentially does is requires any new parking lot between one (1) and ninety-nine (99) stalls, not including single-family homes, a commercial, multi-family, industrial, et cetera, parking lot between one (1) and ninety-nine (99) stalls, fifteen percent (15%) of the stalls must be EV-ready. As Councilmember Kualii said, the definition of EV-ready is essentially a conduit, available amperage, and a receptacle for a future EV charging station. It is not the actual EV charging station, it is the in the ground infrastructure for the charging station. Again, the rationale for that is because it is relatively cheap to do that while you are building a parking lot. It is cost prohibitive to come in after-the-fact and rip up a parking lot to try and make a stall EV-ready. Fifty percent (50%) up to ninety-nine (99) stalls. As soon as we cross over to parking lots of one hundred (100) or more stalls, fifteen percent (15%) have to be EV-ready, five percent (5%) have to have an installed level 2 charger. Again, for both, a single-dual-head charger can service (2) stalls. If you have a one hundred (100) stall parking lot being built, the five percent (5%) requirement would be fulfilled with two (2) dual-heads and one (1) single charger. The fifteen percent (15%), fifteen (15) stalls, would have to have access to the level 2. Any charger required as a condition of the Bill would have to be maintained in good working order. The EV infrastructure would have to be maintained likewise.

There is a requirement for existing parking lots only if they are adding on two thousand (2,000) square feet or more of space. Only the EVCS-installed requirements are triggered. In practice, if you have a new two thousand (2,000) square feet structure next to an existing parking lot with less than one hundred (100) stalls, there will be no new requirements triggered. If there is less than one hundred (100) stalls, there is no EVCS-installed requirement, so no new requirements. The rationale there is because EV-ready is cost effective only for new construction. If someone is adding on units to an existing parking lot after-the-fact, it does not make sense to force them to put in a bunch of EV-ready stalls and rip up the parking lot to do so. The EV requirements will trigger for that two thousand (2,000) square feet structure. A large one hundred plus (100+) stalls next to an existing building adding two thousand (2,000) square feet or more would have to comply with the five percent (5%) requirement for the existing lot. State law requires chargers, so you will have some there already. That is the Bill. Do you have any questions? Lastly, this will be in

Chapter 8, Zoning Code, and enforced by the Planning Department as a condition of obtaining a Zoning Permit.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I have a few questions, Councilmember Evslin. You mentioned two thousand (2,000) square feet or one hundred (100) parking stalls. What if someone comes in with one thousand one hundred ninety-five (1,995) square feet with ninety-nine (99) parking stalls, would they not be required to put in the EV charging system? Is that correct?

Councilmember Evslin: The two thousand (2,000) square feet requirement is a trigger for existing parking lots to be in compliance. A ninety-nine (99) stall parking lot, two thousand (2,000) square feet structure, will not trigger anything. One hundred (100) stall parking lot, one thousand nine hundred ninety-nine (1,999) square feet structure will not trigger anything. Two thousand (2,000) square feet is the trigger number and we needed to have a strictly defined trigger because there had to be a nexus tied to requiring installed chargers. For the Planning Department, two thousand (2,000) square feet seemed like a rationale nexus number.

Councilmember DeCosta: Okay. Did you check with the electrical union on the installation cost per stall? How did you come up with the two thousand dollars to four thousand dollars (\$2,000-\$4,000) figures?

Councilmember Evslin: We spoke to contractors who do this type of work. They said they charge between four thousand dollars (\$4,000) and eight thousand dollars (\$8,000) per receptacle. Again, that single receptacle could serve two (2) stalls. The range could vary depending on proximity to the building. If you are putting the stations right next to a building, it will be in the four-thousand-dollar range per receptacle. If the stations are further away from the building, that cost would double.

Councilmember DeCosta: Correct. We want to make sure that we take the earth into consideration. Whether we are digging into the earth a bedrock, the construction cost could escalate. It is not as simple as tying in the two thousand dollars (\$2,000) or four thousand dollars (\$4,000). I want you to talk a little more about the residential area. We are not going to push this on residential homes right now?

Councilmember Kualii'i: This Bill is not for residential.

Councilmember DeCosta: Yes, I want to ensure that the people listening heard you say that.

Council Chair Kaneshiro: I want to clarify. The Bill has multifamily dwelling residential sites with three (3) or more units. Would that be a residential zoned parcel?

Councilmember Kualii'i: I assumed Councilmember DeCosta was asking about single-family residential when he said it does not apply to single-family

residential. Yes, it would apply to multifamily units, including the County's housing projects.

Councilmember DeCosta: I have a concern with that. I believe out in Lima Ola, we did not put in the parking stalls, but the underground utilities are installed. Is this going to be applied to Lima Ola in 'Ele'ele, or no?

Councilmember Evslin: The zoning permit is the trigger. Assuming the utilities are installed, they already got their zoning permit. It would be highly likely not, but as Lima Ola expands, it would presumably apply.

Councilmember DeCosta: Okay. I want to be sure. The asphalt and concrete are already imbedded in that project, which means we would have to dig it all up to put the EV line in. Can the EV line stay in the same line as the residential electrical line that ties into each home? What is the wire they use to charge a car? Is it a heavier duty wire and can it stay in the same channel or polyvinyl chloride (PVC) tube with the other electrical lines that ties into the stove, refrigerator, lights, or does it have to be separate?

Councilmember Evslin: Some of these questions might be better directed towards the Building Division. For the most part, the Bill requires that it has its own conduit running to the site. In talking to the Building Division and electrical contractors, the amperage for any new construction is essentially already there, so it would not trigger new amperage onsite that they would not have anyway. The main requirement would be running the conduit to the stall and putting a receptacle in. For further detail on building and electrical code requirements, both Councilmember Kualii and I will defer to Leolynne.

Councilmember Kualii: We will definitely work with them during Committee, where we can get into all the details.

Councilmember DeCosta: This is the time where we can discuss this, right?

Council Chair Kaneshiro: If you have questions.

Councilmember DeCosta: I have a question. You are talking about this being applied to County projects. I was a little worried that the Lima Ola Project has different phases. There is a Phase II that has not been worked on yet. When I went out to look at the project, the road, infrastructure lines, electrical lines, sewer lines, and waterlines are all embedded under the asphalt, underneath the concrete sidewalks. If you are telling me that we need a new EV line to run its own wiring to the home and it cannot go into the same lines as the rest of the homes, are we okay out there, or is this going to cost the County more money?

Councilmember Kualii: One thing I would say, I am not sure about the specific parking lot configurations in the Lima Ola Project. That might be less than one hundred (100). You are looking at Lima Ola as one (1) giant project, but it is smaller projects within a big community. We will look at that further with the

Administration. Our intent is not to hinder what we are trying to accomplish with affordable housing and with greening any new development. The other thing I would say is that there is a lot of funding available. It would be our intention to help on that end also, and for the County to get funding for any additional cost for the charging stations.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you. I like the goal, I like the intentions, and I have a handful of questions. What was the State preemption issue and how did we bypass that challenge?

Councilmember Evslin: In general, the State requires one (1) charger for anything over one hundred (100) stalls. The State Legislation gives the County the authority to enforce charging requirements. It is unclear through the existing legislation, how much leeway we have to enforce or require physical charging units on parking lots of under one hundred (100) stalls. It is possible that someone can have a preemption case if we try to require a physically installed charger for a ten (10) stall lot. Because State Law requires over one hundred (100) and they have not clearly given us the power to require less than one hundred (100)...it is a gray area. The short answer is the State legislation is unclear. They are trying to give us this power, but they do not expressly say how much power we must require. With that said, we know that we are in the clear for EV ready and lots of over one hundred (100) on requiring installs. That is clear in the State legislation. These are the two (2) areas where we know we have the green light to go in this direction. With that said, Hawai'i County is going in a different direction and is requiring installed chargers on lots of less than one hundred (100) for existing and new lots, or at least it is being deliberated at their Council. I cannot speak to the legal review on that Bill, but their interpretation seems it might be different.

Councilmember Cowden: Okay. I see on Page 5, Section 8-.4, it says any person who violates the provision of this article shall be subject to the penalties provided in Section 8-3.5. I looked up what that would be and I might not be getting it exactly correct. To me, when I look at Section 8-3.5, would it also be the ten thousand dollars (\$10,000) per day per violation? Is that accurate?

Councilmember Evslin: All zoning violations questions should be directed to Ka'āina, but I believe all zoning violations have the same penalty structure.

Councilmember Cowden: Okay. If it is a one hundred (100) stall parking lot, they need fifteen (15) parking spaces, that could be one hundred fifty thousand dollars (\$150,000) per day, per violation. There would be a starting point of a leverage against them if they did not put it in.

Councilmember Evslin: I do not think it would be per stall. Again, I will defer to Ka'āina on the implementation of the fine.

Councilmember Kualii: The only thing I would add at this time is that we have heard from Planning Director Ka'āina Hull, several times, that this fine is

there, but the Department does not utilize the fine and they try to get correction. They primarily are not punitive but getting people to make the corrections.

Councilmember Cowden: We regularly hear that and have seen by evidence of their behavior that that is accurate. They do not punitively go after people. What I said throughout this whole time when I look at that number, I feel that they are a good Administration that is using a strong “stick” without making the “hit.” I worry heavily that things can change in the future. I am trying to be clear when we have a different Administration with a different objective, I worry for speculative predation. Predatory speculators could come in and utilize that final structure that would be difficult. I am going to ask another question. I see that Councilmember Carvalho has questions. I am going to ask another question now, and let other Councilmembers ask questions. Have we reached out to those that could potentially be negatively affected whether it is an apartment unit, resorts, shopping centers, et cetera? I want to give a few examples of why I think beyond the cost of doing it. I have a number of friends who have electric vehicles. They park at a shopping center and ask me to meet them there to pick them up. They want to charge their car while we go to other places. If they get to charge their car for free at the shopping center, they are not even shopping in the shopping center. A lot of times people want to charge at night which will have a high electric value. I do not know if the EVCS-installed machines have a payment plan, but I hope it does. If people are charging at the shopping center, it is not a good circumstance. When I think about a resort, resorts often add two thousand (2,000) square feet for any kind of change. If they have five hundred (500) parking stalls, when I think about what the resort looks like, even if it is three hundred (300) or four hundred (400) stalls, the two thousand (2,000) feet addition would have a heavy impact. When we are trying to do affordable housing, this raises those rates. Right now, I am trying to represent this particular constituent group that might not be excited about it. Have they been reached out to, shown this Bill, and have we heard from them? I am only seeing testimony from people who need more places to charge and the environmental community. I have not seen anything from contractors, shopping center management, resorts, or multifamily unit providers. Have they been contacted?

Councilmember Kualii: I would like to start and say, as you can imagine we have not done all the outreach that needs to happen, but we have done a lot. We initiated outreach with the Pacific Resource Partnerships of Trade Unions. We are waiting to hear from the Contractors Association. If you have someone specifically in mind, a shopping center association, now is the time. This is first reading; we are going to work on this during the Committee Meeting.

Council Chair Kaneshiro: Actually, this Bill is going to be referred to the Planning Commission. There will be more time.

Councilmember Kualii: There will be more time.

Councilmember Cowden: Okay. I would like to see the Chamber of Commerce, Hawai'i Lodging & Tourism Association, et cetera.

Councilmember Kualii: We had a presentation with Chamber of Commerce.

Councilmember Cowden: You did?

Councilmember Kualii: Yes. We did the same presentation we did today, did questions and answers, and we heard back from them, from the individuals that were on the call, different sentiments of support. Later, we heard from them as an organization support. They did not get their testimony in today, but they will.

Councilmember Cowden: Okay. This is important for the people who are working, this would increase the workload if you looked at the Contractors Association, and people who are actually paying the bills is who I want to hear from.

Councilmember Kualii: They are on the list.

Councilmember Evslin: If I can add to that. The Chamber of Commerce includes a number of people and property managers. They are the ones that would be paying for this. There was a number of hotel representatives who were also supportive. They will be submitting testimony in support. Regarding impact on existing hotels and multifamily units, the impact is likely to be minimal to nonexistent. Ka'āina has been clear that a two thousand (2,000) square feet structures do not get added onto these places very often, if ever. The Big Box Ordinance likely prohibits any additional expansion of Big Box Stores which are in the parking lots. Resorts are maxed out on their existing entitlements for rooms on their existing resorts, they rarely add square footage. An existing apartment or condominium complex are often maxed out too. They do not often add anything onsite. That trigger of the two thousand (2,000) square feet requirement is not likely to get triggered.

Councilmember Cowden: Thank you for that. I am not really thinking or worrying about the retroactive element. Those are entities might have a good forward looking aspect. If you put fifteen percent (15%) of your parking into EVs, it is going to raise the rates of your businesses, it is going to raise your cost. They would be able to estimate that. The other aspect is, and having been a retail storefront business owner myself, I know what it is like when a parking lot gets crowded and overloaded. It does not seem yet that fifteen percent (15%) of vehicles are electric. What would happen is that you would have empty stalls sitting there. The parking lot here, I do not see the electric charging station utilized often. Again, it might be fifteen percent (15%) of some of those places where people would go and treat it like a gas station, park there, and go somewhere else. There might be a business perspective that I would like to see.

Councilmember Evslin: The State legislation does give people with charging stations the authority to charge for the cost of electricity. Most chargers in commercial areas do charge. At Safeway, you pay from the moment you plug into the

station. There are other places like Kukui Grove where you get two (2) hours free and you get charged thereafter. There is clear data out there that establishments with chargers draw more business. I know for many electric vehicle users they are going to choose grocery stores based on availability of charging, so it draws customers in that sense. Lastly, what you had said about chargers staying empty, the ones in the Historic County Building parking lot are broken. If you go across the street where there are a number of public chargers, they are sometimes full. At the most one (1) or two (2) are open. They are definitely very heavily utilized over there. Again, the Bill is not going to require that fifteen percent (15%) of stalls have an EV-charger off the bat. It requires that they are EV-ready with a receptacle so that as demand increases, they can come in and put the charger in as necessary. Lastly, as Councilmember Kualii had said earlier, there is a lot of rebate money out there for EV chargers. Hawai'i Energy will give you five thousand dollars (\$5,000) per charger. Two cents (\$0.02) per barrel of gasoline is going towards EV chargers through the State. Through Hawai'i Energy, you can easily get a rebate for chargers. The State has sixteen million dollars (\$16,000,000) of Federal infrastructure moneys which is dedicated towards EV chargers. Our own Office of Economic Development has been talking for a while about trying to come up with an EV charger incentive program, possibly specifically targeting EV-ready for affordable housing construction. There are a lot of ways to pay for this.

Councilmember Cowden: Okay, thank you for those pieces of information. I did not know that our charger was broken in our parking lot. I did notice that no one uses it. That is a good piece of information for me to have. I would like to turn it over to other Councilmembers. I have more, but I want to be sure that everyone gets their chance and they might ask some of the same questions I have.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I just have one (1) question. Again, it was brought up several times, the retrofitting of existing parking lots is not part of this at all, right? There is no discussion about that. I received some of those comments and they are feeling like it might affect them. I just want to clarify that.

Councilmember Evslin: Exactly. The only retrofits would be for over one hundred (100) stalls with a two thousand (2,000) square foot structure or more going in, which again does not happen very often. Any others, if you are renovating your existing building or adding on to it and you have less than one hundred (100) stalls, there are no triggers. Again, it does not make sense to rip up an existing lot to put in EV-ready. It does make sense during new construction.

Councilmember Carvalho: Got it.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I just want to echo what Councilmember Cowden reiterated about making all the entities available to communicate and provide testimony. The electrical unions, larger construction companies that are going to be putting in these EV chargers, and the cost of construction that can escalate

with a new item like this. This is a totally new item and conduit line that has to go in. I would like more input from those entities. It is great that we come up with these green energy bills, but we need to incorporate everyone.

Councilmember Carvalho: Yes.

Councilmember DeCosta: Thank you, Councilmember Cowden for bringing that up.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to just expose my bias for a moment. I am pretty excited about hydrogen vehicle concept that does not require batteries. We have issues with our wastewater. That is really the direction that I keep trying to push for. We can make hydrogen and have more efficient wastewater treatment plants. We are looking at getting one hundred million dollars (\$100,000,000) for our wastewater improvements, I was really hoping that they would be looking at that. We have the Department of Reclamation interested in doing it. Why that is important to me is because of the batteries. I really like the idea of electric vehicles and so a hydrogen vehicle does the same thing. It gives out water and oxygen. My concern about this whole push to 2035, if we do not do hydrogen, I think about all of these batteries and what we are going to do with them. The lithium batteries are not easy to dispose of. I sent some questions quickly to our Solid Waste Division. Without tying hard into it, we send about one (1) fifty-five (55) gallon of recycled lithium back. All of these cars, Puh Metals is the one who has to take them apart for shipping off the island. When I look at lithium, those are open pit mines. That is a really difficult process and there is a brine extraction, both of which have really high water consumption and ground water contamination. Right now, a number of us are here in Colorado. I am aware of the Native American tribes, for example the Paiute and Shoshone tribes...

Council Chair Kaneshiro: Councilmember Cowden, do you have a question?

Councilmember Cowden: ...are really upset for what is going on in their region.

Council Chair Kaneshiro: Councilmember Cowden, do you have a question?

Councilmember Cowden: Yes, I do. Do you not like me giving background? I will ask the question and then give the background during discussion.

Council Chair Kaneshiro: You have been talking for about two (2) minutes and I am just waiting for the question.

Councilmember Cowden: I was just trying to give a little bit of background. My background is lithium batteries are problematic. They are made in China and most of the lithium comes from very difficult areas that we are not even in good politics with. I am worried that we put all these elements there and we do

not have the room for it. I wanted to say, I know you are doing this in compliance with what the State is saying. I am asking, was there any consideration for hydrogen or looking at that option? Maybe you can speak to any concerns there might be for lithium extraction and getting rid of the lithium waste that we would have here on the island. Has this been considered? There is a lot of data showing that this might be difficult. What are your thoughts on lithium batteries?

Councilmember Evslin: I can answer that really quickly. You said lithium is problematic and yet we know that climate change is catastrophic. I certainly, and I think everybody does agree that there are large environmental issues with mining lithium. Those environmental issues are in some sense dwarfed by the threat of climate change. There are lots of time, money, and research going into ways to recycle existing lithium batteries, how to make this process more environmentally friendly, et cetera. In the same way that fossil fuel extraction is incredibly damaging, one-third (1/3) of our oil comes from Russia. There are a lot of terrible aspects around our current structure, including climate change being by far the worst here. Yes, climate change is worst than lithium. As far as the issue with hydrogen vehicles is that there are zero (0) charging stations here in Hawai'i. I believe there are only approximately fifty (50) in the entire country. Hydrogen vehicles have not taken off the same way as electric vehicles. Right now, you can buy an electric vehicle and it costs less over its lifetime than its equivalent fossil fuel counterpart, where that is certainly not the case for hydrogen vehicles. Electric vehicle technology is here and is expanding rapidly. We need the infrastructure to make it work. Hydrogen vehicles are not yet there. Hopefully, one day they will be and that will be another viable alternative. Sorry, lastly, on hydrogen, you do not need a public charging station for hydrogen. Hydrogen is refilled essentially at a location equivalent to a gas station. The private market in some sense can do that. People have started running hydrogen stations to fill up hydrogen. It does not work the same for electric vehicle charging because of the length of time it takes for recharging. We need a public charging network for that.

Councilmember Cowden: Yes. Hydrogen here, we would want to be making it ourselves. How about this, I will send you a list...can I do this, Council Chair? Can I send them a list of my concerns about the lithium batteries or send it to staff and they can send it to them if that is not serial communication? Otherwise, I will say it here so that we are in compliance with the Sunshine Law.

Council Chair Kaneshiro: I would say it on air. I believe if you sent it to them it would be serial communication. That would probably be during your discussion time.

Councilmember Cowden: Okay, I will do that during my discussion time. I am asking them now, if when I put out my concerns, that maybe when we come back to Committee, it will have already been corrected at the Planning Commission by this time. If there can be a presentation where we show where the climate change challenge is different. I have been trying to research this. As I am looking at it in the six (6) days since it came on our agenda, I am seeing a lot that is

saying that this might not be environmentally better and that there are these problems. During my discussion time I will say what my pieces are so perhaps you can give us a presentation. I do not want to be in disagreement with you. I just want to be sure that we are going to be asking the Building Division that if we are going to be putting something in Code that it is going to be asking for something, that it is going to be viable in five (5) years and that there will not be substantial changes. Are you willing to do that? Is that something that you can look at, so I do not make you answer a bunch of questions on the floor?

Councilmember Evslin: If you are asking for a presentation on the threat of climate change, I do not really...

Councilmember Cowden: A comparison between electric vehicles...lithium batteries take a lot of energy to destroy. They take a lot of energy to create. The shipping takes a lot of energy. If we are charging at night, that is using diesel power inefficiently. I just want to be sure the math and the science works out.

Councilmember Evslin: I do not think you need a presentation from me. If you look at the Environmental Protection Agency's (EPA's) website, the embodied lifetime emissions of lithium batteries is a teeny fraction of the lifetime emissions of a fossil fuel vehicle. There has been a lot of research on that front. If you want, I can bring some information at the next meeting. It is readily available online.

Councilmember Cowden: Great. Maybe you can bring some information on how we would be shipping these, to where, how much it would cost to do it, and do we have the capacity to manage all of these batteries that we would be leaving. I just want to be able to see that information. I did look.

Council Chair Kaneshiro: Councilmember Cowden...

Councilmember Cowden: I just want to be excited about this. I am just trying to be responsible and ask the alternative questions. I want to be in full support of this and be yes, yes, for this Bill.

Council Chair Kaneshiro: Again, this is an EV charging station Bill. I do not know if disposal of batteries and a whole presentation on the effects of batteries and where they are mined is part of the actual Bill or something that Councilmembers Evslin or Kualii would do. If you want to share that information in your discussion, I think it would be the appropriate place to express why you have concerns about it. To have them do a presentation on that with this Bill, I do not think would be necessary.

Councilmember Cowden: Okay, I will try and find some of that information. Hopefully what they said so simply is correct. This is upstream of the Bill. If we require fifteen percent (15%) of the parking to be EV charging stations, that means we probably want fifteen percent (15%) of our cars to be that. If we have fifteen percent (15%) of our cars to be that we need to be able to deal with the waste

of the cars. It is just trying to look comprehensively at what we are asking for. That is all I am trying to do.

Council Chair Kaneshiro: Do we have any further questions from the Members? Again, this Bill will be sent to the Planning Commission and then it will come back to us for public hearing, Committee, and full Council. If not, while the rules are still suspended, we will take public testimony. Is there anyone in the audience or on Zoom wishing to testify? Lonnie.

Mr. Sykos: My thanks to the two (2) Councilmembers for making their observations about this Bill. Although the Bill is about charging stations, it also is about lithium batteries, because you are picking winners and losers in the change in technology for motor vehicles. It is that simple. The State has decided for whatever reason to choose lithium batteries over all of the other options. From the theoretical side, hydrogen is by far the superior energy method that we are aware of. It is simply a matter of will that technology develop. We are talking now about twenty (20) some years from now. Lacking a crystal ball, we do not know which technology is going to win out. Yet, the State is pushing us towards a technology that is as problematic as petroleum is. The country that has the most different types of rare Earth minerals literally on the surface of the ground that you could harvest with a shovel is Afghanistan. Afghanistan could be a trillion-dollar country except it is unstable, cannot be mined, and everyone has left because they gave up. We will go and get lithium from other places. As the Councilmember showed, it is problematic and this Bill is problematic because we are backing the State in picking winners or losers. It bothers me that that charging station has been broken for years. It has been broken so long I do not remember the first time I remembered it being broken. My second observation is...I agree, I have friends that have electric cars. They go to the shopping center to park it so that they do not have to pay to charge it at home. They go to the shopping center, park their car, recharge it, get in their friends car, and go cruising or surfing. You build all of these stations and how are you going to deal with the cars that are using it as a parking stall? Maybe you need a fine for blocking the charger. If your vehicle is not being charged, how are you going to get it out of the stall so someone else can actually charge their vehicle. This Bill has a good intent, but lacking to work in real life. I am hesitant to support this.

Council Chair Kaneshiro: Thank you. Next up, we have a testifier. Please state your name for the record and you will have three (3) minutes. The light will turn green when it starts. It will turn yellow when you have thirty (30) seconds. It will turn red when your three-minutes (3) is up. If you need another three (3) minutes, we are going to go around the room first and let everyone have a chance.

ANDREW KASS: Hello, Councilmembers. My name is Andrew Kass. I am an electric vehicle driver for eight (8) years. I have driven eighty thousand (80,000) miles on Kaua'i with two (2) electric cars—we have Nissan Leafs. My experience has been that they are affordable and efficient vehicles for usage for me—they are cheap to run. Yes, they are more expensive to buy. Although now, with the used market, they are getting down. You can find used ones for eight thousand dollars (\$8,000) to ten thousand dollars (\$10,000). In my mind, because of the efficiency and there are no oil changes, no tuning, or anything, they are affordable transportation. They could be for more people on Kaua'i. There is a supply issue just like all used cars and other things right now, that hopefully will get resolved, but they are a solution for affordable transportation on Kaua'i. There are many other issues

that have been brought up, but I just think that at the same time they are reducing our fossil fuel dependency on Kaua'i, so if we can with solar energy that we are creating energy here on Kaua'i, then we are spending money on Kaua'i to KIUC for that energy, we are not spending money on importing fossil fuels from places like Russia and Saudi Arabia. Councilmember Cowden brought up some issues with lithium and Councilmember Evslin mentioned yes, there are issues, but there are much bigger problems right now. If you look at places where we get oil like Saudi Arabia is an issue; I wish you would address things like that. Deep water horizon: we talk about pollution from our oil addiction, so there are a lot of issues around it, but I think alternatives are worse. One last issue that we have is, you talked about the electricians who have to install these chargers, at least we know about conduits and copper wiring; that is easy, we have people who can do it, like Councilmember Evslin said, there is no hydrogen delivery system in Hawai'i, there are a few on the mainland, but we do not know how to do that, those are expensive materials to deliver hydrogen to your car, you need a special tank and special hoses in your car. Right now, we can install chargers easily, it is known technology, it is easy to do, and it helps the "chicken and egg" problem of having electric cars, you need more chargers, then you need more cars, so it is going to help bring more affordable transportation to Kaua'i to pass this Bill. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom wishing to testify? Tara.

Ms. Rojas: *Aloha.* I just wanted to testify on what was mentioned about the fine. Just hearing this, for electric vehicles, I have *'ohana* and friends that have them, however, the issue about fines is concerning, especially, I guess the nonchalant or mindset of the person, where you said that they are not looking to fine, but try to remedy any discrepancies, yet, how things are written. The Councilmember mentioned that when someone else comes in, and you read things as-is on paper, they did not know that the previous mindset was to work with the discrepancies before having to actually apply this fine, so again, like how they mentioned another Administration or person reading this might have a different mentality, so is there something that can be written in there? I looked up Chapter 8-3.5, where some kind of levels you work with, or a warning, or something like that, because it is two-sided. You want to encourage this, but you also do not want to discourage, you do not want to penalize, but if it purposely being done...I do not know, just hearing whatever you are saying, using it as a parking stall versus actual charging, so you will have to see the two-sides, so maybe put it in writing. I know it is in the Chapter, so it might be amending, but something where it is not just to say, okay, ten thousand dollars (\$10,000), and even at yourself you do not know how to read this, what is written as-is, so put in "warning" or "work with" to remedy the issue. You have to look at everything that everyone has been mentioning. Since this is bill for first reading, now is the time to get the input in, as well as looking at what is in the Chapter right now, as written. *Mahalo.*

Council Chair Kaneshiro: Thank you. Next up, we have Goren.

GORAN RADOVANOVIC (*via remote technology*): My name is Goran. I live in Wailua Homesteads. I have been an electric vehicle owner since 2013. I have driven probably around eighty thousand (80,000) to ninety thousand (90,000) miles on the island electrically powered. I am a solar energy consultant, as well. My concern with this Bill is that it is absolutely necessary that we have a Bill like this. Our neighbor islands are ahead of us in this type of legislation. One of the things that is a huge benefit happening here on the island is that we are producing more renewable energy of our own sourced right here on Kaua'i that could be used for electrified transportation. This power could easily be directed into vehicles and buses. Let us just face it, we need to ween ourselves off of oil that is putting so much CO2 in our atmosphere, that is the cause of global warming and climate change. Petroleum that is being burned, we might as well shift that addiction to electric, solar, and renewable power; the technology is here. The technology is happening right now. This Bill allows electric vehicle chargers to be available to the masses. We need to give the public access to vehicle chargers, so that they can drive more affordably. These vehicles are easier to maintain. It is a lot less expensive to drive an electric vehicle. Everyone says it over and over again, if you do not know, try it, drive one, see what it is like, it will change your mind about electric vehicles. Someone mentioned a few times, what about people that park their cars and charge overnight, and that sort of thing. Well guess what, I am an electric vehicle charging station owner. We have a charging station at the Waimea Baptist Church, and we charge people to park at that spot. So if you are charging, and you want to park there overnight. Well guess what, the Bill will add up. So that type of technology or accounting for time plugged in...if you are going to charge all night long, go right ahead, it is going to cost you money. So there is a financial incentive to keep people moving along. These charging stations are WiFi connected, time is being accounted for, and people can move right along if they do not want to pay a set amount per hour to stay there and charge their cars. That is all I have to say, thank you so much.

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom wishing to testify? If not, are there any further questions from the Members? Are there any final discussion from the Members before it gets referred to the Planning Commission? Councilmember DeCosta.

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

Councilmember DeCosta: I had a little to say. I am going to have to address some of the concerns of Councilmember Cowden, I think this Bill does address EV chargers, but the vehicle that uses the EV charger does have lithium batteries in it, it will eventually end up in our landfill, or be disposed of by our County. We are the County government who will be responsible for those batteries. Not every family can afford a new electric vehicle. I believe electricity and solar is a driven force by different political parties and now we are under the Democratic regime and things could change, and fossil fuel may become more of an importance, it may not, and I am not saying I want to not save the world, but if you want to be real today, here in Hawai'i, no matter what we do with our emissions and our carbon secretion and carbon dioxide emissions, the rest of the world needs to be onboard with us, if they are not, there still will be global warming. I think there are good points on both sides.

I want to commend Councilmember Evslin and Councilmember Kualii for this, but I do not want to ignore what Councilmember Cowden has brought up today. I would like to hear what the Administration has to say in an E-mail, they do not have to tell me now, but I would like to know what the Administration has to say about this moving forward. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I will be brief. I love the intention of this Bill. In this moment, I am definitely going to be voting "yes" to be moving it forward and see where it goes. I will work myself to really find out some of the answers to these questions, and I hope what Councilmember Evslin says is accurate, and I will be bringing more information back when it comes to the Committee Meeting, if it is not adapted in that time, but I think this absolutely needs to be explored by the Commission. I want it to be something that is really excellent for us, and if I could have an electric vehicle easily, I would have one. I am satisfied for now. I do not have to have all my issues addressed.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you all for the dialogue. I want to thank Councilmember Kualii for slogging through this with me for the last year and the collaboration with the Planning Department, and Office of Economic Development (OED), that is doing a lot of great work on trying to figure out electric vehicle charging incentives, so I appreciate all the work on this front. Just to respond to a couple of things. Regarding the broken chargers in the Historic County Building lot, those were replaced by the chargers across the street. I think there are sixteen (16) chargers right across the street. We have more publicly available chargers here in this County parking lot than I think anywhere else on Kauai, at least anywhere else that I have seen, so we are doing good on that front. As far as the cost of an EV that goes up a little bit. Today, if you finance a car, you are going to be paying, if you have taken the financially cost monthly, fuel cost versus electricity cost, you are paying less at the end of the day with an electric vehicle for almost all types of electric vehicles on the market than you are for a comparable fossil fuel vehicle, and that is using Hawaii electricity and fuel rates, and that was the study that did show that was done before the spike in fuel charges, and because of that significant annual drop in the cost of electric vehicles, that is what accounts for the thirty-three percent (33%) increase in electric vehicles in Hawaii in just a single year. The transition is happening very rapidly, whether we like it or not. For me, I think it is a great thing, I am happy to encourage it, but we are not choosing winners or losers, the market is essentially choosing the winner here, that EVs are getting cheaper. The forecast is just a few years, up front sticker price would be less than the cost of a fossil fuel car. What is happening and we need to ensure that we have the infrastructure in place to help enable people to have access to these cars. A major barrier is that if you have an older home, you often do not have the amperage for a level 2 charger. It means you need to charge all night long with a triple charge, which takes twelve (12) hours to get a full charge. So, if you have an old home, you cannot have the charger, you are required to rely on the public network, and also, if you live in multi-family housing, then you would rely on public charging network. So, when

you see people parked in a grocery store parking lot, they are paying more than the cost of electricity for charging, they are not doing that because they do not want to charge at home. If you have the charger at home, you are going to choose to charge at home. People are parked at Safeway for hours because they do not have access to any other chargers. When a mall like Kukui Grove Shopping Center does not charge someone for two (2) hours then charges after that, they are making their own financial decision. They are deciding that it is enough of a draw to give free charging for two (2) hours, get people to come to the mall, and start charging them after, and that is what businesses around the island are doing, because you can charge over and beyond the cost of electricity—help draw people there and then start charging people for power. So, no establishment should be losing money with an installed charger. Again, this is going to the Planning Commission and a lot more input there, then the Committee Meeting where we can have a robust conversation about all aspects again, but I appreciate the dialogue today. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I will add that if we are serious about addressing climate change, this is really just one (1) very small step; there is a lot more to do. I challenge all of you to come up with some Bills of your own, and some ideas, maybe an amendment if you think you can improve this Bill, but it is just a small thing, and we have to do a lot more if we are serious about addressing climate change, and it is a catastrophe, it is a disaster, what we see in the news today, the heat waves, it is ridiculous; long overdue.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. Thank you to the introducers of this Bill. I can imagine what you had to go through to get it to this point, so I look forward to the Planning Commission's review of it, and to see it back. I think oftentimes government is criticized as being reactive, and to be quite honest, we are, but this is being proactive, so I appreciate you, outside of any political agenda. I think what we need to do is look at options and opportunities for us as a community, and this offers something that we should be looking at. I hate for that to be the center point of discussion here, yes, the reality of the political regime is as such, let us focus on what it is we can do to help encourage new industries, new ways of thinking, and new opportunities for us to live more sustainably on this island. Thank you. I look forward to the Committee Meeting where we can unpack this more, and I will encourage everyone...there are concerns that we do come together to bring some background research on your own, so that we can contribute to a more productive discussion in the Committee Meeting. I would also encourage that if that is the direction that you as individual Councilmembers are leading, that you do come with at least potential amendments that we can dive into and unpack further. Thank you, Chair.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Overall, we have been moving in this direction in so many different ways. Even our Kaua'i Buses are moving forward with

electric buses and charging stations that is happening already, so in this discussion there is more to put on the table. I look forward to reaching out more. There will be more discussion on this, but I believe we are moving in the right direction, especially with how we are at with our environment and being more sustainable overall. So I look forward to more healthy discussion, and I think we have good opportunities to bridge and connect and get resources coming back to move this effort forward in a positive way. A lot of questions will come up, I know that for a fact, but I think we are on the right track as far as what is happening before us, so I look forward for more discussion, of course, with the Planning Commission, as well.

Council Chair Kaneshiro: Is there anyone else? Councilmember DeCosta.

Councilmember DeCosta: I appreciate Councilmember Evslin and Councilmember Kualii on encouraging us to come up with some amendments or a Bill of our own to improve this environment. Council Vice Chair Chock, you made a good point about coming to the Committee Meeting and doing our homework, but remember the Bill was introduced by Councilmember Kualii and Councilmember Evslin, and we did not know about it until now, so now we are asking questions, and I need to give "props" to myself and Councilmember Cowden for bringing up critical issues that there are people out there watching today that believe the same as us. There are people like you who believe the same as you, and that is the beauty of this Council that we can have these discussions, intellectually fruitful discussions, and we may not see everything the same way, we might not be as...I do not want to say climate change sensitive, but we might have other ideas, or other ways, or other constituents that we need to speak on behalf, and we need to be able to articulate our vision and not get in a frustrating way, because your discussion did not go the way you folks wanted. So I am excited to see what is going to happen in the Committee Meeting. Yes, by all means, I will do my homework. Thank you.

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

The motion to refer Proposed Draft Bill (No.2877) to the Planning Commission was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: We are past our lunch and break, but I do see testifiers in the audience who have been here all morning. I want to get to their two (2) items, so I am going to jump around. We are going to take the Fire Collective

Bargaining Bill No. 2866 on the Council Meeting agenda. When we complete that, we are going to recess the Council Meeting. Then, we will take the Committee Meeting Parks & Recreation / Transportation Committee item, so the other two (2) testifiers can testify. I do not want them to have to come back after lunch; they have been waiting very patiently for their item. Clerk, please read page 5, Bill No. 2866.

There being no objections, Bill No. 2866 was taken out of order.

BILLS FOR SECOND READING:

Bill No. 2866 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Carvalho moved to approve Bill No. 2866 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We have testifiers. Blair.

There being no objections, the rules were suspended.

BLAIR YAMASHITA: *Aloha*, Council Chair. For the record, Blair Yamashita, Hawai'i Fire Fighters Association (HFFA), Kaua'i Division Chair, also Kaua'i Fire Department (KFD) Fire Captain. I want to say thank you for allowing us the opportunity to speak today. As you folks know, HFFA represents one thousand eight hundred (1,800) career firefighters around the State, responsible for staffing both County and State facilities, as well as six hundred plus (600+) retirees, and here on the island we have one hundred thirty-nine (139) County firefighters along with around forty (40) State firefighters, as well. HFFA thanks the Council for its continued support and commitment to public safety and urges the passage and a "yes" vote on Bill No. 2866 for the contractual award for bargaining Unit 11. Having satisfied the procedural requirements of Hawai'i Revised Statutes 8 and 9, and arbitrated on by a neutral third party as being fair, we stand by this contract. The last time we were here three (3) years ago, we came to this Chambers informing about the secondary and hidden hazards that we face that go and compound along with the inherent dangers of our jobs that people see the fires that we go to, the working conditions. Things like the increased rates of cancer and shorter life expectancies than the general population, and increased diagnosis of Post Traumatic System Disorder (PTSD) comparatively. COVID-19 in the last thirty (30) months have just reinforced the importance of having a well-supported and funded public safety sector. Fire, Police, and Emergency Management Services (EMS), continued at the same high-level through a once in a lifetime pandemic, often putting our members face to covered face with the disease, and each time the phone went off, we answered the call knowing we were possibly subjecting ourselves to COVID-19 and not only that, but to our families. I will finish by reiterating, we stand by the contract, and we know

that the Council, the County of Kaua'i, and the community stands with us also. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Nick.

NICHOLAS PANANGANAN: Good afternoon. Nick Pananganan, Fire Captain for the Kaua'i Fire Department, Division Recorder for HFFA. I will be brief. As Blair reiterated, we stand just at one hundred thirty-nine (139) members for our County Divisions. We also represent our State Association of Retired Fire Fighters (ARFF) members, one thousand eight hundred (1,800) members across Statewide. Just here to put faces to the numbers and names associated with this Bill, just asking for your support. It went through first reading, we are just looking for a "yes" vote to pass our bargaining agreement, everything went through binding arbitration where employer and bargaining unit met with fair negotiations and was awarded by third party arbitrator, and we are just asking for that recognition of the process in compliance with good faith bargaining in the HRS. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom wishing to testify? Seeing none. Are there any questions from the Members? Is there any final discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I want to thank the two (2) firefighters for coming today. I want to be proactive and thank all the firefighters throughout the State, moreso here on Kaua'i, because they are the ones that save us, respond medically to our *kūpuna*, you folks are under thanked, and we only do it when we hit the emergency and something happens to our loved ones, and we feel compelled to thank you, so today, I am going to thank you on behalf of the Council and Council staff that we are indebted for you folks to keep us safe at the forefront of our wellbeing. Thank you.

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

Councilmember Cowden: I want to thank you both for coming in here and speaking to us, waiting patiently through the meeting. I want to thank all the firefighters both on Kaua'i and in the State, you are deeply appreciated. This is second reading right now, so when we say "yes" today it is a done deal, and when I look at the numbers, the percentages, I know that does not keep up with inflation, so it is a very easy, willing, and strong "yes." Yes, you deserve it, yes, we are going to give it to you, yes, we are glad that you are getting it, so thank you very much.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I, too, want to lend my voice of gratitude, *mahalo nui loa* to Firefighter Yamashita and Firefighter Pananganan for showing up today and representing all our other firefighters. Absolutely, we have always known how critical first responders are for us, and became even more apparent during COVID-19, and we appreciate all that you have done to help get us through that, so I will support this very easily.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: *Mahalo* again, you folks have been totally supportive, your heart, your soul, your dedication to the work that you do for the people, *mahalo* to your families, as well. Today, we totally support it one hundred percent (100%). *Mahalo* for everything you folks do.

Council Chair Kaneshiro: Is there anyone else? Councilmember Evslin.

Councilmember Evslin: I just want to express my appreciation for the work that KFD does here. My guess is I have the distinction among the Council of being rescued by the Fire Department more than anyone else among my colleagues here, maybe Councilmember Cowden has me beat there, but three (3) or four (4) times that I have been in hairy situations, and it is always such a relief to see someone paddling out on a board or in a helicopter to help you out. So a lot of appreciation for the work that our first responders do, even outside of the last two (2) years of crisis that we have been in. Thank you. Easy vote today.

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

The motion to approve Bill No. 2866 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.

Council Chair Kaneshiro: The motion passes. With that, we will recess our Council Meeting and we are going to start with the Committee Meeting, starting with the Parks & Recreation / Transportation Committee.

There being no objections, the meeting recessed at 12:54 p.m.

The meeting was called back to order at 2:04 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back, we are on page 4 of our Council Meeting agenda under Bills for Second Reading.

Bill No. 2861 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-3.4, 5A-6.1, 5A-6.4, 5A-12.1, 5A-12.3, 5A-12.7, AND 5A-12.8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

Councilmember Carvalho moved to approve Bill No. 2861 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Are there any questions on this item? Councilmember Cowden.

Councilmember Cowden: I am just making sure that I understand this completely. My understanding is that when these corrections happen at the Board of Review, the person under consideration has eliminated an extra step and they get their status changed as far as real property tax is concerned. That is the main thing, right? It is removing that extra step.

There being no objections, the rules were suspended.

Ms. Matsuyama: Sorry, Councilmember Cowden, can you repeat that question?

Councilmember Cowden: The main piece, and we have been over this multiple times, but the Board shall have the power to change a property tax rate classification right there where it gets corrected, and the person does not have to go back and refile if they had it wrong? When they go to the Board of Review, they could fix it right there. That is the main element?

Ms. Matsuyama: Yes, that part is basically a housekeeping measure, because the basis to appeal a tax classification does not appear in Section 12 of Chapter 5A. It appears in the other section that establishes the tax classification, but it was not written in the appeal section. We are just making sure that all of the ways that someone can appeal are all captured in Section 12, which is the appeal section of Chapter 5A.

Councilmember Cowden: Okay. It is simple.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there anyone in the audience or on Zoom wishing to testify on this item? Jeff.

JEFF LINDNER: Aloha, Councilmembers. There was a point of clarity that under an illegal claim, the Board does not handle that, right? That is what I read. Typically, you could go straight to Honolulu if you wanted to, right? If it is an illegal claim or issue, I think what it is saying is that you have to...the court has to rule on that. I guess my question is if somebody has illegal with non-uniform

or any of the other issues, do you have to go through the Board and satisfy those other three (3) first, and then go to the court for the illegal, or if the illegal is in that will you go straight to the court? That was not clear. I am just trying to get clarity on that. That is if I am understanding the illegal part, that it has to go to court.

Council Chair Kaneshiro: Okay. Is there anyone online wishing to testify? Are there any further questions from the Members? Councilmember Cowden, do you have a question?

Councilmember Cowden: I sort of understood what he was asking. Is it possible that we can get clarification on that, what Jeff was asking?

Ms. Matsuyama: I can run through the ways or the reasons why you can appeal. The assessed value you can appeal on. I think the one that he was talking about was the second one, lack of uniformity or inequality. If you did not get an exemption or dedication, you can appeal that. The illegality one, you can appeal that as well. Then tax classification, we are adding to the section. We are not adding to the Code, but adding to the section. On any of those basis, what we are saying in this Bill is that you can appeal any of those or all of those, but you still have to go through the Board of Review first in any case, before you went to the State Tax Court.

Councilmember Cowden: Thank you.

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

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

Council Chair Kaneshiro: Is there any final discussion? I will take a roll call vote.

The motion to approve Bill No. 2861, 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. 2863 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Carvalho moved to approve Bill No. 2863 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: This is for blue collar supervisory workers. Is there anyone in the audience or on Zoom wishing to testify?

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

Council Chair Kaneshiro: Is there any questions or discussion from the Members? If not, we will take a roll call vote.

The motion to approve Bill No. 2863, 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. 2864 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Carvalho moved to approve Bill No. 2864 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

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

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

Council Chair Kaneshiro: Is there any questions or discussion from the Members? This is for white collar non-supervisory employees. If not, we will take a roll call vote.

The motion to approve Bill No. 2864, 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, Kualī'i, 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. 2865 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Carvalho moved to approve Bill No. 2865 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: This is for white collar supervisory employees. Is there anyone in the audience or on Zoom wishing to testify?

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

Council Chair Kaneshiro: Is there any questions or discussion from the Members? If not, we will take a roll call vote.

The motion to approve Bill No. 2865, 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, Kualī'i, 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. 2867 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Carvalho moved to approve Bill No. 2867 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: This is for professional and scientific employees. We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify?

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

Council Chair Kaneshiro: Is there any questions or discussion from the Members? If not, we will take a roll call vote.

The motion to approve Bill No. 2867, 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.

Council Chair Kaneshiro: Next up is Executive Session.

EXECUTIVE SESSION:

ES-1078 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council's legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval to settle two (2) workers' compensation claims. This deliberation and decision-making involves matters that require the consideration of information that must be kept confidential due to significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, and evaluation. This information is protected from disclosure pursuant to State or Federal law, including the Health Insurance Portability and Accountability Act.

Councilmember Carvalho moved to convene in Executive Session for ES-1078, 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 one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: We are going to take this Executive Session at the end of our Committee Meetings.

The motion to convene into Executive Session for ES-1078 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Not seeing or hearing any objections, this Council Meeting is now adjourned. We will now begin our Committee Meetings.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:14 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal flourish extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ks