

## COUNCIL MEETING

APRIL 26, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, April 26, 2023, at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Ross Kagawa  
Honorable KipuKai Kuali'i  
Honorable Mel Rapozo

Excused: Honorable Addison Bulosan

### APPROVAL OF AGENDA.

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

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

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

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo: Next item, please

### MINUTES of the following meeting of the Council:

April 12, 2023 Council Meeting

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

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

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

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo:                      Next item, please.

CONSENT CALENDAR:

C 2023-93    Communication (03/06/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Alice E. Luck to the Cost Control Commission – Term ending 12/31/2024.

C 2023-94    Communication (03/10/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Trevor J. Ford to the Fire Commission – Term ending 12/31/2025.

C 2023-95    Communication (03/13/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Walton D.Y. Hong to the Police Commission – Term ending 12/31/2023.

C 2023-96    Communication (04/03/2023) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022 2023.

C 2023-97    Communication (04/05/2023) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2023 through March 31, 2023.

C 2023-98    Communication (04/14/2023) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's Fiscal Year 2024 Proposed Operating Budget, pursuant to Section 21 of the Bylaws of the Hawai'i State Association of Counties, Inc.

C 2023-99    Communication (04/12/2023) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Execution And Delivery Of One Or More Multifamily Housing Revenue Notes In An Aggregate Principal Amount Not To Exceed Twenty-Five Million Dollars (\$25,000,000) For The Purpose Of Making A Loan To Provide Financing To Lima Ola Family Partners LP, A Hawai'i Limited Partnership, For The Acquisition, Construction And Development Of Multifamily Rental Housing; Determining And Prescribing Certain Other Matters Relating Thereto And Approving And Authorizing Related Actions And The Execution And Delivery Of Related Documents And Agreements.

Councilmember Kualii moved to receive C 2023-93, C 2023-94, C 2023-95, C 2023-96, C 2023-97, C 2023-98 and C 2023-99 for the record, seconded by Councilmember DeCosta.

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

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

The motion to receive C 2023-93, C 2023-94, C 2023-95, C 2023-96, C 2023-97, C 2023-98 and C 2023-99 for the record, was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo: Next item, please.

### COMMUNICATIONS:

C 2023-100 Communication (03/24/2023) from the Chief of Police and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to transfer Kaua'i Police Department unexpended salaries, in the amount of \$105,000.00, to purchase thirty (30) Mobile Data Terminal (MDT) ruggedized patrol laptops to replace aging units.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: C 2023-100 and C 2023-102 from Kaua'i Police Department (KPD), there is a request for the items to be deferred.

Council Chair Rapozo: Real quick, just so that the public knows, Captain Mark Ozaki is out-of-state, and he is the one that was managing this project, so he has asked for the deferral, so if there is any discussion or public testimony before we do the motion? If not, go ahead.

Councilmember Kualii: Being that this is an item that is requesting expending unexpended salaries from the current year's budget for an item of thirty (30) laptops, I would suggest...the question I would have today, if we were addressing it, and then it might become a timing issue, so I just want to say it now, this is unexpended salaries, and I think there is probably some of us that will have difficulty approving unexpended salaries for any other purpose other than salary, even though it is a relatively small amount, it is still one hundred five thousand dollars (\$105,000). Being that we are in budget right now, I would suggest to the police department that they put these items in their budget, because you have until May 8<sup>th</sup> when the submittal will come back to us. We just went through the exercise with all the vacant positions, and us challenging you to say, "If you are not filling the positions, do not fully fund it." So, I do not know where this money is coming from specifically for which position, but I imagine as it is every budget year, there is a lot of unexpended salaries in the police department, so I am asking for better budgeting, and I am asking for you to put this in your budget now if you truly need it so quickly by July 1<sup>st</sup>. It seemed like this is saying, "The units are aging, so it would be nice to replace them." So, if you can do that on July 1<sup>st</sup> with the new budget, I suggest you do that. This item will be deferred, I do not know if when it comes back to us, it will no longer be timely, and if you will have all the votes you need, at this point, I am not thinking to support it. Thank you, Chair.

Council Chair Rapozo: I share your concern. We had a lot of discussion, and it is not just with the police department. It is a budget tactic. I know Councilmember DeCosta spoke to me about possibly having an agenda item on the restructuring that was discussed by the Chief during the budget process, so I approved that request to have that item on the agenda. We have two (2) options, well, we have three (3) options: we can deny it today, we can refer this over to the Committee next week and have the Department here. When was Mark...

Ms. Fountain-Tanigawa: He said he would be back by the following agenda, but I am not sure if he will be back by Committee.

Council Chair Rapozo: Okay. My suggestion is we send the itmes to the Committee, because I have the question that Councilmember Kualii has that I share concern with that is not so much the laptops, it is the process, so we do not need Mark, if he is not here, it really is not Mark, it would be the Chief or their fiscal people or whoever their budget team is, to come and explain and answer the questions that Councilmember Kualii have. I am not sure if we can put Councilmember DeCosta's item on the same day, so we can have that discussion as well. The other option would be to defer it to the next Council Meeting.

Councilmember Kualii: Chair, the only other thing I would add is, I heard concern from constituents.

Council Chair Rapozo: This is an on-going concern. There was a time where, I think it was Councilmember Kualii who introduced the proviso that restricted the use of unexpended salaries for any other items other than salaries or overtime, so it is a discussion that we probably should have anyway. Whatever your pleasure is, we will go. Councilmember DeCosta.

Councilmember DeCosta: I want to add to this, I think it is not fiscally responsible when they come to us during budget, all department heads, and tell us that they are going to be filling these positions, they need this funding, and knowingly they are not going to fill the positions, then they have what they call their "fluff" account at the end to spend how they want in the fourth quarter. I think it is very fiscally irresponsible for our taxpayers' dollars to be spent like that. I know I cannot support something like this, and I would like to send a message to all department heads that when you do your budget, when you sit in front of us and we ask you questions, we ask you about dollar funding a position when you are ready to hire that person, I am going to support you, please very conscientious and honest when you deal with us, because we are responsible for our taxpayers' money during the budget. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I want to also thank Vice Chair Kualii for calling attention to using unexpended salaries, because I noticed that right away, and we have had that conversation. I certainly would not have any problem with getting new ruggedized patrol laptops in the cars, that is something that is very necessary, and I think that we are doing the right thing to really look at unexpended salaries,



and I want to say as someone who attends the Police Commission meetings almost every time, and keeping a high focus on the police department, they are really struggling to fill those positions, we absolutely need to hire these people, and when we have two (2), three (3), or four (4) graduates in our classes when it used to be closer to ten (10), I think they earnestly do want to fill those positions, and they are unable to do it. I know the last one we had three (3) graduates, and very quickly we had two (2) working officers out of those three (3), so I am not questioning that there are unfilled positions, but I respect that what we are saying that we need to make sure when we are budgeting that it does not create extra money.

Council Chair Rapozo: Are there any other questions? Is there anyone in the audience wishing to testify? With that, we should send a communication to the Chief.

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

Council Chair Rapozo: As far as these Mobile Data Terminals (MDTs), these computers, I am interested to know what it is replacing. How old? What happens to those old computers? I do not remember...because whenever we have the County auction, I always go to the list, because I am an "eBayer," so I buy low and sell high, but I have never seen computers, and I am not sure if they just dispose it, because of the sensitive nature of what may be in it, but if we could just get a better understanding of what the restrictions are.

*(Councilmember Kagawa was noted as present.)*

Councilmember Kualii moved to refer C 2023-100 to the May 3, 2023 Finance & Economic Development Committee, seconded by Councilmember DeCosta.

Council Chair Rapozo: Let us put Councilmember DeCosta's item in the Committee of the Whole, so all seven (7) Members are on that.

Councilmember Kualii: We have seven (7) Members on the Finance & Economic Development Committee.

Council Chair Rapozo: Yes. The motion is to refer. Is there any other discussion? Seeing none.

The motion to refer C 2023-100 to the May 3, 2023 Finance & Economic Development Committee was then put, and carried by a vote of 6:0:1  
*(Councilmember Bulosan was excused).*

Council Chair Rapozo: Next item, please.

C 2023-101 Communication (03/28/2023) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Training Agreement between the International Association of Fire Fighters (IAFF) and the County of Kaua'i Fire Department (KFD), which provides the IAFF Peer Support Training Program to the members of the KFD, from July 10-11, 2023.

Councilmember Kualii moved to approve C 2023-101, seconded by Councilmember Cowden.

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

Councilmember Cowden: Is Chief Gibson coming?

Council Chair Rapozo: Did the Fire Department send anyone? We will skip this item; can someone have someone from the Fire Department come in? Okay. We will go to the next item.

C 2023-102 Communication (03/31/2023) from the Chief of Police, requesting Council approval of the indemnification provision included in the Lexipol Master Service Agreement, which is the leading nationwide, total training solution for law enforcement agencies.

Councilmember Kualii moved to refer C 2023-102 to the May 3, 2023 Finance & Economic Development Committee, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I would like when we have someone speak here, it looks really great that there is all this online training, I would not have guessed that the online training is on these mobile data terminals, but that would be a type of question that I would be asking, but it seems like having four hundred (400) available training classes is important, so whoever will be coming to know that I will have some questions on that.

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

The motion to refer C 2023-102 to the May 3, 2023 Finance & Economic Development Committee was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2023-103 Communication (04/10/2023) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$728,536.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, homemaker, Kūpuna care transportation, personal care, home-delivered meals, respite care, and caregiver support services, for the period July 1, 2022 through June 30, 2023.

Councilmember Kualii moved to approve C 2023-103, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?  
Did you want Kealoha up here?

Councilmember Cowden: Yes, please.

Council Chair Rapozo: Okay. With that, I will suspend the rules.  
Kealoha.

Councilmember Cowden: *Aloha.* First of all, thank you for all the work that goes on with Kūpuna Care and I know this is a recurring grant.

There being no objections, the rules were suspended.

LUDVINA K. TAKAHASHI, Executive on Aging: Yes.

Councilmember Cowden: Is there any significant changes in how this grant is being expended? Are there any differences between vendors or anything of that nature?

Ms. Takahashi: Kealoha Takahashi, Executive on Agency on Elderly Affairs. Right now, we have two (2) providers who do in-home care services, homemaker, personal care, and in-home respite. They are experiencing a shortage of workers. We have two (2) new providers, and we are in the midst of solidifying that contract with them.

Councilmember Cowden: How many people are on the waiting list?  
How many people are not able to get the help that they need?

Ms. Takahashi: Currently, we have sixty-three (63) on the waitlist.

Councilmember Cowden: Sixty-three (63). Currently, how many do we have serviced?

Ms. Takahashi: We have fifty (50).

Councilmember Cowden: So, we have more waiting than we have serviced. Just for clarity, this is based on income need, correct? When people go on the Kūpuna Care list is it more economically vulnerable *kūpuna*, or is it anyone?

Ms. Takahashi: Actually, priority is given to those that have low-income, but it is for anyone that is frail and needs assistance.

Councilmember Cowden: Even in the private sector where there is quite a lot of capacity, my understanding is that people have a very hard time finding someone to do this work, is that consistent with what you are aware of?

Ms. Takahashi: We do have a private hire list, but yes, the private hire list are not certified workers, some do not carry a certification to

provide Certified Nephrology Nurse (CNN) or even a registered nurse, so they go on a cash basis.

Councilmember Cowden: When I look at the money here, we basically get three quarters of the seven hundred thousand dollars (\$700,000) to begin with, and we will get the last quarter later.

Ms. Takahashi: That is correct.

Councilmember Cowden: Can you explain why we get the first three quarters and not the last quarter? Is that in case we do not spend all the money or something of that nature?

Ms. Takahashi: Yes.

Councilmember Cowden: Okay.

Ms. Takahashi: They are just monitoring. The State has always done that. Previously, they would submit money on a quarterly basis.

Councilmember Cowden: Okay. Then, my understanding is because we have such a big list, do we always spend all that money or is it since we do not have the workers to help the people that maybe we would not end up spending all that money?

Ms. Takahashi: That is a good question. When we receive the money, we have a 2-year period, especially for State dollars, to expend it, so we may have had carryover funds from the previous years that we are not presently using. Part of it is the worker shortage that we are not able to expend as quickly as we can. Then, when we receive the funding, it is kind of like a delayed process, so it could be a number of issues.

Councilmember Cowden: The reason why I am asking the questions, I really appreciate everything that our Office of Elderly Affairs does, and the responsible spending, I just want to be able to identify for our group, if we have a crisis, to me, when I watch what we have, my perception is that we have a crisis of not being able to care for our elder people, not for lack of a good job that you do, but because of just not having the workers; am I overstating it?

Ms. Takahashi: No, you are not.

Councilmember Cowden: Okay. Then, when we started doing elderly housing where they can have a caregiver in the apartment, like they can get two (2) bedrooms for one (1) person, because they have their daughter or caregiver, how has that impacted or dented the challenge?

Ms. Takahashi: There is the issue of providing the caregiver respite, because of their twenty-four-seven (24/7), so we have provided respite to those caregivers as well.



Councilmember Cowden: Okay, thank you, those are my questions.

Ms. Takahashi: Thank you.

Council Chair Rapozo: Are there any other questions for Kealoha? If not, thank you so much. Is there anyone in the audience wishing to testify before I call the meeting back to order? Seeing none. I will call the meeting back to order. Is there any further discussion? Councilmember Cowden.

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

Councilmember Cowden: Thank you folks for letting me ask that question. I am regularly running into people who are former residents who come from the continental United States to work for a month or something to help an old friend and I see them falling apart, because they had no idea how hard it would be to care for someone that they love as a friend to show up for a month, and they are just falling apart from that effort, and I just want it to be known before our Council and the government that this problem is likely to increase, and even when I deal with people who have substantial means, still yet, they cannot find the people, and I am watching people who have a partner with heavy dementia, and they are falling apart and dearly love their partner that they are helping, but they cannot get out for a moment, so we have something that I think we are going to need to be able to deal with, and I thank our Housing Agency for having senior housing with an extra room for a caregiver. Thank you, Kealoha for being able to also point out even if that person has a place to live, we have a problem, and our population is aging, so I just do not want this moment to pass without recognizing that growing crisis.

Council Chair Rapozo: Thank you. Is there any other discussion?

Councilmember Kualii: Just a quick comment.

Council Chair Rapozo: Go ahead.

Councilmember Kualii: I would like us to figure out a way to get more people off of the waitlist. I think we have a lot of resources, and we make budgetary decisions establishing priorities. I did not really know this, and it is troubling. I hope that we can figure out a way to help more of our *kūpuna* especially giving priority to the low-income. I am going to send a lot of questions just to try and understand better how we are budgeting now for those services, distinguishing between staff, contract services, I know home-delivered meals are a big part of it, but all these other services as well. I want us to figure out how we can do more with the same amount of money, but also how we can get more money, because there are more on the waitlist than there are that we are serving and that is kind of sad. Sixty (60) seems like a very low number to begin with, so I want to put my effort behind figuring out how we can do more, because I think this is really important. Thank you, Chair.

Council Chair Rapozo: Thank you. Yes, I think a big problem is the staffing, and that is not just with Agency on Elderly Affairs. You can put all the money you want in the Police Department or in the Elderly Affairs, but if you do not have the people, that is the dilemma that we need to somehow, I am not sure how to fix that, I am not sure if working with Kaua'i Community College (KCC), it honestly takes a special person to do that line of work, but you are right, we need to figure out a way to get more people served, and I am not sure, I do not have the answer. Councilmember Cowden.

Councilmember Cowden: I want to comment on both. It does take a very special person even when that person absolutely loves the person, it can be very difficult, but it is also the wage. A lot of people who have this work are not paid enough, and they can valet cars and make a whole lot more money, or serve drinks in a restaurant/bar, I am not putting any of that down, I am just saying, people who might even have this skill can make more money, but when I bring up the fact and why I asked if it was relative to the age limitations, I know some of these people who are working tirelessly to take care of their partner, they would pay all kinds of money to get someone to do it, and some of them would gladly put them in their own house, or put a different building on or whatever, and they still cannot find them, so pulling people from the continental United States that have a connection is not easy, so it is something we are really going to need to be looking at, and I am thankful for some of the plans at the Mahelona campus, but flagging the growing crisis.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: I want to shed a little light to this scenario, and we do not have an easy fix. Some places, we are short employees across our County, because of some kind of funding issue that they can make more money in the private sector, and we, as department heads, and departments have to find other ways to make those positions attractive. I learned this in business school, and I am sure Councilmember Kagawa learned that at his business school, is a thing called comradery within a company. When I was first elected as a Councilmember, I came here with this staff, and the first thing I noticed was that this staff that supports us have so much comradery, and people want to stay and work for that company. Message for the department heads out there, start building some comradery within your department. I met two (2) lifeguards at Hā'ena Beach this past Sunday, and they were respectful, kind, and they came up to my wife and I, and I asked him, "How old are you?" He said, "Thirty (30)." I said, "I remember at thirty (30) I was deep into making money. How much money do you make as a lifeguard?" Do you know what he told me? "It is not the money Councilmember DeCosta, it is part of this team that we belong to, this life rescue team, and we trade the money to be part of this comradery that we have in the Lifeguard Department." I see Chief Gibson sitting there, and I know you are part of that regime, and I want to thank you for creating that. I want to thank the Solid Waste Division and the Department of Public Works; I heard you had a get together for comradery building and it is amazing. We had our own comradery building this last County event that we had, so a message for all the department heads, if your people are retiring and do not want to work for you folks anymore, and you mention

funding, I can understand, but if they are mentioning that low morale, then go and fix it. Here is my message to all of you out there, department heads, fix your morale in your department.

Councilmember Cowden: I have one (1) follow-up.

Council Chair Rapozo: Okay.

Councilmember Cowden: I appreciate and agree with what you are saying, and because I go to the Agency on Elderly Affairs pretty much every month for their meetings, I do not know if there is a happier department, or at least that is how it comes across to me, is one of my favorite departments to work with—no offense to anyone—and these people who provide the actual service, these are all contracted companies, so we as government cannot tell them how to run their internal affairs, and I am sure if they could raise the rates, they probably would, but I think our community as a whole has to really start understanding and valuing that work that was traditionally not given the respect that maybe it could be. I want to give a big applause to our Office of Elderly Affairs and congratulate you for winning a Presidential award from the whole senior...national award, the President's award, I forget the name of the organization, but you folks got recognized, I thought, deservedly so, from the whole United States. You folks do a good job.

Council Chair Rapozo: Thank you. Okay, I will suspend the rules.

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

ALICE PARKER: Alice Parker, for the record. I apologize for the impromptu request to speak. By the time I read the captions and you ask for speakers, it is on to the next subject, but anyhow, thank you, Kealoha. I work for Kealoha in the Agency on Elderly Affairs, and I know there is a desperate need for caregivers. Where I live, I can see it door-to-door. Perhaps, there would be some way to fund or subsidize the students to incentivize them to take these classes to help, because I know many people do like to help other people, they need to learn how, but also, they have to eat and pay rent, and all that, so maybe we could subsidize classes with some of the funds. Thank you.

Council Chair Rapozo: Great suggestion. Thank you.

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

The motion to approve C 2023-103 was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2023-104 Communication (04/13/2023) from Council Vice Chair Kualifi and Councilmember Bulosan, requesting Council consideration, of a Proposed Draft

Bill Amending Chapter 22, Article 15, Kaua'i County Code 1987, As Amended, Relating To General Provisions Relating To Public Health, Safety And Welfare (Obnoxious Substances).

Councilmember Kualii moved to receive C 2023-104 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony? The Resolution will come up later, but if you want to come up now, we can take your testimony. Okay.

Councilmember Cowden: Should we go back to the Fire Chief?

Council Chair Rapozo: Yes, okay. Is there anyone wishing to testify on this item? If not, is there any discussion? Again, the Resolution will come up later.

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

The motion to receive C 2023-104 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo: The motion is carried. Thank you, Councilmember Cowden. This time, we will go back to C 2023-101. Can I get a motion?

Councilmember Cowden moved to approve C 2023-101, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, I will suspend the rules. Chief, thank you. Sorry to drag you out of your work to bring you here, but we did have some questions.

There being no objections, the rules were suspended.

MICHAEL GIBSON, Fire Chief: I apologize, I should have been here.

Council Chair Rapozo: No problem. Councilmember Cowden.

Councilmember Cowden: I think it is great that we are doing some peer support training. Is this something that we do regularly or is this a fresh effort?

Mr. Gibson: This is something we should do a lot more often, so right now, it is a fresh effort. It has been several years since we have had this type of training. We had a defunct CISD program, which was the Critical Incident Stress Debriefing (CISD) to give the avenues of firefighters someone to talk to, so if they had seen a traumatic incident or been involved in something that they



had a peer that they can go to confidentially as a bridge to be shown where to go for other services. It is an in-house way for the firefighters to reach out, if it is not their supervisor, it is someone that is not in their disciplinary chain of command, so they will not be afraid to share with them anything that they can.

Councilmember Cowden: You used the word "afraid." Do people sometimes worry that they would not get an advancement or is there any kind of punitive effort if someone is...I would think the worse is when you are rescuing someone that is in your own personal circle and you watched profound suffering or something, is there something that causes people to not be able to say, "I am shaking?"

Mr. Gibson: From what we have learned, it would just be the fear of stigmatism or the fear of that. They are afraid that they would not have people have confidence in them to put them in a supervisor position or a technical position when sometimes all someone needs is just to talk to and be able to open up about that incident. The main reason for it is to not be disciplined, the fear of discipline.

Councilmember Cowden: Do we have evidence of that happening?

Mr. Gibson: In my history with the Kaua'i Fire Department, I have not seen or heard of any. It has happened in other places, which is why this program was found and supported by the International Association of Fire Fighters (IAFF). The ask today is for the indemnification verbiage in Article 7. They developed this as a result of COVID-19, they had a lot of trainings scheduled where they had already paid for airfare, hotel, and they were out the money because they were not able to attend, so this is protection for them saying that we are not going to cancel, if we do cancel, then they would get their money back.

Councilmember Cowden: Okay. That is the indemnification, so that is the important part of that. I was also curious for July 10<sup>th</sup> and 11<sup>th</sup>, obviously, we do not grab all our Fire Department and put them in a 2-day training. It looks like thirty (30)...

Mr. Gibson: Thirty (30).

Councilmember Cowden: Do these people sign up, then when they take this training, they are identified within the Department as people who have this skillset, so if we have someone and they see these names they might be able to choose someone even from a different battalion or a different area if they wanted to even further security, so everyone working in the Fire Department would know that they have that peer support training?

Mr. Gibson: Yes. Through the Battalion Chief they would maintain the resource list of this team—the peer support team, and they would contact someone preferably on-duty if they are at another station, but it would be someone that was not involved in that incident, because sometimes it is a

group setting where the captain and the entire crew witness this traumatic event, so this outside resource from another station, another shift, or day off would come in and sit down with this crew and go through this debriefing.

Councilmember Cowden: Is this peer support provided for the entire KFD including the Ocean Safety Rescue, and the staff?

Mr. Gibson: Yes.

Councilmember Cowden: What about our 9-1-1 operators?

Mr. Gibson: That is a great point, and I am glad you brought that up, because that is something in the previous place that I worked, we did that, and it was very valuable, and we would open that up to our dispatchers here, but I probably would not have thought of that unless you said that.

Councilmember Cowden: Okay. If that is something that is agreed upon by our dispatch office to let me know, because I would imagine that is a real challenge, and that what you have heard on the floor before is that we might be moving to what I am just going to loosely call "facetime," which is a visual 9-1-1, so if people are sitting there looking at a big screen, I see the value of having it, but it might add to the trauma, because they are going to see everything. If I could make a request, I would like to know if our dispatch team is being involved in the conversation to moving to video imaging. Thank you.

Mr. Gibson: Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I have a follow-up question. Chief, you mentioned something along the lines of when you have this position that you want to put them into a supervisory role. You mentioned putting them in a supervisory role, that resonates with me. You as a Fire Chief, do you have a standardized rubric that demonstrates clear expectations for your people to move up the hierarchy? Do you have that in place, or is it just as a Chief, how you feel on that day, or how you feel personally about the person, you will promote them, or you will pick to put them there, or do you have a clear set of expectations and levels of training that these men and women can work towards to be able to accomplish an opportunity to apply for a leadership role?

Mr. Gibson: Thank you for the question. Yes, we do for both Fire and Ocean Safety. There are clear expectations whether it be the amount of years as an OS02 before they can test for OS03 and OS04, which is lieutenant and captain. Then, with Fire, x amount of years as a firefighter before they can test for a Firefighter III, which is the operator, and then so many years in that position before they can test as captain, and once they do test, there is a written test for each of those components, which is a third of the overall rating score with the two (2) other factors of the interview score, then the time and experience. Those three (3)

factors are equally rated, give them the overall combined score, and from that they will go on the promotional list, so it is clearly defined for them.

Councilmember DeCosta: I am just asking you, Chief, because I am a schoolteacher, and we have rubrics, and kids in the classroom have a way to earn an "A," "B," or "C," and it is clearly written out. It does not matter whether the student is personally nice or sassy, because we have high school kids who can be sassy, but when I grade, I grade clearly on my rubric, and I wanted to make sure that is where our departments are moving towards when we promote. Thank you.

Mr. Gibson: Yes, clearly. Thank you.

Council Chair Rapozo: Are there any further questions for the Chief? Chief, one quick question, you brought up the hesitance for any first responder to talk to people, and you mentioned some examples, I think one of the biggest examples are the fear that they may have their duties taken away because of some kind of issue going on. Do you work with the Police Department at all? I know Councilmember Cowden brought up the dispatchers with the Chaplaincy program, is there some cross or is there an opportunity with similar training, similar advice that they can give, an ear, is that something that you folks practice or could practice?

Mr. Gibson: Could, yes. I think we should do a lot more. I know that our current leadership in place, the Battalion Chiefs that have great relationships with the police department, whether it is someone from the police department that needs the help, or we need the help and I know that Jade has made herself available to us if needed. We do need to ask for more and encourage more.

Council Chair Rapozo: I would say, try to look at that option, because they provide an amazing service, and I know that personally. Sometimes you cannot talk to a peer, you cannot talk to a supervisor. Thank you.

Mr. Gibson: Thank you, Council and Chair.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. Is there further discussion? Seeing none.

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

The motion to approve C 2023-101 was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2023-105 Communication (04/14/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal funds for the

Domestic Violence Prosecution Unit for Fiscal Year 2022 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$48,330.00, and to indemnify the State of Hawai'i Department of the Attorney General, to support a Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and supplies, for the anticipated period of June 1, 2023 to January 31, 2024.

Councilmember Kualii moved to approve C 2023-105, seconded by Councilmember Cowden.

Council Chair Rapozo: With that, thank you for jumping up to the hot seat. I will suspend the rules. You can go ahead and identify yourself and share with us a little bit about the grant.

There being no objections, the rules were suspended.

KEOLA SIU, First Deputy Prosecuting Attorney: *Aloha*, everyone. First Deputy Keola Siu sitting in for Prosecutor Like. We have three (3) different grants, the Violence Against Women Act (VAWA) grant, the transportation grant, as well as the opioid one, which are all reoccurring grants that we have had for many years.

Council Chair Rapozo: We are going to start with the VAWA grant of forty-eight thousand dollars (\$48,000). Are there any questions from the Councilmembers on that grant?

Councilmember Cowden: Very simple, it is continuing with the same team, no changes?

Mr. Siu: We are having a different attorney fill that role, as far as just to provide a rotation from that very difficult subject matter.

Councilmember Cowden: Okay. In that, does your group need peer support too, or are you folks good?

Mr. Siu: We do encourage all of our employees to seek assistance, and of course, myself and Prosecutor Like are always open to talk to people, and people do come and talk to us about issues or cases that they have that are difficult cases.

Councilmember Cowden: Okay. Then, just for the public, does STOP Violence Against Women Act largely go to women, but sometimes men are hurt too, does this VAWA grant, the domestic violence...the same prosecutors can still help men who are injured and hurt by their partner.

Mr. Siu: Yes.

Councilmember Cowden: Okay. I have had people sometimes say that. I know that men do get hurt also. I am curious, what is the percentage of how much of the domestic violence is male on female versus female on male?



Mr. Siu: I do not have those numbers broken down, but we can provide those to you.

Councilmember Cowden: Yes, I would like to see that, because I know it can happen the other way around, and I am often seeing it is only supporting women, and I do support both genders.

Council Chair Rapozo: I have a question. Jamie, the clerk just caught this, they are so good. On your communication, it says appoint 0.65 Full-Time Equivalent (FTE), is that a typographical error?

JAMIE OLIVAS, Grant Coordinator: No, that is correct.

Council Chair Rapozo: That is correct?

Ms. Olivas: Yes. Sorry, Jamie Olivas, Grant Coordinator, Office of the Prosecuting Attorney.

Council Chair Rapozo: So, it is 0.65?

Ms. Olivas: Yes.

Councilmember Kualii: Where is it showing that?

Council Chair Rapozo: On the communication itself, Jade caught it.

Councilmember Carvalho: Just a fast question. Are these grants recurring grants?

Mr. Siu: Yes.

Councilmember Carvalho: Obviously, it has been successful, right?

Mr. Siu: Yes.

Councilmember Carvalho: The funding is secure, overall.

Ms. Olivas: Yes.

Mr. Siu: Yes.

Councilmember Carvalho: Okay. Thank you.

Councilmember DeCosta: I have a question, it is related to these abusive cases, especially, I am very sympathetic to women who get abused by men, because I have two (2) sisters, and I personally cannot stand for that. I know there is an indemnification law that states if you try to save someone who is either drowning or having cardiac arrest, and you are trying to save them, and they end up passing, you are not criminally charged.

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

Councilmember DeCosta: Do you have something in place where you see a female getting abused, and as a community member step in to try and render the situation, and it gets kind of confrontational physically, does that person who intervened to help stop that violent crime to the female, is that person indemnified by law, or would he get charged with assault on the male person providing the violence to the female?

Mr. Siu: There is something that is known as defense of others, so that is a defense of that person who intervened who would have.

Councilmember DeCosta: Is that a State or national law?

Mr. Siu: It is a fairly common defense, it is not necessarily...well, it is codified, but yes.

Councilmember DeCosta: Okay.

Mr. Siu: In addition to self-defense...

Councilmember DeCosta: It is good to know.

Mr. Siu: But we do not encourage vigilante actions of any sort,

Councilmember DeCosta: What did you say?

Council Chair Rapozo: They do not encourage that.

Councilmember DeCosta: What do you not encourage?

Mr. Siu: Vigilante actions.

Councilmember DeCosta: So, if you see someone getting roughed up by their significant other, a friend, or a spouse, you want us to just stand by and watch it happen...

Mr. Siu: No, I am not suggesting that at all. I am saying that we do not encourage people to be vigilantes.

Councilmember DeCosta: Right, I am not talking about...

Mr. Siu: ...and to call the police department.

Councilmember DeCosta: I am not talking about going out the next day and talking to the man after.

Mr. Siu: Right, understood.

Councilmember DeCosta: I am talking about visually seeing the crime happen, and you go there to intervene, and I just asked if there is a law or something that protects that person from getting involved.

Mr. Siu: It is a case-by-case situation. Obviously, we do not encourage anyone to use deadly force in this sort of situation.

Council Chair Rapozo: What I heard you say is, and correct me if I am wrong, is that if you stop something and you end up injuring someone that you could still be arrested.

Mr. Siu: Yes.

Council Chair Rapozo: And you could have a defense basically saying, "I went to try and stop, inadvertently."

Mr. Siu: That is correct.

Council Chair Rapozo: But it is case-by-case.

Mr. Siu: Yes.

Council Chair Rapozo: There are situations where the good samaritan goes in, breaks up, whether there is a domestic argument or not, and beats someone up and gets charged.

Mr. Siu: Yes.

Council Chair Rapozo: I think that is what he is saying.

Mr. Siu: Basically, in situations where they are using more force than would be necessary is where the vigilante part of it.

Councilmember Kualii: This VAWA funding of forty-eight thousand dollars (\$48,000) says it is a formula grant, and it is to support a full-time equivalent Prosecutor position, so it is fully towards the salary of a position. If it is forty-eight thousand dollars (\$48,000), what percentage of the position does it pay for? If it is a formula, does it increase every year to keep up with the cost of the position? Is it half of the position?

Ms. Olivas: The position is going to support a point sixty-five (0.65).

Councilmember Kualii: Oh, that is what the point sixty-five (0.65) is?

Ms. Olivas: Yes, and just for that timeframe. The formula funds so far have remained the same.

Councilmember Kualii: For that percentage, 0.65?

Ms. Olivas: Yes.

Councilmember Kualii: But it does go up a little bit every year, because salaries increase.

Ms. Olivas: Not quite. Right.

Councilmember Kualii: So, if that is the same amount of money, then the percentage of the position it is paying goes down.

Ms. Olivas: Yes. The County has been able to support the rest of the position.

Councilmember Kualii: The difference, because it is a full-time position that does that.

Ms. Olivas: Yes.

Councilmember Kualii: Okay. Thank you.

Council Chair Rapozo: Question?

Councilmember Cowden: Yes. When you use the word formula, most of these grants are measured by seventy-five percent (75%) conviction rate. Is the VAWA grant measured by a conviction rate?

Ms. Olivas: One of our goals for the VAWA grant is to, I believe, to have a seventy-five percent (75%) conviction rate for the timeframe of the grant, and so far, we have been able to reach it. I believe in 2021, we had a ninety-eight percent (98%) conviction rate.

Councilmember Cowden: When you have a ninety-eight percent (98%) conviction rate, is that sometimes because people plea bargain? Sometimes I get nervous when I see a ninety-eight percent (98%) conviction rate, because that means if you are accused, you are guilty, is how it can be received. When I see the seventy-five percent (75%), I feel a little bit more comfortable, because sometimes people are falsely accused. I was wondering when we are looking at these when we approve them, it is important for me to understand that we are still holding a fairness act in there, we do not have to hit ninety-eight percent (98%). I asked recently, or maybe a month or two (2) ago, for a report to see how many people are accused, how many people are...where we go, I have not gotten that yet, I think it is important for us to be able to look at, just to cross everything that the Office of the Prosecuting Attorney does, so we can do our best to be supporting you where and when you need. Would you say domestic violence, what percentage of your caseload is that? Is that a high crime that you are dealing with, or number three (3) in the order? We also have another question coming up relative to drugs, which I know both of those in mind are some of our top two (2) crimes, but do I have that right? What are our major crimes? Where is domestic violence on the list?



Mr. Siu: I do not have the exact percentages broken down. We can get those numbers for you. Obviously, domestic violence is something that happens very often.

Councilmember Cowden: Would you think it is in your top five (5) problems?

Mr. Siu: Yes.

Councilmember Cowden: Top three (3). Maybe, maybe not, somewhere in the top five (5).

Mr. Siu: Definitely. Yes, anytime there is violence against a member of the community that is a top priority.

Councilmember Cowden: I mean the top number of cases that you are dealing with.

Mr. Siu: Yes, it is a very high volume.

Councilmember Cowden: That is what I am asking. So, when we get forty-eight thousand dollars (\$48,000), I am appreciative of it, thank you for applying for it, and just trying to hold in my mind that is a third of what one prosecutor might be paid, and that is a high volume of our business.

Mr. Siu: Yes.

Council Chair Rapozo: Are there any other questions? If not, is there anyone in the audience wishing to testify? If not, I am going to keep you folks right there, because there are a couple more grants coming up. I will call the meeting back to order. Is there any further discussion?

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

Council Chair Rapozo: I will just say, I appreciate the application that you submitted, because it covers a lot of the questions, and it is a tough grant to maintain, because the standards are so high, and the goals entails...you need to vertically prosecute the goal of ninety-five percent (95%) of all domestic violence cases. This specific grant, basically, prosecute and obtain a sixty percent (60%) conviction rate of all felony and domestic, and it is not easy, but for you all to keep getting this grant every single year means that you folks are administering and managing the grant properly, and I just want to say, thank you, because even if it is point sixty-five (0.65), that is point sixty-five (0.65) percent that the County taxpayers do not have to pay. Thank you for that.

The motion to approve C 2023-105 was then put, and carried by a vote of 6\*:0:1 (\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be

*recorded as an affirmative for the motion, Councilmember Bulosan was excused).*

Council Chair Rapozo:                      Next item, please.

C 2023-106 Communication (04/14/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal funds, in the amount of \$101,000.00, from the Fiscal Year 2021 Edward J. Byrne Memorial Justice Assistance Grant (JAG), to continue employment of one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kaua'i Police Department Vice Investigators and focus fifty percent (50%) of their time on methamphetamine and opioid focused prosecution. Funding will also be used for fringe benefits, and office supplies, for this position for the anticipated period of July 1, 2023 to June 30, 2024.

Councilmember Kualii moved to approve C 2023-106, seconded by Councilmember Carvalho.

Council Chair Rapozo:                      Are there any questions? Is there anyone in the audience wishing to testify? Okay, I am going to have to ask you folks to step down. Mr. Hart will testify. The rules are suspended.

*(Councilmember Kagawa was noted as present.)*

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

BRUCE HART:                      For the record, Bruce Hart. In regard to C 2023-106, as I was reading through the attachments, I came upon a synopsis, it is an overview, and it stated somewhat that eighty percent (80%) of all crime to be either directly or indirectly connected to drugs—that is staggering, and it depressed me. I would really like to have a better understanding of the role of the law enforcement agencies that we have that would include the Office of Prosecuting Attorney (OPA), KPD, and any others, part of the programs, why? Why is this? Being a Christian minister, I have to say that I think we are not addressing the spiritual and the family problem. We just got through discussing the OPA grant for domestic violence. I would imagine that eighty percent (80%) includes domestic violence, so it seems to me that if we could find out where we are failing, that we would then address both problems, we would be able to reduce the number of cases that come forward because we are going to the source. I have discussed this many times with other Christians and people who are not Christian, there is something wrong, something seriously wrong, that people need to turn to drugs, then turn to crime. I do not think it is a failure on the part of our agencies, KPD or OPA, the failure is somewhere else. Again, being a Christian minister, I have to place some of the blame upon the church, we have to do more to reach out to people to be able to prevent instead of just address after the fact. We are concerned with rehabilitating the drug abuser. Can we not find a way to prevent them ever becoming drug abusers? Okay. Thank you.

Council Chair Rapozo: Thank you, Bruce. Is there anyone else? Seeing none. Okay, you folks can come back up.

Councilmember Cowden: I have a question for them. First of all, I want to thank you folks for inviting us, at least I was invited as Committee Chair for Public Safety & Human Services, that we are going to go to Kaua'i Community Correctional Center (KCCC), and I have gone there prior to COVID-19 a number of times. When we are looking at this challenge, I see here that this is saying, you folks are going to work with KPD Vice Investigators and focus fifty percent (50%) of their time on methamphetamine and opioid focused prosecution, what is it currently? How much are we currently focusing on methamphetamine and opioid prosecution? Is it less than that? This is what it says in the opening letter here on this issue.

Ms. Olivas: I believe our methamphetamine and opioid prosecuting attorneys spend about fifty percent (50%) of their time focusing on these types of cases. Then, the other fifty percent (50%) of the time he is supported by County funds, that does not necessarily mean that...

Councilmember Cowden: Oh, okay. Alright.

Ms. Olivas: The funding comes that way.

Councilmember Cowden: The funding, okay.

Ms. Olivas: ...is broken down that way.

Councilmember Cowden: These people who are focused on this when there is eighty percent (80%) of our crime is drug influenced, does our prosecutor who is focused on the drug aspect, do they work in concert with someone who has specifically focused on the crime? Do you have two (2) attorneys work together on it, because part of it is drug and part of it is a violent crime or theft? I am curious how it functions together.

Mr. Siu: We have three (3) Deputies. The Deputy that receives this grant, that is his primary focus, Matthew Arakawa, but there are three (3) Deputies that focus on drug-related crimes.

Councilmember Cowden: When it is a drug-related crime, is this person the only prosecutor on it?

Mr. Siu: No, there are two (2) other Deputies that assist him.

Councilmember Cowden: I am not framing my question right. Is there only ever one (1) prosecutor that is addressing an issue? Say it is a sex crime, is there a sex prosecutor and a drug prosecutor working in tandem?

Mr. Siu: I am not sure I understand your question.

Councilmember Cowden: Do you understand what I am asking, Jamie?

Ms. Olivas: I think so. This grant funds just fifty percent (50%) of this.

Councilmember Cowden: I understand about the grant.

Ms. Olivas: Okay.

Councilmember Cowden: I was just asking how we...

Ms. Olivas: As First Deputy Keola Siu said, there are three (3) Prosecutors who work on drug cases, it could vary, it just depends, but the funding just specifically is for this one.

Councilmember Cowden: Is no one understanding my question?

Council Chair Rapozo: I think the confusion is because you are referring to eighty percent (80%) of crime that is related to drugs.

Councilmember Cowden: Right, but certainly to me this...

Council Chair Rapozo: This grant funds fifty percent (50%) of the salary of an attorney, Mr. Arakawa, that investigates drug charges.

Councilmember Cowden: I get that.

Council Chair Rapozo: So, let us say, when you look at the eighty percent (80%), that is theft, robbery, whatever the case may be, eighty percent (80%) of those cases they say are because of drugs, but this grant is for the cases that come from Vice, so promoting detrimental dangerous drugs, selling...

Councilmember Cowden: Selling of the drugs.

Council Chair Rapozo: Correct.

Councilmember Cowden: It is not a drug-related crime.

Council Chair Rapozo: Correct.

Councilmember Cowden: It is not selling of the drugs.

Council Chair Rapozo: Every Prosecutor works with drug-related crimes.

Councilmember Cowden: Right, that is why I was really confused.

Council Chair Rapozo: Yes, this is the drug crimes.



Councilmember Cowden: These are the ones that are just people that are being prosecuted for buying and selling drugs.

Council Chair Rapozo: I guess the best way is anything that is referred over from Vice.

Councilmember Cowden: Alright. Thank you.

Mr. Siu: We do occasionally get cases from Patrol where someone is in possession of an ice pipe or something like that, but it is mostly Vice-related cases.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I have a clarifying question.

Mr. Siu: Sure.

Councilmember DeCosta: You just mentioned Patrol and Vice, and you work closely with Vice more so than Patrol of the police department.

Mr. Siu: Mr. Arakawa works more closely with Vice, but we do have cases that arise out of a Patrol case, organically.

Councilmember DeCosta: Can I ask you what Department seems to have a higher load of stress versus another Department? Would you be able to answer that?

Mr. Siu: No.

Councilmember DeCosta: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you. I will call the meeting back to order. Is there any further discussion?

Councilmember Cowden: I just have a comment.

Council Chair Rapozo: Go ahead.

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

Councilmember Cowden: I appreciate everyone's tolerance of me asking questions that are outside of the very narrow piece, like are we going to support an indemnification or support a grant. Thank you so much for getting these grants, it is very good. When I use these opportunities to try and understand the system a little more, we do not have as a Council, an opportunity to understand the

system, it takes a lot of work, and I have not been since COVID-19, going into court to watch what happens, and we do not have tours of the Office of the Prosecuting Attorney, so I think it is important for us to understand how everything functions together, so that is why I ask more questions. I know I am straying slightly.

Council Chair Rapozo: Slightly.

Councilmember Cowden: From how funding works.

Council Chair Rapozo: In the spirit of Sunshine Law, the discussions should all be focused on the grant, and I have been lenient because I think a lot of these questions do pertain to the program. I will stop you when you stray too far.

Councilmember Cowden: Okay, but in spirit of Sunshine Law, just for the public, we are not allowed to ever talk together, or understand things if we are not right here, and these items almost rarely ever come in comprehensively. It is nice that we have three (3) grants in a row relative to the Office of the Prosecuting Attorney. Good job. I get that these are little pieces, but we make such incremental decisions that we do not have comprehensive decisions, so that is a challenge.

Council Chair Rapozo: This is the time to ask the questions.  
Councilmember Kagawa.

Councilmember Kagawa: Are we on comments now?

Council Chair Rapozo: Comments.

Councilmember Kagawa: The thing I am most happy about is that when we had the previous Prosecutor and Police, they seem to have a disconnect about whose fault it was that things were falling in the cracks, and COVID-19 was just in place during that time of need, but now it seems like when I talk to police management, they said everything is good with the new Prosecutor, so I am happy with that. I think a lot of times when there is blame going on that means something is not going well, and they are pointing fingers, but there is none of that right now, so I am happy with that, because they need to work together in order for the process to work. Thank you.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: For me, this recurring grant, so it is moving forward, but the relationship is solid, and I backup Councilmember Kagawa having known from the past, the importance of working together with these teams is working solid. I know the details of the recurring grant process, so that is important, but to implement and make sure it reaches out to where it should be, you need that teamwork, so continue doing that. I totally support this.

Council Chair Rapozo: Are there any other comments?

Councilmember Kualii: We still have another grant.

Council Chair Rapozo: Yes, do you have any comments on this one?

Councilmember Kualii: No, I will just make a comment based on what Councilmember Cowden said, and I am sure you are open to it. Councilmember Cowden made a comment about us not having a tour, me, personally, I do not feel like we need a tour as a Council, but I am sure that you would be open to taking Councilmember Cowden, especially as our Public Safety & Human Services Chair, into your department and giving her a tour.

Mr. Siu: Absolutely. Councilmember Bulosan did avail himself of that, and we did give him a tour, and answered any questions that he had about the department.

Councilmember Kualii: Thank you.

Councilmember Cowden: I will just follow-up with that. Thank you. I will do a tour. I have at one point, walked through the office, which is not the same thing as experiencing it, and when I have been a court mediator, that is a really good opportunity to see what that is like. I took the 13-week police class, I took the fire training, I am someone who learns by doing, so my way of learning and understanding...I am happy you folks invited me to KCCC with you, because that is where I see KCCC ends up being the drug rehab, and they are not setup for that, and I have been part of the HOPE program, which is Heroin, Opioid...I forget the other two (2) letters in there, but we do not have a place to actually deal with this, and I appreciate whether it is the spiritual, or family, this is a national almost a big problem with the entire west, so you folks are just in this point of where you are having to deal with it, but how I learn, and how I find I can make the best decisions is by showing up, watching, and experiencing, and there is no Office of Prosecuting Attorney Committee like I attend all my commissions for my...or most of them, I attend, and that is how I learn the details, so I do not have that with you folks. I appreciate it, thank you for tolerating my questions.

Mr. Siu: We are very fortunate as to the grant that Dr. Graham Chelius does assist quite a bit at the jail, which is going way above and beyond to assist there with the opioid problem. There is a lot of recognition for doing that.

Council Chair Rapozo: I will just say that the Office of the Prosecuting Attorney is a busy office. They have a lot of cases that come through, I know, I have worked there for many years, and it is tough. I know with Bruce's comment about the reason, and the whole world of drug addiction, prevention, obviously, is probably where we should spend more money, but the Police and OPA, this is going to sound horrible, but they are the enforcement wrung, wheel, or spoke, so it is not about prevention at that point, it is about enforcing. Again, I know I sound like the "bad guy," but that is just how this system is setup, so we either spend the money in prevention and make sure our families are strong, and I will agree with Bruce, the spiritual side is so important, but once they get into this zone

of enforcement, then it is enforcement, and it is up to the court to decide the punishment, but as far as the enforcement, it is here. I would highly recommend taking a tour and understanding. My office was right next to Matt's, and it is hard, because he is working drugs, he and Todd just successfully got a conviction on the murder that took all of his time, and he still needs to focus on the drug charges as well. We are not like Honolulu where you have one hundred plus (100+) attorneys. I do not know what the number is, but I think it is over one hundred (100) attorneys.

Mr. Siu: I believe it is approximately one hundred (100).

Council Chair Rapozo: Yes, so the workload on each attorney is much less. Thank you for the work you folks do.

Mr. Siu: We are not specifically focused on the punishment part, we are always encouraging...if a defendant wants to go into drug court, if they want to get treatment, we are never standing in their way of doing that. Just want to make that clear.

Council Chair Rapozo: Thank you very much.

The motion to approve C 2023-106 was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo: Next item, please.

C 2023-107 Communication (04/14/2023 from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal Fiscal Year 2024 funds, in the amount of \$124,740.13, from the Impaired Driving Grant, to reimburse up to 1,040 hours of the Traffic Safety Prosecutor's position as well as travel costs, for training and meetings. The grant will cover expenses for the time period October 1, 2023 through September 30, 2024.

Councilmember Kualii moved to approve C 2023-107, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there anyone in the audience wishing to testimony? If not, are there any questions? I am sorry. Alice. I will suspend the rules.

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

Ms. Parker: Alice Parker, for the record. May I revert back to the previous topic? I think the reason many people turn to drugs is a matter of economics and housing. Part of my family who live in a very low-income area, and two (2) of the three (3) sons died of drugs, and one (1) of the daughters of five (5) kids was an alcoholic, and the other son was an alcoholic. I think it is mainly fighting for a roof over your head, and meaningful work that pays a good salary, and that is



training, too. I think if we could make the economy better, the whole mental state would be better too, and we would not have so much turning to drugs for relief. Thank you.

Council Chair Rapozo: Thank you, Alice.

Councilmember Cowden: I am sorry.

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

Council Chair Rapozo: Are there any questions for the prosecutors on this? I think this one is a lot less; this is for traffic. Similar thing, reimbursement of funds for the prosecutors. Did anyone else want to testify?

Councilmember Kagawa: No, I thought he stood up.

Council Chair Rapozo: Alright. With that, I will call the meeting back to order. Is there any further discussion?

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

Councilmember Cowden: One comment. I did not go on about this one, because I think my questions would have been the same in nature, how do we manage it, and everything else. I just appreciate what they do, and it is not because it is less important, it is critically important, and it is probably related to the same things. I am sorry for your loss.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I just want to thank Alice. What she said is true, the cost of everything is stressing everyone out. We need to do what we can here with the Council working with the State and our Congressional Delegation. We need to ease the burden of our residents on taxes, because in order to buy a house here for kids or family to remain on this island is getting out of hand. I do not see the cure right now, and it is scary. For people who are stressed out, and for them to see what I see, I think Alice is correct, we need to fix the economy, fix the finances of every resident that we have here. Thank you.

*(Councilmember Carvalho was noted as present.)*

Councilmember Cowden: I want to follow-up on that.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I also thank Alice for calling out what I think is obvious. I also want to acknowledge Bruce, too, is that when people are living without a sense of purpose, and they are "hop scotching" from one (1) bill to the next, and even in our own *kuleana* we try to do our best, and we have to have a permit for

this, that, and the other thing, and I know in my adult life, I have seen where people have had a lot more freedom to fix their back bedroom, or whatever it might be, and it has gotten so difficult to step in line with all the requirements, and hard for our County to be making all these permits on time. I think people give up, and they are frustrated that we have...I feel like the game of Twister where everyone is tied up in a knot, and that there are problems. The Office of the Prosecuting Attorney and the Kaua'i Police Department, and I will give a "shout out" to our dispatchers, they all are right in the crucible of where those problems happen. Again, thank you, Office of Prosecuting Attorney for playing your difficult role in a game of economical musical chairs.

Council Chair Rapozo: Go ahead. I just want to remind everyone this is the traffic grant for impaired driving.

Councilmember Cowden: Yes, sorry.

Council Chair Rapozo: Again, in the spirit of Sunshine, I just want to keep it tight too, even remotely to the item on the agenda. I appreciate Alice's testimony, as well, because it does definitely hit home. Councilmember DeCosta.

Councilmember DeCosta: In this final discussion are we not allowed to talk about the grant that came before this one?

Council Chair Rapozo: Yes, it is this one.

Councilmember DeCosta: Okay, I will wait until the final discussion.

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

The motion to approve C 2023-107 was then put, and carried by a vote of 6:0:1  
(Councilmember Bulosan was excused).

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

#### LEGAL DOCUMENT:

C 2023-108 Communication (03/22/2023) from the County Engineer, recommending Council approval of a Right-of-Entry Agreement, for preliminary investigation of a potential new landfill site, and indemnification, by and between the State of Hawai'i, Agribusiness Development Corporation (ADC) and the County of Kaua'i, a political subdivision of the State of Hawai'i, situated at Tax Map Key (TMK) No. (4) 1-2-002:001 (por), Kekaha, Kaua'i, Hawai'i.

- Right-of-Entry Agreement

Councilmember Kualii moved to approve C 2023-108, seconded by Councilmember Cowden.

Council Chair Rapozo: You are here. Let me ask if there are any questions for Solid Waste. I will suspend the rules. Allison, why do you not give us an overview, please?

There being no objections, the rules were suspended.

ALLISON FRALEY, Acting Environmental Services Manager: Allison Fraley, for the record. You are looking at a right-of-entry for a potential new landfill site. We are working with engineers to be able to go into the site and do a preliminary analysis of the site to see if it is suitable for landfill, so this is the very first step of evaluating this site.

Council Chair Rapozo: No money, this is just a right-of-entry so the County can gain access to the parcel to do their initial evaluation.

Ms. Fraley: Correct.

Council Chair Rapozo: That makes sense. Are there any questions? Go ahead.

Councilmember Kagawa: Chair, is there any way we can put up a map of this right here, or is that not necessary?

Council Chair Rapozo: It is going to be hard.

Councilmember Kagawa: Okay. Physically, the new proposed site we are looking at is directly across the road from the current landfill?

Ms. Fraley: No, it is actually further west, and then it is *mauka*.

Councilmember Kagawa: Further west and *mauka* of the main highway?

Ms. Fraley: Yes.

Councilmember Kagawa: How much further west? Is it approximately half a mile?

Ms. Fraley: I think a mile or so. I am sorry, I do not know the exact measurement, at least a mile.

Councilmember Kagawa: Maybe a mile or so. It is significantly further from the current landfill.

Ms. Fraley: Yes.

Councilmember Kagawa: It is not like you can just walk across the street.

Ms. Fraley:

No, it is not. We had a previous site.

Council Chair Rapozo:  
have that photo sent over?

I am sorry to interrupt, but are you able to

Ms. Fraley:

Yes.

Council Chair Rapozo: I know it is on the presentation here, but if we put it up it is going to be too small. Is there any way that Boyd or someone can get that picture sent over via email? I do not want to confuse the public. Right now, I am trying to visualize, and I am having a difficult time, so if we can get the picture.

Councilmember Kagawa:  
current one is?

I will explain it. Do you know where the

Council Chair Rapozo:

Yes, I know exactly where the current one is.

Councilmember Kagawa: Okay, so you are driving toward Mānā, you will pass it about one (1) mile, and it will be on the right.

Council Chair Rapozo:

Okay.

Councilmember Cowden:  
there.

Do you see the runway? The runway is right

Council Chair Rapozo:

Yes, but the public cannot see that.

Councilmember Cowden:  
is close.

For the public that is listening, the runway

Council Chair Rapozo:

If that is not possible, that is fine.

Ms. Fraley:

Do you mean right now or at some point?

Councilmember Cowden:

Right now.

Council Chair Rapozo: We have the picture here. As Councilmember Kagawa and you are trying to describe where it is...hang on really quick.

Councilmember Kagawa:

Just for the public.

Council Chair Rapozo:

Yes, I agree.

Ms. Fraley:

It looks like Troy is working on that.

Councilmember Kagawa:  
where exactly, is it right across?

That is the first thing I wanted to ask, is



Councilmember Cowden: What are those round buildings? Are they water tanks? Are they field tanks? What are those tanks?

Ms. Fraley: Are you looking at the shrimp farm?

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

Councilmember Cowden: There is the round building right across, is this across from the shrimp farm? I see the runway of Pacific Missile Range Facility (PMRF), that is why I had concerns before, but out of the spirit of Sunshine, we do not care about the runway, right?

Council Chair Rapozo: No, right now we are just talking about a right-of-entry.

Councilmember Cowden: I am just trying to locate it for people.

Council Chair Rapozo: I think they shared that with us when they did the update. We had the photo up on the screen when we had the update.

Ms. Fraley: Yes.

Councilmember Kagawa: I am sure PMRF people can shoot the birds that threaten their airplanes. Like this public airport here, we need to be a little more restrictive, but I am sure the military can take whatever measures, I hear guns firing sometimes. I do not know.

Council Chair Rapozo: Are there any other questions for Allison? Looks like our staff got it to work. Councilmember DeCosta.

Councilmember DeCosta: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: Allison, Agribusiness Development Corporation (ADC) is the landholder, are these considered important agricultural lands?

Ms. Fraley: I believe so.

Councilmember DeCosta: I believe so it is, too. Do we have current farming going on that piece right now from Hartung?

Ms. Fraley: No. ADC or Kekaha Agriculture Association (KAA) actually identified the site for us, that this was the site that could be used for this purpose, if it is technically sound.

*(Councilmember Kualii was noted as present.)*

Councilmember DeCosta: The last question I wanted to ask you, do they get any kind of Federal break or any kind of break like when we have land that we designate as Agricultural and Commercial, we have different tax breaks, does ADC get a break on them donating this piece of property to us, or letting us use it, do they get some kind of break?

Ms. Fraley: I do not have an answer to that question, but I would be happy to ask.

Councilmember DeCosta: I know they have thousands of acres that they manage, and I know that they are held by a certain standard to use those lands, and I know that since 1996, ADC was non-compliant on some of their areas of not using those fertile soils, so I wanted to know if they are going to receive some kind of break if they allow us to use that site, which would then not allow them to farm other areas. I was just trying to read between the lines and figure this out.

Ms. Fraley: Yes, I do not have the answer to that, but I would be happy to get the answer to you.

Councilmember DeCosta: The last question I wanted to ask you, Allison, is I know we have a wildlife refuge area with quite a bit of native birds.

Ms. Fraley: Yes.

Councilmember DeCosta: I believe it is further down the Mānā stretch towards Polihale, we have a water sanctuary, there were quite a bit of native birds when I did my ecological tour with the school kids. How close is that site? I know we talked about the white invasive egret that sometimes congregates at the landfills, and that was one (1) of the problems that the site at Mā'alo probably would portray. Councilmember Kagawa made an excellent point that the government can shoot those invasive egrets, but I do not think the government can shoot a native bird that comes onto the landfill.

Ms. Fraley: Yes. There will be a full study on this after we deem the site feasible. At this time, I do not have the details about how close it is, or anything like that, but there will be a full-blown study.

Councilmember DeCosta: Do you know if the *nēnē* likes to congregate by landfills? I seen there was a *nēnē* problem on Hawai'i Island, I am just wondering will the *nēnē* from our wildlife refuge will be close enough, you still need to give me the distance to the new landfill and I would like to know if the *nēnē* will eventually go over to the landfill.

Ms. Fraley: I know there are *nēnē* at our landfill.

Councilmember DeCosta: They are?

Ms. Fraley: Yes.

Councilmember DeCosta: We have *nēnē* at our current landfill right now?

Ms. Fraley: Yes. Not a bunch, but I have seen *nēnē* there.

Councilmember DeCosta: Okay, I think they go for the easy food that is why.

Council Chair Rapozo: Allison, is this a potential site?

Ms. Fraley: Yes.

Council Chair Rapozo: Is this step one to assess if it is even usable?

Ms. Fraley: Exactly. There are many steps to that assessment.

Council Chair Rapozo: Correct. Councilmember Cowden.

Councilmember Cowden: I appreciate the right-of-entry just to go in and look, and that is what we agree to, so I have no problem with that. Going in and looking at it, I just have a question on the map. I want to say Agribusiness Development Corporation and Kekaha Agriculture Association, just to avoid the acronyms for people who might be listening.

Ms. Fraley: Yes, thank you.

Councilmember Cowden: What my question is, what is that little blue rectangle right there?

Ms. Fraley: Inside that...

Councilmember Cowden: Inside the area that we are looking at there is a little blue, I am calling it a rectangle, but it is...you see it close to a rectangle.

Ms. Fraley: Yes. It is property of the Federal United States, is my understanding. I do not know the details of that, but it is Federal property.

Councilmember Cowden: We probably would not use that little space in the blue.

Ms. Fraley: Yes, probably not.

Councilmember Cowden: Probably not.

Ms. Fraley: We would design around it or something.

- Councilmember Cowden: Yes. I just was curious.
- Council Chair Rapozo: Councilmember Carvalho.
- Councilmember Carvalho: I wanted to follow-up with Chair's response about this being a potential site, and in order to ask all the questions, you need to get there and check it out, right?
- Ms. Fraley: Yes.
- Councilmember Carvalho: That is what it is.
- Ms. Fraley: Yes, we are trying to get inside. We are trying to get in there.
- Councilmember Carvalho: Overall, there may be opportunities, but may not be opportunities depending on what you find. I am thinking that is a big thing right now, and really want to know. I just wanted to make that point.
- Council Chair Rapozo: What is this? I am trying to get a frame of reference here.
- Councilmember Cowden: Yes, that is what I was asking.
- Council Chair Rapozo: Is this the shrimp farm?
- Ms. Fraley: Yes, that is the shrimp farm.
- Councilmember Cowden: Those look like tanks of some sort. Maybe for the base.
- Councilmember Carvalho: And then the runway.
- Ms. Fraley: Yes, it is straight across from PMRF. Is this pointer working?
- Councilmember Carvalho: Cannot get the pointer.
- Ms. Fraley: Oh, there. That is PMRF there, and the shrimp farms are here.
- Councilmember Cowden: All those blue lines.
- Ms. Fraley: The current landfill is down here.
- Council Chair Rapozo: Okay, thank you, staff...
- Ms. Fraley: Yes, thank you.
- Council Chair Rapozo: ...for getting the picture.



Councilmember Kagawa: Question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: The proposed site, would you say that is the first entrance gate to PMRF? Is it directly across?

Ms. Fraley: I do not believe so. I think the entry gate is lower, but I can ask my colleagues.

Councilmember Kagawa: From the map, it looks right across from PMRF, right?

Ms. Fraley: Yes, it is across from near the runway there.

Councilmember Kagawa: Is the runway closer to the...

Ms. Fraley: There is the runway.

Councilmember Cowden: There is the runway.

Councilmember Kagawa: The runway is more west, right?

Councilmember Cowden: It is right there on the left. That is the runway right up there at the top left.

Councilmember Kagawa: Yes, there is the runway.

Ms. Fraley: There, sorry.

Councilmember Kagawa: It is well below. I kind of have an idea, I am going to drive out there this week.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: This right-of-entry gets approved, when do they actually start? Do you have a consultant selected already? Do you have money for that already? When do they start and when do they finish? When would we know if it feasible or not? The curious thing is that the right-of-entry does not expire until December 31, 2024, so that is a long time from now, but obviously you are going to do this fairly quickly, right?

Ms. Fraley: This part will be quick, yes. We are working with a potential consultant right now doing negotiations. The timeline, I would imagine would be less than a year, but that is part of the negotiation, the timeline of the project and scope of the project.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Are there any other questions?

Councilmember DeCosta: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: Allison, this is more for you to brief our community. I know I have been intricately involved with you folks on the important agricultural lands, and even try to find a possible space. This is a possible space from the State, because it is almost impossible to get a private landowner to work with us on this.

Ms. Fraley: Correct.

Councilmember DeCosta: Tell the community about the importance of having that lower rate of precipitation in an area of a landfill, because I believe currently, we have a tough time right now dealing with our leaches and runoff, and if we put this landfill in any other area that would have any greater rainfall, we may not be able to handle that runoff, so tell us a little bit about the importance of having it in a very dry area.

Ms. Fraley: Correct. That is one of the important aspects of siting a landfill, is getting a location that has low rainfall, because rainfall has rainwater runoff that we have to manage, then we have to manage rain that gets into the landfill system too, and becomes leachate, so the less rain the better, a dry area is really important. There are many other criteria for landfill siting, and for the last twenty (20) years have been trying to site a landfill. There are very few sites available, and a willing landowner is a big important piece of that too, so that is what shot down several of our sites in the past, as well, so here we have a willing landowner and a dry area, so this is looking like it could be a potential site, so the study that we are doing is going to go through the process to really analyze that.

Councilmember DeCosta: After this study, we are going to get the Kekaha community involved, correct?

Ms. Fraley: Yes. We are involving the community now. Next week, we have a meeting in Kekaha to get feedback from the community about landfill in general.

Councilmember DeCosta: Okay, thank you.

Council Chair Rapozo: When next week?

Ms. Fraley: Next week on the third at 5:30 p.m. at the Waimea High School cafeteria, I believe.

Councilmember Cowden: Is it Kekaha or Waimea?

Ms. Fraley: Kekaha.

Council Chair Rapozo: I got an email regarding a host community benefit meeting.

Ms. Fraley: Yes.

Council Chair Rapozo: Is that the meeting that you are talking about, or is this process going to be explained...because that is two (2) separate things, right? The host community benefit...that is what I thought that meeting was for, but if it is an informational meeting for the future of the landfill in Kekaha, that is not what I got in my email.

TROY K. TANIGAWA, County Engineer: Troy Tanigawa, for the record. Correct. The main purpose of that meeting, from what I understand, is to hear questions from the community about the host community benefit, but as Allison mentioned, the landfill is a subject, and there could be more questions about another site, too. This is a process that we are going to go through should we decided to pursue this site, there will be multiple opportunities for the community to provide input. In the beginning, there is the environmental assessment, and impact statement process. When we have more information, that would be an ideal opportunity to go out and get community input and provide information about the proposed project.

Council Chair Rapozo: On Wednesday the 3<sup>rd</sup>, I am assuming Public Works will be there to answer questions or take comments from the community as it relates to this potential site.

Mr. Tanigawa: Correct, Public Works will be there. From what I understand, folks from the Office of the Mayor will be in attendance, too.

Councilmember Cowden: Can you repeat when and where, because I will be in attendance, too?

Mr. Tanigawa: From what I understand, the meeting will be held at the Kekaha Elementary School cafeteria.

Councilmember Cowden: What time on May 3<sup>rd</sup>?

Mr. Tanigawa: I believe it was 5:30 p.m.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you. Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. Is there further discussion? Councilmember DeCosta.

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

Councilmember DeCosta: This is very much one of our hottest topics, if we are ever going to solve it in this Council term, but for the record, I want to make sure that everyone knows it. We are on a small island, and finding a spot willfully from a landowner, it is very difficult. I would actually like to figure out or find out the rain precipitation in Kekaha versus anywhere else on the island, is there a dryer place than Kekaha on the island that can compete for this spot. I want you folks to know, and I made this apparent on the floor, and I am going to say it again, we should be looking at other counties that are island based, and how they deal with their trash, because we are looking at areas in the United States, I believe Texas and Tennessee, were some of the areas, and they are not an island, they are large land, and the trash that they cannot create high heat to energy, they can trailer it to their landfill site. We are a small island; we do not have anymore land to trailer our trash. I believe technology is out there, there are other counties within islands that are dealing with their trash, maybe we need to take a trip to find out, and look, bring Solid Waste and bring Public Works with us, but I believe the technologies are out there to deal with our trash not just having a landfill. The last thing I want to make sure our community understands is, when we talk about Construction and Demolition (C&D), removing that from the landfill, that small percentage that you remove, the construction material, not the concrete, the concrete you can grind up, and you can remake into aggregate, but that building material almost all of the lumber is treated. This is not the mainland where we build homes with pine and red wood, that lumber is not treated, so when we talk about C&D, it sounds good to the community, but the lumber cannot go to the refuge station, the lumber cannot be recycled, that is treated lumber. Even some of the pallets that come in from our shippers are dipped in some kind of solution, and that is very hazardous to the landfill. I wanted to clarify all those points. Thank you.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: Thank you for working hard to find another potential spot. Obviously, I am fully in support of having a right-of-entry and looking at it, it is the next essential step, so thank you very much.

Council Chair Rapozo:

Is there any other discussion? Seeing none.

The motion to approve C 2023-108 was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

Council Chair Rapozo:

The motion carried. Next item, please.

#### CLAIMS:

C 2023-109 Communication (04/12/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Vanessa Cummings, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.



C 2023-110 Communication (04/13/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alastair Bloxsom, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-109 and C 2023-110, to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

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

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

The motion to refer C 2023-109 and C 2023-110 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

#### COMMITTEE REPORTS:

#### PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2023-02) submitted by the Public Works & Veterans Services Committee, recommending that the following be Received for the Record:

"PWVS 2023-02 – Communication (03/24/2023) from the County Engineer, requesting agenda time to provide a briefing on alternative technologies for long-term management of municipal solid waste on Kaua'i, as well as the process of issuing a two-stage request for proposals to technology vendors tailored to Kaua'i's waste streams,"

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

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

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

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

#### FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-06) submitted by the Finance & Economic Development Committee, recommending that the following be Received for the Record:

“Resolution No. 2023-37 – RESOLUTION AMENDING RESOLUTION NO. 2011-77, DRAFT 1, NO. 2017-28, AND NO. 2022-36, DRAFT 1, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY,”

Councilmember Kuali'i moved for approval of the report, seconded by Councilmember Carvalho.

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

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

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

#### RESOLUTIONS:

Resolution No. 2023-37 – RESOLUTION AMENDING RESOLUTION NO. 2011-77, DRAFT 1, NO. 2017-28, AND NO. 2022-36, DRAFT 1, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY

Councilmember Kuali'i moved to receive Resolution No. 2023-37 for the record, seconded by Councilmember Carvalho.

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

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

The motion to receive Resolution No. 2023-37 for the record was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2023-38 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Alice E. Luck*)

Councilmember Kualii moved for adoption of Resolution No. 2023-38, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-38 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-39 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Trevor J. Ford*)

Councilmember Kualii moved for adoption of Resolution No. 2023-39, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-39 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2023-40 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Walton D.Y. Hong*)

Councilmember Kualii moved for adoption of Resolution No. 2023-40, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-40 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2023-41 – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2023-2024 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

Councilmember Kualii moved for adoption of Resolution No. 2023-41, seconded by Councilmember Cowden.

Council Chair Rapozo: Hang on. We can take the motion to approve.

Councilmember Kualii: There will be discussion, right?

Council Chair Rapozo: I will be asking for a motion to defer. If you look at the budget there is the Fiscal Year (FY) 2023 budget in the first column with the actuals in the middle column, and the FY 2024 proposed budget in the third column, go all the way down to the bottom, and you will see there is a sixty-three thousand dollar (\$63,000) deficit. You will also see increases in the budget. Last week I asked the Hawai'i State Association of Counties (HSAC) Executive Director for an explanation and how they intend to make up the sixty-three thousand dollars (\$63,000). This is not a balanced budget, and she said she was going to send it, we have not received it yet, so I am going to be asking for a deferral until we get that, because that is a lot of money. Typically, when you say...in other words,



HSAC is going to have to find sixty-three thousand dollars (\$63,000) to balance the budget for next year.

Councilmember Kagawa: Or cut.

Council Chair Rapozo: Yes, they either need to cut or they need to do fundraisers.

Councilmember Cowden: It might be a question for Councilmember Carvalho, because you are the President now, but you were the number two (2). I know a couple of years ago, even before you got elected, we were having some problems, right? Did we have a balanced budget last year?

Councilmember Carvalho: When it came to my side, there were major questions throughout the process. From my understanding, it was when they were going through the process, but I still had questions along the way that I gave them.

Councilmember Cowden: I remember when our last President took over, I was hearing things about the budget, but it seemed like each year we have to pass this, right?

Councilmember Carvalho: Yes.

Councilmember Cowden: Is it that we have increased our expenses, or that there is bad budgeting?

Councilmember Carvalho: I think there are issues even with the hiring of our new person in charge.

Councilmember Cowden: Yes, our Executive Director.

Councilmember Carvalho: Clarifying the role, that was all new before I got back in, so we are asking the questions now in this process before we finally complete anything.

Councilmember Cowden: Yes. Our last HSAC President is no longer in office, but we should have records on all that, right? Is that what you are saying you are asking for?

Council Chair Rapozo: Yes. As you look at the budget there are some increases, which I support, like travel. For the public, HSAC is the Hawai'i State Association of Counties that is made up of one (1) representative from each county, and for Kaua'i, Councilmember Carvalho is the President that is a nonprofit, and there are travel funds. When our Board of Directors or any other the officials of our National organization or the Regional Association conferences or whatever it may be, HSAC reimburses the counties, and their numbers were too low, their numbers never increased, so I do not have a problem with the increase in the travel budget, because it is so important for our people to get to these

conferences, but when you do that, you need to show where your money is coming from, and that is what is missing.

Councilmember Cowden: Our last year's President was from this Council also, and I know that we are doing the Hawai'i State Association of Counties conference, Kaua'i is hosting it this year, so I was trying to look here too, is the cost of that conference on us as Kaua'i, or is that coming out of this HSAC budget?

Council Chair Rapozo: It is coming out of the HSAC budget.

Councilmember Cowden: And that is the sixty thousand dollars (\$60,000).

Council Chair Rapozo: The sixty thousand dollars (\$60,000) is the income.

Councilmember Cowden: But we are saying it is going to cost us sixty thousand dollars (\$60,000).

Council Chair Rapozo: No, we are saying that is going to be the net. After we pay expenses, HSAC covers the conference expenses. The conference is put on, you need to pay the hotel, of course, all the people who come pay for the hotel, they pay for the conference, we charge a registration fee, so basically all of the revenue minus the expenses, we are budgeting that Kaua'i's conference will generate a net profit of sixty thousand dollars (\$60,000).

Councilmember Cowden: In the spirit of Sunshine, because I know that we have our own staff here that help us with HSAC, is it not appropriate now to see if they have anything to offer in this knowledge, do we not do that here?

Council Chair Rapozo: I think...

Councilmember Cowden: Can we ask?

Council Chair Rapozo: The budget is an HSAC budget, so the questions would be going to Councilmember Carvalho.

Councilmember Carvalho: And that is what we are working on now.

Council Chair Rapozo: Yes, I chatted about this with Councilmember Carvalho. Councilmember Carvalho is in full agreement that we should get a deferral, because it should come like our budget, when we have our budget, we explain why it is going up, where we expect to get the funds...

Councilmember Cowden: I am just asking the questions, because I know we are going to defer. I am just asking, so that I am more prepared. I go to some of the HSAC meetings, and it seems like they go by quickly, and I was not expecting this.

Council Chair Rapozo: Every year, we have to approve the budget.

Councilmember Cowden: I was not expecting the deficit.

Council Chair Rapozo: Oh, yes. Councilmember Kualii.

Councilmember Kualii: I wanted to point out a couple of things. As a NACo board member, I was able to sit in on the last HSAC meeting, and I heard all the discussion and how they came to this point. I just wanted to point out a few things. At the bottom, HSAC has a reserve for the current actual is until the end of February in 2023, and then if you notice in the conference income even last year, last budget they projected sixty thousand dollars (\$60,000) and they came closer to eighty thousand dollars (\$80,000), so that is above, twenty thousand dollars (\$20,000) more. There are a few other items like that, even the travel, and I guess it was still less travel, but they are trying to make sure the budget is there for people to travel. The budget from the prior year was in the negative fifty-two thousand dollars (\$52,000), and if you look at the actual with four (4) months to go they still have sixty-six thousand dollars (\$66,000), so it is likely they will be in the positive if you divide it all up. I am less worried. I know that HSAC has budgeted in the negative before.

Council Chair Rapozo: For me, all the years I was in HSAC, I was the President for many years, and this is not a reflection of Councilmember Carvalho, because this was all pre-Councilmember Carvalho, but we never had a deficit, you budget what you are going to spend. There are a lot of zeros in these columns because of COVID-19, there was no travel, a lot of people did not travel, a lot of people that could have traveled did not travel. There are a lot of expenses that were not made because of COVID-19. We are looking at a new year, and all I am saying is that...

Councilmember Kualii: HSAC did not have staff before, too.

Council Chair Rapozo: Even then the staff comes out to about fifty thousand dollars (\$50,000). Our deficit is really the new employee that they hired, or the contract, so okay, fine, then we need to beef up some of these other accounts. The problem is the conference income to remember the eighty thousand dollars (\$80,000) was because they did not have a conference in a while, it was in Hawai'i Island, they had a huge golf tournament, they generated a lot of revenue, I do not think our conference here on Kaua'i is going to generate that type of revenue, because we are doing it differently, and it is not the first year back after COVID-19. I understand what Councilmember Kualii saying, but my point is, the fact that we have a reserve, you cannot budget a deficit budget, so HSAC is going to have to come up somehow to balance that budget—that is all I am suggesting. That was the question I asked the Executive Director was, where does she plan on making up that money? And if it is tapping the reserve, that is her answer. Then, that is a decision we need to make when that time comes, but I have not received anything.

Councilmember Kualii: I think too, that the former county that was the treasurer was Honolulu, so you could talk to Council Chair in Honolulu, too, Tommy Waters, he will have answers for you too, I believe.

Councilmember Carvalho: We have had lengthy discussions overall, when it was brought up by Council Chair Rapozo, then we said, make sure everything is in place before we finally move forward.

Councilmember Cowden: Okay. It is also the case that we had two (2) years that we did not have a conference, which has been...

Councilmember Carvalho: Was it two (2) years?

Councilmember Cowden: Yes, because we did one in 2019, and then the last one we did was 2022. So, 2020 and 2021, we did not do one, and I think while there were no travel expenses in there, there was also not any sort of fundraising effort.

Councilmember Carvalho: Right.

Council Chair Rapozo: Is there any other discussion? Go ahead.

Councilmember Kagawa: Even in the past when I was serving as alternate for many years with you, and then I served in one of my terms, we had difficulty getting an audit completed, so it is just carrying over from way back, and it was not me. Who was in charge at that time was Maui I think. The thing is it has kind of been, finances wise, getting receipts...O'ahu was in charge, that is right, so getting those receipts, I think things were missing, and I do not think there was any fraud involved, but I think they were just missing the person that was holding all the receipts maybe misplaced it before they left, so it was carryover things that was going on, and it was concerning to us who were not involved. I think it made us feel comfortable when we saw the amounts and things, and we knew that those things were not fraudulent type of things. Not to say going forward, there needs to, we talk about internal controls, there needs to be better accounting by HSAC, because something bad is going to happen if you just let this pass and keep on the way it was going.

Council Chair Rapozo: That is why I am bringing this up, and the audit is another big issue that I am actually pursuing with HSAC, and it is not for today's discussion, but that is a concern, and the last thing we would want is to lose our nonprofit status with HSAC, because that organization would go away, and it is a very powerful, productive organization, and we need protect. With the person who is in there now, I am very comfortable, Chair Waters from Honolulu City Council is the Treasurer, so they learned. I was not here when that mess happened, but it is a mess that we still need to cleanup, we cannot just say, "Oh, it is *pau*." No, I think we still need to pursue that, and that was my request to HSAC.

Councilmember Carvalho: The COVID-19 part came in too, but we are relooking at everything, so it is taking one step at a time to get it right.



Council Chair Rapozo: I will be honest, we have an Executive Director, that was a thought that HSAC had talked about years ago, and HSAC always decided that it was not cost effective or feasible, and I have some current concerns right now that I will be submitting in writing to HSAC, because their evaluation on the Executive Director is coming up, so there are some things in the contract that simply are not being done, it is not being done, just not doing them, and we are paying for that, so I will be pursuing that as well. Is there any other discussion? If not, can I get a motion to defer, please?

Councilmember Cowden moved to defer Resolution No. 2023-41, seconded by Councilmember Carvalho.

Council Chair Rapozo: No discussion after deferral. Roll call.

The motion for deferral of Resolution No. 2023-41 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-42 – RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE MULTIFAMILY HOUSING REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000) FOR THE PURPOSE OF MAKING A LOAN TO PROVIDE FINANCING TO LIMA OLA FAMILY PARTNERS LP, A HAWAII LIMITED PARTNERSHIP, FOR THE ACQUISITION, CONSTRUCTION AND DEVELOPMENT OF MULTIFAMILY RENTAL HOUSING; DETERMINING AND PRESCRIBING CERTAIN OTHER MATTERS RELATING THERETO AND APPROVING AND AUTHORIZING RELATED ACTIONS AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS AND AGREEMENTS

Councilmember Kuali'i moved for adoption of Resolution No. 2023-42, seconded by Councilmember Cowden.

Council Chair Rapozo: Adam. I will suspend the rules. I know you met with everyone to explain this process, but if you want to give us an overview.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director: Thank you, Chair and Councilmembers. Adam Rovers, Housing Director for the County. This is the last

of several meetings that we have had to discuss this particular bond issuance to support affordable housing. I will try to be brief since you have heard me say many of these things before. The Housing Agency on behalf of the County is authorized to issue this special category of tax-exempt bonds to support qualified activities, affordable housing being one of them. The approval of this Resolution is the final procedural step that the Council will take to approve the issuance of up to twenty-five million dollars (\$25,000,000) in tax exempt bond to fund two (2) separate projects, affordable housing rental projects at Lima Ola subdivision. It will fund a 45-unit workforce housing rental project, which is available to any income qualified Kaua'i resident households, as well as a 40-unit senior housing project also at Lima Ola, again available to age restricted, but available to income qualified households. Those projects are being built on County owned land under a long-term lease agreement, so we will ensure that they are affordable for Kaua'i residents in perpetuity, and being built by an LLC, which is in all practical purposes our development partner, the Ahe Group who has successfully constructed multiple projects here on Kaua'i with the most recent being the Pua Loke affordable workforce project by the Department of Water. An important thing to note is the issuance of these bonds will not burden the County taxpayers, the bonds will be payable by the developer not by the County itself, so it is not going to affect our bond rating, credit worthiness, et cetera. Another thing worthy to note about this special category of bonds is that it comes hand-in-hand with an automatic award of low-income housing tax credits that are awarded by the Hawai'i Housing Finance Development Corporation, so by us funding this project through this special category of bonds, it automatically receives this special category of tax credit financing, which leverages the total cash that is available in the bonds even more making it more effective than just a general obligation bond or the typical bonds that we deal with to fund Capital Improvement Projects (CIP), for example. I would like to lastly, through a pitch for the entire County for doing this. To "toot our own horn," on the cutting edge of doing this bond program, we are the only County to be doing so currently, which allows us to control our own destiny as far as funding. Historically, the counties have not utilized the available bond capacity that they are authorized to use under the tax code, and by not utilizing it that available bond capacity has just been given to the State, so in order to fund projects on Kaua'i, in the past, we have been required, or our development partners have been required to go to the State and participate in a competitive application process that we have not control over. Some years Kaua'i projects get funded, some years they do not, but by taking control of this ourselves, we can to a certain extent, control our own destiny, select the projects that we think are important on the timeline that we think is appropriate, and we have been able to get this done significantly faster than the State typically does. This is a pilot program, I think it is going really well, and I hope that we can continue doing it in the future, having this success under our belt.

Council Chair Rapozo: Thank you. I hate to do this, but it is 10:30 a.m., and we need to take a caption break. We will take ten (10) minutes, and we will come back with any questions for Adam. Thank you.

There being no objections, the meeting recessed at 10:30 a.m.

The meeting reconvened at 10:42 a.m., and proceeded as follows:

Council Chair Rapozo: Thank you, Adam for being here, and that explanation. Are there any questions for Adam?

Councilmember DeCosta: I have a question for you Adam. I remember in this discussion, I am not sure if you mentioned it or not, but I know I learned this from you when I came to the meeting with Councilmember Carvalho, every three (3) years we can reapply for these twenty-five million dollars (\$25,000,000), am I correct?

Mr. Roversi: The County's annual allocation is between eight million dollars (\$8,000,000) and nine million dollars (\$9,000,000), and we can let that build up over at most three (3) years, so extensively we can be doing this again in 2026 with twenty-five million dollars (\$25,000,000) to twenty-seven million dollars (\$27,000,000), because it goes up a little bit every year.

Councilmember DeCosta: Last question, Chair. I know I asked you this before, but what is the criteria for a person to put their name on this list to become a qualified homeowner? List of criteria like Hawai'i State license, do you have a criteria?

Mr. Roversi: You need to be over eighteen (18) and a Kaua'i resident, that is it.

Councilmember DeCosta: That is it.

Mr. Roversi: Yes.

Councilmember DeCosta: I remember asking you this other question, will you folks consider putting volunteer hours on the criteria, so they will have a more vested interest, and possibly time spent on the island before they qualified to buy a county project home? A lot of time a license and being eighteen (18) means you could be here for thirty (30) days, or less even, and qualify. I was just trying to find a way to give more of our local people a vetted interests that if they have to do so many hours of community service along with their age of eighteen (18), and along with their license, now they will be a qualifying candidate, is that something you could consider?

Mr. Roversi: We could consider the homebuyers list is governed by the Housing ordinance, which is created by Council, so if Council wanted to change the way the homebuyers list operates, it would require an amendment to the current ordinance.

Councilmember DeCosta: I am just thinking out loud, Chair. There are a lot of people who coach soccer, a lot of people who coach basketball, they go to the care home and provide hours of service with *kūpuna*, the people are not mainland people, they are locals, you cannot come from the mainland, and do community service if you are here for seven (7) days, but if you are going to relocate, and try to buy a home it is a little more difficult if we put that criteria on it, that is



just what I was looking it, how do we control who buys our homes making sure it is for local families on the island.

Mr. Roversi: Just for point of information, our homebuyers list was created with the housing policy in 2008, so people have been signing up to that list since then, and your priority for purchasing a home when a home becomes available depends on your position on that list, so the people who have been waiting since 2008, a Kaua'i resident since 2008 are the people that have the highest priority on that list when a home becomes available, so those are not people that have been here for thirty (30) days.

Councilmember DeCosta: Thank you for that clarification.

Council Chair Rapozo: Are there any other questions? Thank you, Adam. That is it, you did a good job. Adam met with each of us, two (2) at a time prior to today, because it would take all day.

Mr. Roversi: Thank you.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. The motion is to approve. Is there any further discussion. Councilmember Cowden.

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

Councilmember Cowden: Adam basically said that they did a good job, but I want to say that you and the group did a very good job getting this tax-exempt private activity bond. I am very pleased it almost falls in that "too good to be true" category where we can get something like this where this is really amounting to forty-six million dollars (\$46,000,000) for the project, and I look forward to being able to do more of it.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I wanted to say a special *mahalo nui loa* to Adam and everyone who works with him and helped us get to this point, I remember Adam talking about this as being a goal of his a while back, and I was excited that he was thinking this way and moving us in this direction, this is a really big deal, and I am glad that we are the first county going after these funds in this way. It is exciting too, that we have the housing tax credits that automatically come with the funds, and it increases the amount of money that we can invest into housing. We are absolutely moving in the right direction, and this pushes us much further along, so thank you so much. Thank you, Chair.

Council Chair Rapozo: Is there any other discussion? Seeing none. The motion is to approve. Roll call.



The motion for adoption of Resolution No. 2023-42 was then put, and carried by the following vote:

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

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

Ms. Fountain-Tanigawa: The motion passes.

#### BILL FOR FIRST READING:

Proposed Draft Bill (No. 2898) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES)

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2898) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 31, 2023, and that it be referred to the Public Safety & Human Services Committee, seconded by Councilmember Cowden.

Council Chair Rapozo: Councilmember Kuali'i is the cosponsor.

Councilmember Kuali'i: I will just say that this Bill came from the public. Council Chair, Councilmember Carvalho, Councilmember Bulosan, and I were at an event hearing a report on the missing and murdered Native Hawaiian women and girls, and while there, at the end of the session when the question and answer, a young woman stood up from the audience and asked about accessing pepper spray, and it being difficult having to go to the Chief of Police to get a special permit. Then, we heard from the Chief of Police also that it is an old practice that is still in place, and he was open to bringing it current, and that none of the other counties in Hawai'i do this permitting requirement, so we took a couple of months, and Councilmember Bulosan and I are the ones putting this Bill forward. We took our time working on it, working closely with KPD, and also with the County Attorney, so what we have before you is a total overall, so even though the Bill is eight (8) pages long, you should notice that the first five (5) pages, more or less, removes Article 15, so look for that open bracket there, and the close bracket does not happen until the top of page 6, and all of the new language is on pages 6, 7, and 8. It primarily makes it easier for people to get pepper spray, and the limitation is basically two (2) ounces or less. This is just first reading, so that is just a basic overview. I think Matt is here if anyone has any questions.

Councilmember Cowden: I have a simple question. I looked at this a couple of years ago, so I am very supportive of it, and happy that it is here. When we took out the whole Article 15, and replaced the whole Article 15...oh, I get it, we just really changing the word from obnoxious substances, and that is why we started on the whole piece there rather than just adding pepper spray.

Councilmember Kualifi: If anything it just clarifies it, simplifies it, and makes it very specific about pepper spray.

Council Chair Rapozo: When this Bill was first created many years ago, we never had what is called pepper spray. Pepper spray is relatively new. We had chemical mase, which was the CN spray, and for whatever reason that Bill passed a long time ago, way before my time, actually—that is how old this Bill is. Since then, pepper spray was created, and pepper spray is really made up of pepper, the hottest peppers you can find, and many states started to sell pepper spray to the public. Kaua'i's bill never amended, never evolved, I am not sure why they did not call it chemical mase, back then they chose to use the term obnoxious substance, which could be many things, but if you look at the definition of obnoxious substance in the old bill it referred to chemical mase. Like I said, we did not have the OC spray, which is pepper. I definitely support this, and one of the scenarios that I think this will help is oftentimes, to get a pepper spray permit takes a while, it depends, because there is a background check, and all of these things. In many cases, we were made aware of it at that event where if there is a domestic violence situation, and I am not going to say female, because it could be a male, but anyway the victim gets a Temporary Restraining Order (TRO), or an order for protection, but let us say the event happened on a Friday night, the victim could not even get to the permit application until Monday, a lot can happen between then, so with this Bill now, the victim could go straight down to an authorized store and pick up a two (2) ounce bottle of pepper spray, and it can offer some protection, so I appreciate you and Councilmember Bulosan work on this. I appreciate the Chief of Police who is very supportive. He was at that event in fact, and he made it very clear that he felt it was a good idea to amend the Bill.

Councilmember Kualifi: I will just read one short section to point to you on page 7, Section 15.2, restrictions on possession and use of pepper spray. If you look at "B," it says, "A person may possess and use pepper spray stored in any aerosol container or other device with a maximum volume of two (2) ounces, which is designed to fit into a handbag or a pants pocket. The container or device must have a mechanism to prevent the accidental release of the spray, and the container or device must use a nonflammable propellant or carrier. It is unlawful for any person to use pepper spray for any purpose, except 1. Self-defense; 2. Defense of another person; or 3. Protection of property of the person or of another person." So, what the Chair is saying is that it just makes it easier for people to access it on their own, it is clarifying that it is two (2) ounces or less.

Council Chair Rapozo: And you have to be an adult.

Councilmember Kualifi: Eighteen (18) years old.

Councilmember Carvalho: Yes, you need to be an adult, and having been at that meeting, as well, to all of us, and hearing her speak and how she delivered her message—that was awesome, and to come through with this and have them have access to pepper spray is where we are at right now, so I think that was a great opportunity.

Council Chair Rapozo: Is there any public testimony? Alice, you will follow Bruce.

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

Mr. Hart: For the record, Bruce Hart. I had a meeting with Councilmember Kualii yesterday to understand this Bill, and I am in support of it, so I hope it goes forward quickly. I hope that members of the public during the public hearing express their support, too. We live in a world that by necessity, we have to be prepared for self-defense, and self-defense is a right, it is a serious right, it is actually a God-given right. Defense of ourself, of others, even defense of our community, and our Nation for that matter, so it is a serious subject in one sense, and I am glad to see that we are offering an alternative, even though I am in support of the second amendment, we are offering an alternative to a firearm, because a firearm is a serious matter, so by doing this we are giving the members of our community an ability to be able to defend themselves in what would be considered nonlethal, so I think that is a good thing. Like I said, they are evils in this world, and at times we have to defend ourselves. Thank you.

Council Chair Rapozo: Thank you, Bruce. Ms. Parker.

Ms. Parker: Alice Parker, for the record. I would say maybe noxious not obnoxious. I was married to an organic chemist for twenty (20) years, and he was noxious, he was so angry with a doctor of ours that he was going to put a lethal chemical in the back of the driver's seat of his car, because he knew where the doctor parked, so that the man would get cancer over years. I talked him out of it saying, the doctor may not have that car forever, but there are other lethal chemicals and things that should be outlawed too, and if people have them. Well, my husband had a whole garage full of chemicals. In fact, I would go to cook dinner, and say, "Okay, cooking dinner, clear the kitchen." Sort of thing, and he even tried to poison me, so my psychiatrist said, "Get out of there right now," and I did. Anyway, there are other things besides pepper spray, so I think noxious is the term. Thank you.

Council Chair Rapozo: Alice, I think you really should consider writing a book.

Ms. Parker: You think what?

Council Chair Rapozo: That you should consider writing a book.



Ms. Parker: You have a point. You have not read Patricia Gonzalves story of Alice's Adventures in Wonder with the Agency on Elderly Affairs—that is a kick.

Council Chair Rapozo: I will call the meeting back to order. Is there any further discussion? Again, this will be going to public hearing on May 31<sup>st</sup>. Seeing none. Roll call.

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

The motion for passage of Proposed Draft Bill (No. 2898) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 31, 2023, and that it thereafter be referred to the Public Safety & Human Services Committee, was then put, and carried by the following vote:

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

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

Ms. Fountain-Tanigawa: The motion passes.

Council Chair Rapozo: Before we take the Executive Session items, I just want to take some personal privilege and wish all of our staff here today, and all the administrative professionals watching a Happy Administrative Professional's Day. As Alice just pointed out a few minutes ago about her *mahalo* to our staff for taking care of an issue that she had that was fixed right away, our staff here is like the best staff on the planet, and I know I am not alone with that assessment, so I just want to say, "Thank you all for what you folks do. Happy Administrative Professional's Day." I would give you all the rest of the day off, but I am not your boss, so enjoy the rest of your workday here. Anyone else? Let us just go around really quick before we get into Executive Session.

Councilmember Carvalho: Just appreciate all of you for all the work you folks do. I know everyone has their families, but being very responsive when you need support, they are always there one hundred percent (100%). Appreciate all of you. Blessings.

Councilmember DeCosta: I am going to be very brief. I am going to say what I always tell my wife. You folks as staff complete me as a Councilmember.

Council Chair Rapozo: That is another one that should write a book.  
Councilmember Kuali'i.



Councilmember Kualii: We cannot do this job without you. Day in and day out, you help us in every way, and in such a thoughtful, intelligent way that makes us look good, and I thank you. I cannot thank you enough. *Mahalo*.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I also second all of that. I thank you all so very much, and being part of our Council family there is a warmth and a caring within our organization, so competence and caring, two (2) very important things. Thank you.

Council Chair Rapozo: Thank you. I need to remind myself not to email or text these people after hours, because they respond. Any other department you work in, and I should not say any, the few that I have worked in, if you call a worker or email a worker after hours, you need to pay them overtime, and these folks do not claim overtime. I texted Lisa last night expecting her to respond today, and she responded last night. You folks are awesome, so thank you all. With that, can you read the Executive Session items, please?

#### EXECUTIVE SESSION:

ES-1093 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1095 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing on Na Kia'i Kai, et al. vs. County of Kaua'i, et al., Civil No. 22CV-00304 DKW-KJM (United States District Court, District of Hawai'i). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Cowden moved to convene in Executive Session for ES-1093 and ES-1095, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there anyone in the audience wishing to testify before we go in? Seeing none. The motion is to go into Executive Session. Roll call.

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

The motion to convene in Executive Session for ES-1093 and ES-1095 was then put, and carried by the following vote:

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

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

Ms. Fountain-Tanigawa: The motion passes.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:00 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk