

COUNCIL MEETING

OCTOBER 4, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Presiding Officer Ross Kagawa at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, October 4, 2023, at 8:46 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden (*present at 8:58 a.m.*)
Honorable Bill DeCosta
Honorable Ross Kagawa
Honorable KipuKai Kualī'i (*present at 8:56 a.m.*)

Excused: Honorable Mel Rapozo

MINUTES of the following meetings of the Council:

September 6, 2023 Council Meeting
September 6, 2023 Public Hearing re: Bill No. 2901, Bill No. 2902,
Bill No. 2903, and Bill No. 2904
September 20, 2023 Public Hearing re: Bill No. 2906

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

Presiding Officer Kagawa: Is there any discussion or public testimony?

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 4:0:3 (*Councilmember Cowden, Council Vice Chair Kualī'i, and Council Chair Rapozo were excused*).

Presiding Officer Kagawa: The motion is carried.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We have items on the Consent Calendar.

CONSENT CALENDAR:

C 2023-215 Communication (09/25/2023) from Councilmember Kagawa and Councilmember Cowden, transmitting for Council consideration, a Resolution Urging

The State Department Of Health To Continue To Contract With American Medical Response To Provide Emergency-Medical Services In The County Of Kaua'i.

Ms. Fountain-Tanigawa: Currently, we have five (5) registered speakers for this item. The first registered speaker is Julian Dewberry, followed by Doug Chin.

(Note: C 2023-215 was taken off from the Consent Calendar.)

Councilmember Carvalho moved to receive C 2023-215 for the record, seconded by Councilmember Bulosan.

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

DOUGLAS CHIN: Councilmember Kagawa, will it be okay if Mr. Dewberry and I address the Council at the same time?

Presiding Officer Kagawa: Sure, no problem.

Mr. Chin: Thank you, sir. I am Doug Chin, I am one of the attorneys that represents Falck USA and we are here to testify...

Presiding Officer Kagawa: Can you hold on for a quick second. I apologize for interrupting you. We missed an item. Can we have an approval of the agenda?

APPROVAL OF AGENDA.

Councilmember Bulosan moved for approval of the agenda, as circulated, seconded by Councilmember Carvalho, and carried by a vote of 4:0:3 *(Councilmember Cowden, Council Vice Chair Kuali'i, and Council Chair Rapozo were excused).*

Presiding Officer Kagawa: Mr. Chin, you may begin again.

Mr. Chin: No problem. I am Doug Chin. I am one of the attorneys that represents Falck USA. With me is Julian Dewberry, he is a representative of Falck USA and we are here to testify on the Consent Calendar, as well as the Resolution regarding the Department of Health (DOH) contract. I just wanted to say that the reason why I got to know Falck USA, was a couple months ago when the request for proposals (RFPs) came out by DOH. Falck USA approached me to be able to help them with the bid submission, and I took a great interest in it because I had some former experience in county government. I knew how important first responders are and particularly the ambulance contract for the different counties. For what it is worth, I wanted to say that during my time with Falck USA, I have been very impressed with the leadership, the organization, the quality of services that they provide, and was very proud to be able to be part of that submission. As it turned out, DOH had awarded the contract to Falck USA, and since then we understand there has been a protest that has been filed by the incumbent. We want to respect that protest process. We respect the fact that this Resolution is on the table

right now and we want to acknowledge that whatever happens...we understand what happens, but what we did want to say is this: 1) I want everyone here to understand that if you look at the RFP, it was not a low-bid contract. In other words, it was not just awarded to whomever offered the least amount of money, rather, this was a type of procurement contract that considered a variety of factors. Some of those factors included the quality of services that would be provided by the different bidders as well as the financial stability of the companies. Therefore, those were the factors, if you look at the RFP that were considered by the State in considering who to make the award to. 2) We understand the Resolution may go forward, we understand that DOH will do whatever they do, but if the contract ends up with Falck USA and is awarded there, we just wanted to share these few things: 1) There will be no reduction in services, particularly the Advanced Life Support (ALS) services and we wanted to be specific to that, because there has been some false information about that. That is not part of Falck's bid. There will be no reduction in services. 2) Falck USA will honor the terms and conditions of the current union association contract, meaning anyone who is in the current system, the current union association contract, if they want to come over, they are more than welcome to come over. In fact, we need them to come over and want to work with them, as well as the incumbent to have a transition that is smooth and proper for the county. We are keeping our remarks together, so Mr. Dewberry and I are here to answer any questions that you have. Thank you so much.

Presiding Officer Kagawa: Thank you. Are there any clarifying questions? Councilmember DeCosta, go ahead.

Councilmember DeCosta: The most important question I want to ask you is are you folks planning to upgrade any of the equipment that is currently on Kaua'i? I noticed you did not mention anything about that, and I wanted to know about the level of care provided. You mentioned that you folks are going to ask for all the same workers to go over and work with you. Are you planning to staff the ambulance with the same quality of workers and the same certification that those workers have currently? From what I understand, many of them can provide extensive care on the ambulance. Are you planning to carry out the same extensive care on your ambulance?

Mr. Chin: The quick answer is yes. I am going to let Mr. Dewberry address that for the Council, so you can hear from him directly.

JULIAN DEWBERRY: Absolutely. As it relates to the level of care, we would continue the ALS staffing, that would be part of this contract. In the past, when we had taken over an agreement, we welcomed over ninety plus percent (90%+) of the incumbent workforce. Anyone who would like to come over to Falck USA, should we be successful, is welcome to join us and would have the priority hiring process. As it relates to the equipment, we have made our proposal for what we offered. We had a minimum equipment list that was provided as part of the RFP response, we made that, and then as we go into negotiations once more, once the participation has concluded, if there is a preference for something else, we would be able to go into that and we would meet whatever the current requirements or preferences are for any of the major durable medical equipment, ventilators, etcetera.

Councilmember DeCosta: The current contract that you are going to honor, how long is that?

Mr. Dewberry: Are you talking about the union contracts?

Councilmember DeCosta: You stated you will bring over the contract workers, correct?

Mr. Dewberry: Yes.

Councilmember DeCosta: How long is that contract for?

Mr. Dewberry: I am not aware of what the current length of the collective bargaining agreement (CBA) is, but we would honor it to its expiration and then if in the event it were coming up, we would work to ideally get an extension of that in place, so that we can negotiate.

Councilmember DeCosta: Since we are talking about accepting the current contract, what is Falck's track record when they accept other companies to come work for them, in their union contract, and when that is terminated after a three-year period or whatever period it is, what is your track record of going back to negotiating and honoring the workers to have another ability to work for you?

Mr. Dewberry: To provide a little bit of context, when we took over the Alameda County contract in Northern California, that is a unionized workforce, we extended that current agreement and then went into negotiations. We have since had more negotiations as the CBAs have expired. We have been able to extend that and have a cordial relationship with our workforce. San Diego, when we took that over, that was also coming towards the end of its contract expiration for the CBA. We extended that, and have since negotiated a new collective bargaining agreement with that workforce as well.

Mr. Chin: Was that ninety percent (90%)? What was the percentage of people that were...

Mr. Dewberry: Yes, in San Diego, which was the most recent, that was a ninety plus percent (90%+), I can provide you the specific figure later, but over ninety percent (90%) of the workforce chose to come over to Falck USA after that contract was executed.

Mr. Chin: And that makes a lot of sense because this is a specialized service and experience that is provided by the incumbent workforce that works there. When there is a new contract that is awarded, we want those people to come to work with us, because they are so necessary and important for the community.

Mr. Dewberry: I come to you from Falck USA as a representative and administrative role. I started with the organization as an entry-level Emergency Medical Technician (EMT) over ten (10) years ago, so I have been provided ample opportunity to move up within the organization. I know it from an

entry-level EMT and the position I am in today, and some of our different operations across the country, therefore, I have a great appreciation for the goodwill and the support that this workforce has and I respect that passion. I just want you to understand that I recognize that from a first-hand point.

Presiding Officer Kagawa: Are there further questions? Seeing none, thank you.

Mr. Chin: Thank you.

Ms. Fountain-Tanigawa: The next speaker is Dexter Kishida, followed by Peter Beemer.

(Council Vice Chair was noted as present.)

Presiding Officer Kagawa: With that, I will hand over the chairmanship to Council Vice Chair Kualii.

DEXTER KISHIDA: I apologize, Council. I will be commenting on the next resolution relating to the Coconut Rhinoceros Beetle (CRB).

Ms. Fountain-Tanigawa: Peter Beemer, followed by Tina Hamayasu.

PETER BEEMER: Aloha, everyone. My name is Peter Beemer, and I am a Mobile Intensive Care Technician (MICT) paramedic with the American Medical Response (AMR) for the last twelve (12) years. I guess we are speaking for the same level of this Resolution. I have been with AMR for twelve (12) years on Kaua'i, I also worked in the O'ahu operations, I worked in California for two (2) different fire departments there, Wildland and EMS services. Being able to come home and work at home, where I was born and raised, has been the opportunity of a lifetime. I had the support of the entire AMR team for the last twelve (12) years through different events/major catastrophes including flooding, multiple different road closures, which I live on the North Shore, Hā'ena. I have had the back of AMR, being the "boots on the ground" by myself out there, but knowing my entire company from my management team to the other "boots on the ground" on the other side of the island, having my back ready to do anything they need to support our community. Everyone that is involved in this AMR community or our team at AMR, most of them have been on Kaua'i most of their lives, their families are on Kaua'i, their extended community, their 'ohana, most of you have probably had interactions at AMR. We have forty plus (40+) years of exemplary service throughout Hawai'i. Having the opportunity to have...without any information and coming out of nowhere, a company to come and try to uproot everything that we built and depend on is scary. I have a wife and three (3) kids, one (1) in college and two (2) in elementary school. I know they speak about trying to keep this contract, but if you do any type of general investigation about this company, they have had a lot of...I do not know how to say it properly, but there is a lot of negativity around the company and there are a lot of people that do not agree with the way they run their company. They are also from another entity that we do not know. A lot of people from off-island coming in and changing the way of life that we live here, that we have all done our entire lives is

scary for me and for longevity of my life, my family, and my career. I just want to thank AMR for everything they have done. They always had my back, kept us included with information that needs to be shared with us, the community with any type of catastrophe, any type of event, we have been involved with. I worked closely with most of you here. I have been through two (2) major catastrophes and was presented with awards by Councilmember Carvalho. I have worked with Councilmember Cowden, and we have always been able to come through and come with a resolution of positivity at the end of any type of catastrophe. AMR is a company I would be happy to work with for the rest of my career. Thank you for your time.

Council Vice Chair Kuali'i: Thank you. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Tina Hamayasu.

TINA HAMAYASU: Hi, good morning. My name is Tina Hamayasu, I am a paramedic for AMR. I was born and raised on O'ahu, and I had the opportunity to work, through AMR's operations, in every single county as a flight paramedic, initially, as well as now on the ground for the County of Kaua'i. Having been on the flight side, I got to experience the different operations in all the different islands, starting at Hawai'i Island, the County of Maui, as well as here. AMR goes pretty deep throughout the entire state and that collaboration throughout the state is tremendous and important. Throughout COVID-19, they remained upstanding and able to dedicate services throughout and "not miss a beat" when we needed it most, when resources were scarce. I was one of those medics that flew throughout the islands and worked closely with AMR to service the people and the communities during a very scary time. It is good to be home. It is good to serve the people of Kaua'i. I do not think there is another company that could do what AMR does in the way that it does with its roots here in Kaua'i. The community, like what my coworker said, we have families, friends, and friends that become family here, and I think that is important because we know how to care for the people, we know how the community works, we know the relationships, and those are very important. Thank you for your time, for this Resolution, and for your support. Thank you.

Council Vice Chair Kuali'i: Next registered speaker.

Ms. Fountain-Tanigawa: No further registered speakers.

Council Vice Chair Kuali'i: Is there anyone else wishing to testify?

KEAVY BRENNAN: Good morning, my name is Keavy Brennan. Thank you to the esteemed and honorable County Councilmembers for having me here. I am a paramedic on the island of Kaua'i, a constituent of the Kalāheo area. I have been here, born and raised, Kaua'i High School graduate, I have no qualms working with AMR. They are a great company. Thank you. That is it.

Council Vice Chair Kuali'i: Is there any further testimony? Please come forward.

CHRISTOPHER WAIT: My name is Christopher Wait. I have been an employee for AMR for the past twenty-eight (28) years, been on the islands for fifty-eight (58) years. I want to say a huge thanks to the County for putting this Resolution together, it shows you have our back and we have your backs, and we appreciate what you are doing. There will be a lot of redundancies said, but basically, I do not know if I should read from this, but I do have a testimony to read. I was dismayed at the nontransparency of how the decision was made. For the people that are directly impacted by this decision...it is all of us, it is the county people, all the families, and this was a closed-door decision made by the State, and I believe it was an erroneous decision for them to make that and not include...I do not think there was one (1) elected official that was aware of the decision until after it was made, and that is wrong. You folks should have a direct impact on how the companies are vetted in this. I am calling for a transparency component to the process, starting by nullifying the DOH decision. I would also like to see an ad hoc committee created, if we can possibly put together a committee of State officials, you folks—County officials, because you folks are directly impacted by this. A lot of people say, “it is a State thing.” It is not a state thing, it is a county thing. We are the ones who must bear the burden of this change of service. The change of services is huge, you just have no idea. I got here late. I do not if anyone has talked about Basic Life Support (BLS) versus Advanced Life Support (ALS) and the procedures involved. For there possibly to be a downgrade is a shame. There will impacts. I would love to see a change in how the companies are vetted. It should not come from only two (2) to three (3) people, and a consulting company from the mainland. This just does not make sense. Economically, by keeping the workforce in place, families will remain, money made by employees and company will be circulated here enhancing spending and helping the local economy. We like that, do we not?

Council Vice Chair Kuali'i: Sir, that is your time.

Mr. Wait: Okay. I have a really important testimony to read by a person that we picked up fifteen (15) years ago, who fell off a cliff.

Council Vice Chair Kuali'i: We accept testimony from people who are not here in writing.

Mr. Wait: Can I read it for her?

Council Vice Chair Kuali'i: No.

Mr. Wait: Okay. She was attesting...

Council Vice Chair Kuali'i: You can submit it.

Mr. Wait: Okay, I will submit it. She was attesting to ALS service. She had to be intubated out at Kē'e Beach...

Council Vice Chair Kuali'i: Thank you for your testimony. Is there anyone else wishing to testify on Consent Calendar C 2023-215?

Councilmember Kagawa: Point of Order?

Council Vice Chair Kualii: Councilmember Kagawa.

Councilmember Kagawa: Is there any chance we can tie in the Resolution to go a lot quicker and we can get them out of here.

Council Vice Chair Kualii: They are testifying now.

Councilmember Kagawa: Can we have the Resolution come up out of order, sooner?

Council Vice Chair Kualii: We have others doing presentations.

Councilmember Kagawa: Okay. Thank you.

ERIC ISHIDA: *Mahalo* for the chance to give my testimony for AMR. I am Eric Ishida, supervisor for two (2) stations, located on the South and Westside of Kaua'i. I have thirty-six (36) years of EMS experience, and twenty-six (26) years as being current supervisor. I am a paramedic and a Registered Nurse (RN) also. I am proud to be working with AMR. Some of the things that AMR has put in place in Hawai'i, such as Hawai'i Life Flight interisland and (inaudible) services. We also partner with Kaua'i Fire Department and the Agency on Elderly Affairs to provide fall prevention services and home visits. (inaudible) one (1) quick response vehicle. We also put in three (3) EMS child passenger safety stations. We also have in place the Emergency Vehicle Maintenance Program and those are just some of the things that AMR has done. Another thing we did was AMR put in a (inaudible) medic program which provides basic and advanced level of care for parades, concerts, private events, or locations that vehicles cannot access quickly as first responders. Some of the things that we have done during the Hanalei Bridge closures, which is a fully stocked ambulance on the Northend to ensure emergency services. In 2018, after an epic rainfall and flooding, embedded a fully equipment ambulance in Wainiha. We were also in full force taking care of patients during the recent wild fires on Maui. We were in full force during Hurricane 'Iniki. In April 2018, through the epic rain of flooding, which closed the Wainiha access, we positioned a helicopter in the Lihu'e to extricate patients from the inundated inaccessible North Shore of Kaua'i. One of the most important things we live by is *aloha*, it is not just be opinion. In a reassessment of Hawai'i Emergency Medical Services, the team were impressed by the uniform, respect, support, commitment, and good humor of all the stockholders. *Aloha* makes a difference. Thank you for considering a Resolution in support of AMR continued service. Thank you.

Council Vice Chair Kualii: Is there any further testimony?

TITO VILLANUEVA: Good morning, Chair and Councilmembers. My name is Tito Villanueva. I am the Operations Manager for AMR Kaua'i. I have been with AMR for thirty-one (31) years. Prior to that, I was in the United States of America (U.S.A.) Navy. I served in the Navy. I attended school. I worked for the Kaua'i Economic Opportunity (KEO). I was their Immigrant Services Coordinator,

and then I joined AMR. Before I go on, I want to thank you for introducing and considering this Resolution in support of AMR to continue the services that we provide for Kaua'i. To add to what Eric was testifying to, one of the things that stand out about AMR is our standing relationship with first responders, with the hospitals, and with the community. We work well with everyone to provide emergency services for our island. We partner with the Fire Department to do an injury prevention program, we have a fall prevention program, and we go out into the community once per week to visit homes. We work with the hospitals with their (inaudible) program. We work with them with the stroke prevention program, we work with the Kaua'i Emergency Management Agency (KEMA) during their center's activation. Most of the time, we have one of our paramedics, who is part of the incident management team, also served as a safety officer during the KEMA activation. Often, we have a lot of rain in Hanalei on the North Shore of this island, which is close to the Hanalei Bridge, in which we deploy ambulance to Hanalei with anticipation of the closure of the bridge. We not only deploy, but we also staff the emergency operations center. We work with the airport and support their annual fire exercises by training them, same with the Fire Department. We work closely with them. As far as equipment is concerned, we have the latest equipment for our ambulance services. Our equipment includes videos, the latest cardiac monitors...

Council Vice Chair Kualii: Thank you. That is your time. Councilmember Cowden has a clarifying question for you.

Councilmember Cowden: Did you say that you are the boss?

Mr. Villanueva: Yes.

Councilmember Cowden: To your knowledge, has the new provider that has been selected...

Council Vice Chair Kualii: Councilmember Cowden, you are now asking a new question, not a clarifying question. You clarified that he is the boss, so what else do you need to clarify?

Councilmember Cowden: I wanted to clarify...

Council Vice Chair Kualii: You wanted to get more information from him because he is the boss. You are going to have to ask those questions offline. Thank you. Anyone else in the public wishing to testify?

SPEEDY BAILEY: Good morning, Council. Speedy Bailey. I am the Regional Director for AMR in Hawai'i. I have been in EMS for forty-eight (48) years and we have had this contract for forty-four (44) years. You heard from our team...and thank you very much for this opportunity and support over all the years that we have been doing work, not just for the County of Kaua'i, but for Maui, O'ahu, and Hawai'i Island. What you heard is that AMR comes to the table with a whole system that we developed over many years of work in every community. When 'Iniki hit, we brought folks from Maui and O'ahu here to relieve people that were needing to take care of their families—that was very successful. During the wildfires and

during the floods, we brought helicopters in, so we could have access. We have an air program, which every day takes sick patients from here to care on O'ahu. We are fully staffed on Kaua'i and Maui, have always been throughout our tenure. I am very proud of that. You cannot say that because most companies are short medics. No COVID-19 excuses here. We upped staff in airports across the state, during COVID, we did harbors. We responded, had solutions, we are committed—that is what we put on the table. I will tell you a story that happened on August 8th in Lahaina. We had medics going into the fire, we transported thirty-two (32) patients that day, twenty (20) burns, took them to Maui Memorial, that was the 9-1-1 system. From there, our private ambulances took them to the airport where they met our planes and flew them to Honolulu, where our ambulances then drove them to the burn center at Straub Medical Center and Queen's Medical Center. We took eight (8) critical patients off Maui in eight (8) hours. We did twelve (12) patients during the entire event, so there were patients coming from Hawai'i Island and Kaua'i during that critical time. No other company can do that. I challenge anyone to do that. The medivac service that we run on Maui was not in the bid. I do not know what is going to happen on December 28th, when our contract expires. That is the big question. But those are the things that we bring to the table. We are committed and with a fully staffed dedicated crew of paramedics. Thank you for your support, your continued support, and you have our commitment to make all the necessary improvements as we move forward. When we started this, there were three (3) ambulances on Kaua'i, but we brought in three (3) more since 1990, through the advocating communities and the state. *Mahalo.*

Council Vice Chair Kualii: Thank you. Is there anyone else wishing to testify at this time? If you testify now, then you do not testify later.

SHERRI CUMMINGS: For the record, Sherri Cummings, Mālama Anahola. I have a significant other who is an EMT/fire fighter for airport rescue. He is not able to be present, right now in his capacity, he is training future firefighters for county and state. This came up on the radar, I do not know too much about it, so I asked the question, what are the pros and cons of AMR losing its opportunity to service the State of Hawai'i, and he responded there are no pros, only cons. Just reading some of the points, and I think it is important for laypeople like us who do not understand what level of care we will receive as compared to what we received in the past. He said, "Sherri, the level of care will drop because of the scope of the practice." He continued to say that the Department of Health (DOH) wanted to drop the level of care from ALS to BLS. What is ALS versus BLS? I do not know if others have covered that, I am sure they did, but just for the laypeople, ALS is Advanced Life Support, taking care of serious medical programs; intravenous (IV), punctures to the skin, heart monitoring, continuous positive airway pressure (CPAP), respiratory emergencies, situations using inhalers, etcetera. The level of care is going to drop from ALS to BLS. We ask ourselves what is BLS? BLS is basic life support. All they are going to be doing for us is oxygen and small basic care. For me as a past baseball player, I had a serious condition in Kilauea, EMT was called. What happened to me was that I had no electrolytes and locked up. Water could not save me, IV had to. By the time they got me in there, I did two (2) bags of IV and they shot me with morphine, because the pain was excruciating. Now, we live in rural areas such as Kē'e Beach and if something happens, the nearest place is Kapa'a. How do we address painful

situations? They cannot administer these types of medication for the people. If nothing changes for AMR employees, they will lose their opportunity for employment here and the county will lose, because what others provide to the community will be way less than what we received throughout our times.

Council Vice Chair Kuali'i: That is your time. Thank you. Is there anyone else wishing to testify? Members, we are voting on a motion to receive. I would ask that you hold your discussion until we consider the Resolution later.

The motion to receive C 2023-215 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kuali'i: Can you read the next item on our Consent Calendar?

C 2023-216 Communication (09/26/2023) from Councilmember Bulosan and Councilmember DeCosta, transmitting for Council consideration, a Resolution Urging State Officials To Prioritize Funding And Immediate Implementation Of A Rapid Response Management Effort To Safeguard Kaua'i From The Impacts Caused By The Coconut Rhinoceros Beetle.

Ms. Fountain-Tanigawa: We have one (1) registered speaker on this item?

Councilmember Carvalho moved to receive C 2023-216 for the record, seconded by Councilmember Kagawa.

Ms. Fountain-Tanigawa: The registered speaker is Dexter Kishida.

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

Mr. Kishida: Good morning, Council. Dexter Kishida, Deputy to the Chairperson at Hawai'i Department of Agriculture. Thank you for considering this Resolution. The Department and the Governor's Administration is in fully support. I will be around for the Resolution to discuss further, but it is timely, and so I do hope you consider this Resolution. Thank you.

Council Vice Chair Kuali'i: Is there anyone else wishing to testify now on the Resolution?

ANNY BRUCH: Good morning. My name is Anny Bruch. I am the Vice President for Hawai'i Farmers Union United (HFUU), at the state level, and also the Treasurer for the Hawai'i Farmers Union Kaua'i Chapter. I really thank everyone here for having this Resolution. HFUU has this on Kaua'i as its priority, because our chapters in O'ahu is suffering through an infestation and what that means is O'ahu farmers when they find Coconut Rhinoceros Beetle (CRB), they cannot get any help because O'ahu has now been labeled as infested. Farmers there cannot get any help from HDOA or the different agencies. We, on Kaua'i, do not have sufficient resources to address CRB. HFUU has reached out to the Kaua'i Invasive

Species Committee (KISC) CRB response team. We have been disturbing traps, providing information about CRB in all of our meetings, but we cannot wait for the state to do something. We cannot wait for the University of Hawai'i to send their team to Kaua'i, we cannot wait for others to do something, Kaua'i has to do something about this if we want to make sure we do not become O'ahu. My question is, what can Kaua'i do? Yes, we can ask the State to do that, I am so happy that Dexter is present and that they want to pass the permanent rule. Right now, they are putting in a temporary rule so we do not have movements of organic materials going other places from O'ahu. Not too long ago they said containers of mulch to Maui...

(Councilmember Kagawa was noted as present.)

Ms. Bruch: ...they were thinking that they could check containers full of mulch for CRB, but that is impossible to be one hundred percent (100%) sure. We need a rule that makes sure there is nothing coming out of O'ahu to Kaua'i, Maui, or Hawai'i Island, if we are going to have a chance at containing this. Thank you for having this Resolution, but what can we do here on Kaua'i? What resources do we have? HFUU is ready to support, we have already been doing it with our volunteers, in our meetings, but let us see if we can do something and not wait for others to help us, but have us do it ourselves. Thank you.

Council Vice Chair Kualii: Thank you. The communication we are considering now is on the Resolution relating to CRB. Is there anyone else wishing to testify on this Resolution currently?

UELI MULLER: My name is Ueli Muller. I am a member of the HFUU and a couple of weeks ago, we had the chance to talk to a delegation from KISC, as well as the Rapid Response Team from O'ahu. We were informed as to the situation there. We also know that they have found the beetle on our island and the situation was that there were two (2) sites known, one here at the harbor, Wailua, as well as the North side. I volunteered to assist KISC by providing traps to our members. We have some members who already set them up. We also have provided some traps to the Tropical Fruit Grower Association. Brand new information this week, we found beetles way different size, we found them here on the *mauka* side of the highway in Puhi and we also found them in Wailua Homesteads, which is new information that has not been published on the CRB website where they have information on where the traps are and where the beetles are found. I have posted that information to the CRB response team, as well as the local KISC. It is important that we quickly work something out because it is spreading. I believe this is not new because it is already spreading so far, so this has probably bigger impact on us and I really hope we can find a solution here on the island. *Mahalo*.

Councilmember DeCosta: I have a clarifying question.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Since you mentioned spreading, do you have information, educate me on how do you believe it is being spread?

Mr. Muller: I am no specialist on this, but the CRB Response Team told us that most of the spreading is from green waste. Green waste being mulch, compost, and leaf matter.

Councilmember DeCosta: How do you think CRB is coming from O'ahu to Kaua'i?

Mr. Muller: The first found was in the harbor, so it probably came with the containers. We found infected mulch and compost in the backs of local hardware stores. Well, not me, but "they" found larvae of beetles in bags.

Councilmember DeCosta: Thank you.

Council Vice Chair Kualii: Is there anyone else in the audience wishing to testify?

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

The motion to receive C 2023-216 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: The motion carries. The next item, please.

COMMUNICATIONS:

C 2023-217 Communication (09/11/2023) from Councilmember DeCosta and Councilmember Kagawa, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Article 3, Section 19-3.2, Kaua'i County Code 1987, As Amended, Relating To Playing Fees At the Wailua Golf Course, reestablishing the playing fees at the Wailua Golf Course due to current market conditions, the high demand for play, the significant cost of operations, and the condition of the Wailua Golf Course as compared to other options on Kaua'i.

Council Vice Chair Kualii: This is the Communication; the relating Bill will come up later on the agenda.

Councilmember Cowden moved to receive C 2023-217 for the record, seconded by Councilmember Carvalho.

Council Vice Chair Kualii: Are there any questions?

Councilmember Kagawa: Can we call the golf manager up?

Council Vice Chair Kualii: This is just the Communication.

Councilmember Kagawa: Yes, it is on bills for first reading, but I just wanted to ask them questions now...

Council Vice Chair Kuali'i: This is just the Communication.

Councilmember Kagawa: Yes.

Council Vice Chair Kuali'i: First Reading will come up later.

Councilmember Kagawa: They are here, so I will ask my questions now and then they can head back to work.

Council Vice Chair Kuali'i: Sure.

Councilmember Kagawa: Do you have any comments from the golf course, management, staff? This mainly affects the non-resident fees, which is less than half the price of any other private course we have; Kiahuna, Puakea, etcetera. There have been complaints about those costs and they asked why Wailua is so cheap compared to their prices and they are suffering from not having enough play to make a profit.

There being no objections, the rules were suspended.

DANIEL URWILER, Director of the Golf Course Operations & Maintenance:
My name is Dan Urwiler. The proposed rates are fine. I still think the non-residents is a little high. There is an item in the back, on the last page item "I" talks about the driving range balls.

Councilmember Kagawa: Yes.

Mr. Urwiler: The driving range is operated by our concession for the pro shop.

Councilmember Kagawa: What do we need to do?

Mr. Urwiler: Take it out.

Councilmember Kagawa: Eliminate it? Okay.

PATRICK T. PORTER, Director of Parks & Recreation: Pat Porter,
Director of Parks & Recreation.

Councilmember Kagawa: If we need to take something out, we need to hear from you folks.

Mr. Porter: We can do some housekeeping on the proposed draft bill.

Councilmember Kagawa: If you can work with Council Services Staff.

Mr. Porter: We agree to exploring the fee increase. The goal of this is to increase the fees, so we get the right amount of revenue without

losing play. Finding that balance is where we want to be. We do not know what that balance is, but as an example, previously in 2009, was the last time the fees were increased. We think it is time to review this and look at it. What happened in 2009 was that the non-resident fees went up to certain...

Councilmember Kagawa: It had to be after 2009, because I was first elected in 2012, and I remember making a change to the fees after I was elected.

Mr. Porter: The fees were increased in May 2009. The highest it went up to was seventy dollars (\$70) for non-resident on weekends/holidays, and then what happened was the play went down a lot, so in 2010, the Council revisited it and dropped the non-resident rate to increase play. I think whatever we settle on as the price, just so long as we are open to revisiting it later.

Councilmember Kagawa: If this goes into effect in January, what would be a reasonable time to expect to see a comparison of the prior year? Would it be March? That is exactly what Councilmember DeCosta and I are aiming at—we want to generate more revenue for the golf course that reduces the subsidy. Costs have gone up and these rates have not been touched for eight (8) to nine (9) years ago. We have been touching the monthly play, the daily play of locals as well, they are all going up a little bit, but the main hit was to the non-resident.

Mr. Porter: Yes. Reviewing it in six (6) months and then a year out would be good.

Councilmember Kagawa: Okay. That would be great. Thank you for being here, Dan.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Since you mentioned the non-resident play, and I am not a golfer, I have not even visited Wailua Golf Course, but I have been hearing that Wailua Golf Course is a state-of-the-art golf range and “World Class,” since you talked about the drop on non-resident play, why does non-resident want to play at the Wailua Golf Course?

Mr. Urwiler: It is a great golf course.

Councilmember Cowden: Yes.

Mr. Urwiler: It is right up there.

Councilmember DeCosta: Tell me what types of things does Wailua Golf Course have? Do they have awards? How does it measure up to other golf courses?

Mr. Urwiler: It is in great condition, we try to keep it that way, and people want to play. Whether they are coming from somewhere else or from here, they want to come and play, so that is why we are there for.

Councilmember DeCosta: Do you think with the increase, they would still want to play at this “World Class” golf course?

Mr. Urwiler: Yes.

Councilmember DeCosta: Okay, thank you.

Council Vice Chair Kuali'i: Members, are there any further questions? Thank you. While the rules are still suspended, do we have anyone signed up to testify? Is there anyone in the audience wishing to testify?

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

Council Vice Chair Kuali'i: Is there any further discussion?

The motion to receive C 2023-217 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kuali'i: The motion carries. Next item, please.

C 2023-218 Communication (09/15/2023) from the Director of Parks & Recreation and Todd Ozaki, Executive Assistant to the Mayor, requesting agenda time to discuss the use of the County's Self-Insurance Fund in the amount of \$1,260,000.00 as a result of flood damage caused by a fire sprinkler discharge on June 18, 2023. Anticipated work items include and may not be limited to:

- Water extraction; furniture and appliance removal; tear out of damaged flooring and drywall; hazardous materials testing; sanitation; framing and drywall installation; insulation; floor molding; concrete floor treatment; painting, etcetera; and
- Office cubicles and partitions; office furniture, cabinetry, assemble, and attachment; electrical relocation as needed; and
- Data drops; network switches and racks; and fiber backhaul to data center.

Councilmember Carvalho moved to receive C 2023-218 for the record, seconded by Councilmember Cowden.

Council Vice Chair Kuali'i: Are there any questions from the Administration? Councilmember Cowden.

Councilmember Cowden: Thank you for meeting with me individually. For the benefit of the public, how long do you anticipate the total displacement time for the engineering and the Building Division relative to this flood?

There being no objections, the rules were suspended.

TODD OZAKI, Executive Assistant to the Mayor: Six (6) months.

Councilmember Cowden: Another six (6) months, and it has been three (3) months, so it will be nine (9) months?

Mr. Ozaki: Nine (9) months total, yes.

Councilmember Cowden: Is the County doing the work?

Mr. Ozaki: The work will be contracted to a third party.

Councilmember Cowden: The one million two hundred sixty thousand dollars (\$1,260,000), I am assuming that we have already been spending some of that, right? We have paid for it and we are reimbursing ourselves, is that correct?

Mr. Ozaki: As far as what has been paid so far, there are two (2) phases. The first phase is the mitigation portion, so to clean it up, make sure it is safe, breathing conditions, check for mold, remove damage infrastructure and furniture, etcetera. That phase has been completed, so that represented roughly one hundred thirty thousand dollars (\$130,000).

Councilmember Cowden: Have we paid that already?

Mr. Ozaki: It is being processed now, yes. That number is set. The remainder is for the rebuilding of the office space.

Councilmember Cowden: When we are building this space, will it be a return to what we had or are we adapting for the present and the future?

Mr. Ozaki: Good question. We are adapting for the future. The last renovation for this space was over thirty (30) years ago, and at that time it was build for "pen and paper" type of world and that has changed quite a bit since then, so we are taking this as an opportunity to update a lot of the workspace and data infrastructure.

Councilmember Cowden: How many data losses did we have? Were we able to retain material that we needed or have we lost critical information?

Mr. Ozaki: To the best of my knowledge, we retained nearly everything. If there was any loss, other than furniture, as far as data, etcetera, we were able to recover everything.

Councilmember Cowden: Does everyone have a new place for now and is that working out and would the community have the similar level of services as prior?

Mr. Ozaki: Correct.

Councilmember Cowden: Okay. Those are my questions.

Council Vice Chair Kualii: Are there further questions? Councilmember Kagawa.

Councilmember Kagawa: The agenda item talks about the Self-Insurance Fund and using one million two hundred sixty thousand dollars (\$1,260,000) for water extraction, furniture, drywall, etcetera. What was the total damage? Was the total damage higher than what is stated?

Mr. Ozaki: Bigger than one million two hundred sixty thousand dollars (\$1,260,000)? No. It is less than that.

Councilmember Kagawa: The one million two hundred sixty thousand dollars (\$1,260,000) covers the entire clean-up and everything?

Mr. Ozaki: The clean-up, restoration, and the updates, yes.

Councilmember Kagawa: Do we have insurance to pay for that?

Mr. Ozaki: Yes.

Councilmember Kagawa: Is it covering one hundred percent (100%)?

Mr. Ozaki: There is the Self-Insurance Fund, which is what we can pull funds from and then we have our insurance that we also do a claim on as well. The claim itself is fairly dynamic at the moment, because we do not have a contractor in place for the reconstruction portion. We can continue to add to the claim.

REIKO MATSUYAMA, Managing Director: Good morning, Reiko Matsuyama. The Self-Insurance Fund is a separate fund; we have General Fund, we have Solid Waste Fund, Golf Course Fund. The Self-Insurance Fund is the fund that we fund every year at a tune of one million dollars (\$1,000,000) and it does not lapse every year, so if the balance ever drops, the next budget will just replenish to the million. It is about one million five hundred thousand dollars (\$1,500,000) currently, so we would draw down on that fund, and then we would just bring it back up to one million dollars (\$1,000,000) in the next budget.

Councilmember Kagawa: Would the insurance money "kick back" to us?

Ms. Matsuyama: Yes, insurance proceeds will help us a bit. It will not cover the entire one million two hundred thousand dollars (\$1,200,000), but it will help us get back to a little bit "playing field" neutral.

Councilmember Kagawa: How do we ensure that we reduce the chances of this happening again? It seems like not only did we have to do a lot of work and replacement, but the building permits suffered a little bit. When they are already slow to begin with, their permits dragged back a little bit. How do we prevent it going forward?

Mr. Ozaki: On top of the immediate response to the incident, we are taking additional measures, which Mr. Porter can share.

Mr. Porter: Mr. Ozaki has been working with the third-party company to do an assessment with the entire system, for the three (3) buildings in the Civic Center. In this assessment that they are going to be doing is recommended to be done every ten (10) years, and so we are doing one now and start that ten-year cycle. They randomly select five percent (5%) of the sprinkler heads in each area, remove, replace them, and then they do tests. They also test the plumbing. That gives them an overall idea of the overall system. That is the type of testing they do and it is recommended every ten (10) years. We are getting on that cycle now.

Councilmember Kagawa: Perfect. Thank you.

Council Vice Chair Kuali'i: Are there further questions?

Councilmember Carvalho: I wanted to mention again that the funding we have before us covers everything, as mentioned by Councilmember Kagawa. The data part is all inclusive of everything.

Mr. Ozaki: Yes.

Councilmember Carvalho: We are all good?

Mr. Ozaki: Yes.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: This is for Mr. Porter. I understand we are looking at the sprinklers to make sure we do not have a challenge again. Does it impact how we design off a space? When we are putting new things in, are we putting more like a type of drywall with high gloss paint that we usually put in a bathroom? Are we learning from it in the way as we rebuild—do we have high gloss paint in most of these rooms?

Mr. Porter: Just for the interior paint, we use high gloss. We plan on not putting in carpet, and just sealing the concrete. The carpet being saturated was the big issue causing mold, which increases the dry time.

Councilmember Cowden: With rooms not being redesigned, are we putting any plastic boxes around critical paperwork? It sounds like we got through this and that is a big "yay" because of how much we have been moving as hard as we can to get things onto the cloud, but we have decades of documents. It is very important that we do not destroy our documents. Is there any effort being made in other rooms, even if they do not have a sprinkler, but for these high priority documents to be protected?

Mr. Porter: I am not sure what measures the Department of Public Works will use, but they were talking about how they are going to secure...

Councilmember Cowden: Managing Director Matsuyama, we learned something from this and we are going to move forward trying to make sure we are not vulnerable in other...

(Councilmember Carvalho was noted as not present.)

Ms. Matsuyama: Definitely. For the most part we are going to try to move away from paper, in general. This sprinkler that went off was basically over the map room, which was all paper. Thankfully, none of the computers got damaged, so that was a good thing. The more we can move to electronic files would be the better way to go.

Councilmember Cowden: Thank you.

Council Vice Chair Kualii: Are there further questions? Is there any public testimony? Is there further discussion?

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

The motion to receive C 2023-218 for the record 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 Carvalho was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Rapozo was excused).*

Council Vice Chair Kualii: The motion carries. Next item, please.

C 2023-219 Communication (09/19/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$1,000,000.00, from the Bureau of Justice Assistance (BJA) Fiscal Year (FY) 2023 Second Chance Act Pay for Success Program. These funds will be awarded to start the E Ho'i I Ka Piko (Returning to the Center) Program and will fund a 1.0 Full-Time Employee (FTE) Social Worker IV position, fringe benefits, a modular unit to house the Life's Choices staff, and the E Ho'i I Ka Piko Program, office equipment and supplies. The proposed project period is October 1, 2023 to March 31, 2028.

(Councilmember Carvalho was noted as present.)

Councilmember Cowden moved to approve C 2023-219, seconded by Councilmember Bulosan.

Council Vice Chair Kualii: This will allow the Office of the Prosecuting Attorney (OPA) to accept federal funding. Are there any questions?

Councilmember Cowden: I do.

There being no objections, the rules were suspended.

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

Councilmember Cowden: Did we do a pilot project on this? This is giving people who are coming out of incarceration a little bit of a bump forward to have the basic things they need to avoid recidivism, is that correct?

Ms. Like: We previously had a grant program with Kaua'i (Inaudible) Association where we provide Go Pass to people being released from the jail and this is (inaudible) the program through this project. It was not a "pilot program" but our application for this grant was based on the success of that program.

Councilmember Cowden: Okay, because these are related and you put up a little tent to help people. I was really excited about it, but asked how could we set this up?

Ms. Like: Correct, it was on a much smaller scale.

Councilmember Cowden: Can you expand what this means, particularly if people have family members coming out of incarceration or any type of adjudication?

Ms. Like: It is mainly based on reentry. The application itself, the Second Chance Act Pay for Success is for reentry services.

Councilmember Cowden: Reentry from?

Ms. Like: From jail or prison. This program is a long program, at least a five-year program with an eighteen-month implementation where we can see what is successful and expand a successful program.

Councilmember Cowden: I attended a top 5 prison ministry and they said there is about an eighty percent (80%) recidivism rate, is that just a broad number? Do we have any idea what our recidivism is?

Ms. Like: I am not exactly sure what recidivism is on Kaua'i, eighty percent (80%) seems very high. I do not have that data in front of me. I am sorry.

Councilmember Cowden: For clarity, this is trying to help people once they reenter their society, from their time of being incarcerated, that they are going to have greater success in getting a job, living a life in alignment with our laws and values of our community.

Ms. Like: Absolutely, that is the hope.

Councilmember Cowden: That is the goal. Is it still going to be a tent?

Ms. Like: We do not currently have the office space. Our hope would be to eventually get a possible portable between our office and the courthouse. The people who are coming are getting released at court or jail could come and get services there, but that is not part of this grant. This does include some office equipment and supplies, but it does not include a place.

Councilmember Cowden: When they come out of the court, it seems like there is an empty room in the courthouse, can we partner with the State? Are we partnering with the State on this? How do we make sure we are successful because this happens year after year and that we have people returning to their families and children and our workforce, but it seems like you have some of what you need, but not all of what you need. If it is not all what you need, how can we help?

Ms. Like: Like I mentioned, there is an eighteen-month implementation period and during that period we are going to make sure that the evidence is indicating that the program is successful by reducing recidivism. If it is not successful as we start, we can change course and consider going a different route. Our hope is that during the implementation period we can "hammer out" more of the details, but we will likely be coming back to you with an additional information request. Since we just secured the funding a couple weeks ago, we have not gotten all those details yet and we have that lengthy planning period to hash those details out.

Councilmember Cowden: Can we do a retroactive look to see what our recidivism rate is so we can measure success? If we do not even know what the level of recidivism is, it is hard to know if we have been successful. Can we look at the last year or two. I imagine the state looks at that. I want to evaluate our success so that if this is not working, then we find something else to work. It certainly seems...just by being a member of the community, it is a service that we need to help people reenter our community on your best foot and stay there.

Ms. Like: As part of the program there is going to be a controlled group and a group that is going through the program. The people who are in the program are going to measure against the folks who are not in the program to measure success with our hopes that the people in the program are going to be more successful.

Councilmember Cowden: Who picks who gets to be in the program?

Ms. Like: I am not sure what the evaluation practice will be. I know that Hawai'i Island had a similar grant program and from my understanding of what they did was a mentorship program, so they worked with thirty-nine (39) individuals who were released from incarceration and each were assigned a mentor. None of those individuals recidivated after having that mentor assigned to them. It would be a program, not necessarily exactly like that, but with that idea in mind. They did not have the resources to assign a mentor to every single

person being released from incarceration, but the folks who did get released were more successful than those who did not have a mentor.

Councilmember Cowden: I would like to make a recommendation that we look to see if we can do the best way, so it is not fair to the people who do not get into the group and if I was picking someone to be in the group, I would put my highest likelihood people to have the success, so you are going to have a bias. Thank you. Those are my questions. Basically, I am not giving a hard time, I am saying “yay,” and thank you. I really want to see it work.

Ms. Like: We are excited too.

Council Vice Chair Kualii'i DeCosta: Are there further questions? Councilmember DeCosta.

Councilmember DeCosta: You answered my question when you said your office will have to come back to the Council over the five-year period, that is what I wanted to let you know my support. You folks have some initial funding, and if you needed anything else, the Council will be here to support you.

Ms. Like: Thank you.

Councilmember DeCosta: You mentioned the mentorship program—is this grant only for ages eighteen (18) and older or are you going to target youth who got in trouble, not necessarily sending them to prison, but they have to be sent to boys and/or girls home or they may have some community hours. Are you planning on teaming up with Keala Foundation, because I know they do good work with the youth?

Ms. Like: It is something that can be considered. When we submitted the application, the targeted population was more on folks getting released from Kaua'i Community Correctional Center (KCCC), but as I mentioned we have a long planning period where we can adjust, make changes, and have a more expansive population; we can target juveniles or adults and juveniles, but the application we submitted was for adults.

Councilmember DeCosta: When you talk about people incarcerated being released, you have levels of degrees that they are incarcerated for, so the ones who get released and are not stigmatized “dangerous to society,” would they want to help youth who are also troubled, creating a mentorship and give them stewardship over land or their *keiki* so they have some self-worth now. Being in a mentorship program gives the released inmates a reason and a want to be good community members. My brain is thinking about solutions. I am a solution-based person. Have you thought about the program in that aspect?

Ms. Like: We are just in early discussions as to what this is going to look like. Just for clarity's sake, the mentorship program on Hawai'i Island—our is not necessarily going to be identical to that program, that is just one (1) program that has been under the Second Chance Act Pay for Success Program

model. I certainly think a relational component is critical to success whether that be mentorship or some sort of group activity where individuals form prosocial bonds, so that when they are in trouble, they have a person to call or someone to reach out to that can help them make better choices.

Councilmember DeCosta: I am sorry to give you so much to think about, but I am willing to chat with you for assistance.

Ms. Like: I appreciate it.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: Would this "tie in" offering opportunities for the amount that they have a place to work connecting with the employment opportunities for them? Would this support the Camp Agape Kaua'i type of thinking, which is children with incarcerated parents? That they need that connection and support the camp at Camp Naue, is that something part of this discussion?

Ms. Like: The success of the program is going to be based on the success of the participants, so it is going to be measured. Part of that measurement should be whether they are employed or whether their children are being successful, cared for, and staying out of trouble at school. Our hope is to be holistic, but we are still in the early phases.

Councilmember Carvalho: I just was wondering if it was part of the bigger picture.

Council Vice Chair Kualii: There being no further questions, while the rules are still suspended, do we have anyone signed up to testify? Is there anyone in the audience wishing to testify?

Mr. Hart: For the record, Bruce Hart. I want to see how this program works out...almost all my questions were asked by Councilmember Cowden, so I want to thank her. I would like to encourage everyone to follow this. I hope it is a success because it is dearly needed. Thank you.

Council Vice Chair Kualii: Thank you. Is there anyone else from the audience wishing to testify on this item?

Ms. Cummings: Sherri Cummings, Mālama Anahola. This has been on the radar for us as Council For Native Hawaiian Advancement (CNHA) board members from years past to current, that recidivism in Hawai'i is massive, it is over fifty percent (50%). The proportion that is native Hawaiian is huge. With all the money that has been put into corrections and opportunities to rehabilitate inmates, if you will. My family comes from an inmate background from my children to my nephews, my sister is a (inaudible) trainer for the State of Hawai'i and unfortunately we see all Hawaiian, majority, and I understand this is in the infancy stage, but we ask this all the time, if there can be components in this program that includes how we connect to our *kānaka* people to create programs that will enhance

the inmates that is actually coming out of that system. I believe past Prosecuting Attorney Iseri-Carvalho, in her early years, tried to create something like that, to include an initiative for how you rehabilitate. Councilmember DeCosta was correct when he talked about children and the opportunities that children should have. The Keala Foundation is amazing. We should not only be reactive to the inmates that come out, but be proactive about how we *mālama* these *kamalii* who will, if we do not “catch” them in the early years be the ones that will be incarcerated. Therefore, to include in these programs opportunities for us to go after children and give them opportunities to become productive citizens in Kaua‘i starting at a young age, because they are displaced in just the small things, such as having opportunities to play sports, because it is such a big amount of money to be in Pop Warner, etcetera, families cannot afford. Those are the families who are in the system. If a component can be to *mālama*. *Mahalo*.

Council Vice Chair Kuali‘i: Thank you. Is there anyone else in the audience wishing to testify?

Councilmember Cowden: Can I ask Prosecuting Attorney Like more questions? Gratitude for this. In your application process is there outreaching to the different contributing...she mentioned Council For Native Hawaiian Advancement. When we look at Drug Court, there are many different programs that the court and the Prosecutor’s are already using, but it might be that there are...as you are getting the grant, is there going to be outreach? Even the people who work from a correctional center, we have the work program, I know that feathers into release...will there be places where people can send in their ideas to you folks and that you are able to look and if there is a good match, then we can have it. I would like to see this be as absolutely successful as possible and especially when I look at our workforce problems, it can also help to reenter people into the workforce. Is there room in this application process for that?

Ms. Like: Part of the grant is for us to subcontract with other nonprofits and agencies that do this type of work, because that is not something that we do. There is a focus on Native Hawaiian population, which is why the program is called E Ho‘i I Ka Piko. There are a number of organizations that we list it in our applications are possible partners.

Councilmember Cowden: Okay.

Ms. Like: But we have not identified them or contracted with them yet, since we were just granted the grant a couple weeks ago, so that will be part of our implementation and planning process.

Councilmember Cowden: Thank you.

Council Vice Chair Kuali‘i: Are there further questions? Thank you. Members, is there any final discussion?

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

Councilmember Bulosan: I just wanted to send my mahalo to the Prosecuting Attorney and the team, and the work that they are doing, this is vital work. Thank you so much for looking for additional funds to support this program. I absolutely love the name of the program. I think often when we think about these situations and where people are, it is easy to look at the bad and not look at it as what this is intitled. It is returning to the center, which means a healing process versus "you are a bad person" and therefore you are not good in this community. It is a matter of looking at a person as a whole and try to heal as a community. I appreciate the efforts and I am looking forward to all the work that you folks will be doing.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I am a big fan of you. I advocate for you all the time; we have some personal friends of mine working for you. I just wanted to say that I appreciate all the work that you do and appreciate you listening to some of my suggestions, we talk outside of this room here. One of the big things that I wanted you to understand is that to provide mentorship, you must come from the same place. For example, you cannot call on me to mentor a person that is coming out of an alcohol/drug rehabilitation, because I have never had that problem. But you can call on me to do another type of mentoring, that I had the same problem rendered in my lifetime, I would be able to mentor. That is why the Keala Foundation is so successful. Their mentorship program is run by men and women who were addicted to drugs or alcohol and now they are mentoring the younger generation. When you create these mentorship programs in the community for adults, it is good to have those adults that you can lean on who have the same trials and tribulations. I am excited if we can link up and talk more about it and make it a successful program. Thank you.

Council Vice Chair Kualii: Councilmember Cowden?

Councilmember Cowden: I feel like I have stated it, gratitude and inclusion.

The motion to approve C 2023-219 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Clerk, next item, please.

C 2023-220 Communication (09/20/2023) from the County Engineer, requesting Council approval to receive and expend Congressionally Directed Spending, in the amount of \$1,200,000.00, administered by the National Oceanic and Atmospheric Administration (NOAA) and are intended for the Waimea 400 Wetland Restoration project.

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

Councilmember Carvalho moved to approve C 2023-220, seconded by Councilmember Cowden.

Council Vice Chair Kualii: Are there any questions for the Department of Public Works? Councilmember Cowden.

Councilmember Cowden: This is great. Can you tell us who will spend that money? Can you state what that means and how much of the four hundred fifteen (415) acres gets restored or needs restoration?

There being no objections, the rules were suspended.

TROY K. TANIGAWA, County Engineer: I will answer the last question first. How much of the wetlands? That all depends on the technical studies that come through. Basically, what the proposed project is, which we anticipate is going to cost about one million two hundred thousand dollars (\$1,200,000), is follow on work to the Planning Department work product. They had a two-year process to develop a master plan to use the property. During that master planning process, they considered a lot of things, because that piece of property has certain characteristics and has a history of being a wetland area, which was then filled in and cultivated for sugar cane. In addition to sea-level rise and some other things that are going to be anticipated to change with time, this plan included consideration of principles for adaptive planning. This follow-up work will ultimately develop plans, technical specifications, and develop the information that we are going to need to properly develop that piece of land to maximize its productivity.

Councilmember Cowden: That land had a good one hundred (100) years, and now is fallow for probably ten (10) years, but it has had a good one hundred (100) years of agricultural chemicals applied to it, so I am sure soil content, because there is going to have houses and playgrounds on top of it. It looks like you have soil remediation requirements, so you will be working on revitalizing the soil.

Mr. Tanigawa: That would be the purpose. One of the things that the technical side will address is the hydrology of the area, evaluating the geology. They will be doing sampling, so there will be an extensive soil sampling and analysis plan created and then the experts will conduct the sampling and determined where it needs to be remediated, what types of remediation will be employed to allow people to occupy that area. Ultimately, a good portion of the area, specifically the wetland area, is intended for recreation purposes. One of the things identified was fishing, possibly, so we are going to want to make sure that when people use the area, they can operate in some places safely.

Councilmember Cowden: On those considerations, are you looking at bile remediation? Bile remediation has been increasingly studied and found to be pretty cost-effective and remarkably good, rather than digging it up and moving it away, a lot of wear and tear on the land can be fixed through mycelium, plants, bile remediation, so even if you construct that early and it cleans it up even before you run the tests. Is that something that is on our list of considerations?

Mr. Tanigawa: Yes, I am sure the experts that we are bringing in know the current practices to remediate the different things that going to require attention. We will just make sure that they look at those things also.

Councilmember Cowden: Okay, thank you.

Council Vice Chair Kualii: Are there further questions for the Department of Public Works? While the rules are still suspended, do we have anyone signed up to testify? Is there anyone in the audience wishing to testify? Mr. Sykos.

LONNIE SYKOS: For the record, Lonnie Sykos. I listened to that and at the end of it, I am utterly clueless as to what the purpose of this wetland restoration is. I will be perfectly honest, I do not know the details at all, for example, who owns the land, which the government does, I believe. And the government, most certainly, owns the water. All the land got backfilled and so one of the questions is, going back in time when there used to be streams and ponds and things, how much of that is going to be restored or are we going to come up with a new plan for the diversion of water moves around. If we are going to restore the land to the way it was to whatever degree before the plantations moved all the soil around. What is the intent of the outcome of the wetland restoration? It could be attracting birds and creating nesting habitat for birds, we could even attract birds from the Pacific flyway besides our native birds, which is where they all came from. It could be the site for things *nehu* that requires brackish water to breed in, with is our Pacific sardine. It used to be the main stain of our fishing industry, food for the larger fish that we eat. What is the purpose, because as we spend this money, as this goes on over time, today we need to understand what exactly it is that we are trying to do. Stating it all in generalities, you are going to get an outcome of generalities versus specifics such as "In ten (10) years, we expect our native bird population to have increased five-hundred-fold in that region," as a potential outcome versus, "We will just do this and see what happens." Thank you.

Council Vice Chair Kualii: Before I call for further testimony, I am going to read two (2) sentences out of our memorandum for this item. "The Waimea 400 Wetland Restoration project is part of the broader Waimea 400 Conceptual Master Plan which aims to redevelop coastal wetlands previously used for sugar production and a dairy farm." The letter closes with, "The restored wetlands will provide crucial ecosystem services such as flood mitigation, improved water quality and habitat for native birds, fish, and plants." County Engineer Tanigawa just told us about recreation purposes. The Waimea 400 is the County property, on the Westside. Are there further members of the public wishing to testify on this item? Is there further discussion? Councilmember Cowden.

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

Councilmember Cowden: Thank you for bringing up about the conceptual master plan and Mr. Sykos raised a good question, and not everyone was present for the couple of years of planning, they did a lot with the community there, and there were ecologists, environmentalists, and all types of pictures and they did great work at the Waimea Theatre. I attended at least five (5) different planning pieces. Especially with the younger people, they looked to see what they wanted, they looked at where the wetlands were, and what they might want to turn it back into with bananas. I know the kids wanted a paintball area in that part of the park. There

was a lot of discussion on those good questions you asked. Over ten (10) years ago, I was looking at that land quite a bit and in the wetland that is there, there are plenty of fish, birds, there was already evidence of supporting healthy life. I certainly looked at the Historic Society's pictures where we saw water such that people even almost did a standup paddle from Kekaha to Waimea. In this master plan time, a lot of energy was spent on not filling and building the housing and everything else where it had the naturally occurring higher ground. We have learned from the past and we are not going to make those same mistakes. I was confident and comfortable; I looked around to see if the Planning Department was present. I thought they did a great job of reaching out to the community.

Council Vice Chair Kuali'i: Is there further discussion? Councilmember DeCosta.

Councilmember DeCosta: I came in a little late as a politician, but I grew up on the Westside. My mom's brother worked at the dairy in Waimea. I know there are a lot of plantations and farmlands across our state and nation that were farmed, possibly were chemicals used, but they are in full operation today. The Hamakua coastline had a sugar plantation for one hundred (100) years and now we have ranches and family acreage growing on it. I know it is possible. It is a political year, I think sometimes we like to encourage everyone to have a "chime in," right? Waimea 400—let us have the kids design something, have a paintball park, create some taro and bananas, but I personally want to see a freshwater pond or a brackish water pond that can support some type of economic productivity, like a catfish pond. The kids can fish and sell it as a lunch item to the tourists at a lunch truck. Catfish is known to clean up ponds and it could create a wetland for your native birds who would like to rest on those ponds. I am just suggesting creating a vibrant economy rather than just creating something that the kids or community want. As leaders, we need to look at that. I know oysters help clean water and ponds, so that could be another viable industry. Talking about walkable cities and communities that want to live and work, Waimea 400 would be the perfect place to put housing, put some economical stability within that type of community and I think they would thrive. Just some of my *mana'o* for Waimea 400.

Council Vice Chair Kuali'i: Is there any further discussion?

The motion to approve C 2023-220 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kuali'i: Motion carries. Next item, please.

C 2023-221 Communication (09/26/2023) from Council Chair Rapozo, requesting the presence of Mike Ewall, Founder and Executive Director of Beyond Burning, and Founder of the Energy Justice Network, to provide a briefing regarding the negative effects of burning waste and the benefits of diverting waste from the landfill.

Councilmember Cowden moved to receive C 2023-221 for the record, seconded by Councilmember Bulosan.

Council Vice Chair Kualī'i: Mike Ewall will come forward and present, but I think we should probably take our caption break.

Councilmember Kagawa: I have a process question. Council Chair Rapozo was most interested in having this presentation, but he is absent due to an illness, would it not be better if we referred it to Committee?

Councilmember Cowden: He has flown over here.

Councilmember Kagawa: Oh, he is not from here?

Councilmember Cowden: He is from the continental United States.

Councilmember Kagawa: It is unfortunate because the person who wanted him here is not present.

Council Vice Chair Kualī'i: I believe Council Chair Rapozo is watching in.

Councilmember Kagawa: Okay.

Council Vice Chair Kualī'i: So, we will take our caption break.

Councilmember Kagawa: Watching in and being present is two (2) different things.

Council Vice Chair Kualī'i: Okay, we are going to take our caption break. Ten-minute caption break. Right after the break, Mr. Ewall will come forward and make the presentation.

There being no objections, the Council recessed at 10:25 a.m.

The Committee reconvened at 10:38 a.m., and proceeded as follows:

(Councilmember Bulosan was noted as not present.)

Council Vice Chair Kualī'i: Calling the meeting back to order. Mr. Ewall, if you would come up, take the center chair, make sure the microphone is on, and you have a presentation—fifteen (15) minutes. We already have a motion to receive.

There being no objections, the rules were suspended.

MIKE EWALL, Founder and Executive Director of Beyond Burning, and Founder of the Energy Justice Network: *Aloha. Mahalo* for having me here.

Councilmember Cowden: *Aloha.*

Council Vice Chair Kualī'i: *Aloha.*

Mr. Ewall: So I have brought back in by nonprofits Kōkua Ka 'Āina and Zero Waste Kaua'i to continue to support their work on energy

and waste issues, and when you are available, as a resource to you, as well. Just so that you know that I am also going to be speaking at the Līhu'e Library at 3:00 p.m. on Saturday, so if anyone is interested in a deeper dive on this than fifteen (15) minutes can do, you will have that opportunity.

(Councilmember Bulosan was noted as present.)

Mr. Ewall: As you are all well familiar, the Kekaha Landfill is filling up and there is more of a crisis here than anywhere I have seen in the country in terms of the real likelihood of literally having nowhere for your trash to go. I have not seen places that cannot just ship it further to send to a landfill. You are in obviously a special situation that is kind of alarming to me, honestly, and a lot of folks that I have been hearing from about it. From the latest news I have seen on this from earlier this year, they are talking about the current landfill...

(Councilmember Bulosan was noted as not present.)

Mr. Ewall: ...filling up by October 2026, and the vertical expansion would give it another few year, so October 2029. Of course they have looked at a number of different landfill sites, all of them except for one (1) have been ruled out, so the one (1) close to basically across the road from the current landfill is where they will be building a new one. Your Solid Waste Coordinator has been quoted saying, similar to statements I have seen elsewhere, so "it is probably the right number that it takes about ten (10) years to build a new landfill." Those numbers do not add up in a very good way for you. You are looking at possibly two (2) to three (3), maybe a little bit more than a three-year gap where there is literally nowhere for your trash to go. So that is very serious. There are a few main options that you have in terms of what can be done. There is the idea of building a new trash incinerator here. There is the idea of building other things that they usually use the term WTE for Waste To Energy. They have learned that Waste To Fuel does not have as good of an acronym, so they use other terms now. Waste To Fuel is another thing that I know is being studied, and there is also the notion of pelletizing the trash or shipping it to O'ahu, and then of course, the more realistic options of expanding the landfills, but making sure you have time so that there is not a gap between the availability of the current and new landfill. Let us go through some of these options really quickly. Building a new trash incinerator, first of all, is enormously expensive. That is even before the Environmental Protection Agency (EPA) updates their regulations, which they are working on. There is not enough trash. There is no company that would come here and build a plant at the size that you would need. There might be some that promise it, but it will not get built anyway, so you can waste your time talking to them, but honestly, I have not seen anything that could be built at the scale you need that would fall into this category. There is also very little likelihood that it could ever be built even if you tried. It takes probably at least ten (10) years to do that, as well. The opposition that you find to incineration is even more strong than to landfills, and there literally has not been one (1) single new incinerator built at a new location in this country since 1995, despite hundreds of attempts, every time communities get together and stop them if the economics and logistics do not stop them on their own. As we will see in later slides, and this is also not good for the environment, worse than landfills and other experimental types of incinerators like

pyrolysis and gasification, costs more and work less and break down and have all kinds of problems. They are not an answer either. There are other types that are similar technologies, these are the ones that are called Waste To Fuel types which are also experimental, tend not to work on mixed waste streams effectively, but even more expensive, and they still have a lot of the same environmental problems that you find with more conventional types of incinerators. All these technologies need to be fed a certain amount of trash or you do not have enough to economically run them, and so it is discouraging towards efforts to reduce waste. The notion of shipping it to O'ahu, I was just spending the last week on O'ahu, I met with a lot of folks, I did a number of talks there, talked to the solid waste officials, as well. I did not realize until that trip that the City and County of Honolulu prohibits out-of-county trash, so you need to get them to change their law to even allow that idea, but it is also an expensive option. There is also the fact that incinerator and landfills that accept the ash are all concentrated where it is closest to the largest population of Native Hawaiians are on the planet, and two (2) out of the three (3) burners are older facilities that are missing half—two (2) of the four (4) producing control systems that most incinerators have, two (2) out of three (3) burners do not have. They are also going to age out at some point and they do not even want your trash. The Solid Waste Director there even said, "Even if the State law, or the County law rather, was changed, they do not want the logistical problems of having to deal with additional trash for when the plant does break down—they want to have that extra padding." The options are basically to do what is already being pursued—the vertical expansion, the building of the new landfill, as well, but you have that timeframe that you need to close. That gap of time and the time to make sure that you get the zero waste methods in place is now, or if not, yesterday, because if you are going to close that gap, there is specific things that you would need to be doing right away. Now, some general things on trash incineration. They are declining in the country, there are fifty (50) that closed just since 2000. No one is really getting away with building new ones, they are down to sixty-six (66) in the country, and this industry is going out of style, and for good reason. I am going to gloss over some of these so we do not run out of time. There are a lot of different terms that they use including policy terms like "Integrated," which is basically a word that means incineration as part of the system, but a lot of different words they use to avoid saying incinerator because people know that is a bad word. It is important to understand that a lot of them are public relation (PR) terms or just different twists on incineration that are essentially the same idea, like "pyrolysis" is like splitting incineration into a two-step process. It is still defined and regulated by EPA as incineration.

(Councilmember Bulosan was noted as present.)

Mr. Ewall: When you say things like "Trash to Steam," it is not just steam coming out or throwing more than ice cubes in our trash cans. It is not just water vapors, more like "Trash to Toxic Ash" and "Toxic Air Emissions." Same thing with terms like "Waste to Energy" which is also a public relations term. I like to call it "Waste-Of-Energy" because if you actually took the same materials, the recyclables, and compostable that are most of what is in trash and recycle and compost and you save three (3) to five (5) times more energy than you can get back by burning it. Probably the most disturbing part of this is the expense. They are not only very expensive, but because they are so expensive, they require contracts like

you see on O'ahu where they have what is called a "Put-or-Pay" clause in the contract. That is a clause that says, you give us a certain amount of waste or you pay us anyways if you did not, which is deadly to zero waste efforts. If you think you are going to have an incinerator and then be able to recycle and compost more or reduce and reuse even better, you are going to run into serious problems because you have that fundamental economic conflict. There are examples as well, I will not belabor them, but places like largest city bankruptcy in the country was in Harrisburg, Pennsylvania...I think some other city beat them later, Detroit did, but that was largely because of their incinerator. Actually, Detroit's bankruptcy, their largest single creditor, was their incinerator, which is now shut down. Based on EPA data, we find that trash incineration is actually dirtier than burning coal. This is for most of the pollutants, there are a couple exceptions on our list, but for most of them involving major pollutants to make the same amount of energy is actually dirtier to burn trash than coal, and it is not just me saying that. Crunching the EPA's numbers, you can look no further than the state that has more incinerators than any other state, and that is the State of New York. They did a study on, this is their Environmental Agency...I just plugged the numbers into Excel so you can see them, but it is a chart full of numbers and it shows that, except for sulfur dioxide, every pollutant, it was worse to burn trash burn coal. This was back in 2011, when they still had a coal power plant...they closed all those down. Their ten (10) trash incinerators unfortunately are still running, but even their data shows that mercury, fourteen (14) times higher rate of emissions than from a coal power plant. We know coal power plants are filthy, particularly on mercury. The ash still has to go somewhere. If we burn one hundred (100) tons of trash—it does not magically turn into energy. Every ton going in, comes out and see they are coming out as ash for air pollution. And the reason I have a picture of coffee beans on here, is an analogy. If you pour water over coffee beans, you are not going to get coffee, right? But, you grind them up and you increase the surface area—now you can get coffee. It is the same principal with trash. If I take this phone and I chuck it into the Kekaha Landfill, it is going to take a long time for the metals and other toxic chemicals in this phone to reach me in a way I can eat, breathe, or drink, but if you burn this, for in trash in general, seventy percent (70%) is now in the air, thirty percent (30%) is now fine ash that can blow off of trucks, that can leach more readily into the landfill, and create leachate that can affect the groundwater. It can also blow off the top of the landfill into the community. So it is actually more dangerous for a landfill community to have ash in it than even trash—it is not size of the landfill than it is dangerous as the toxicity. There are studies of incinerators versus landfills and it is not an issue of landfill versus incinerator, it is landfill versus both because with an incinerator, you still need a place for the ash to go. Ultimately, this is versus zero waste with minimal landfilling. The studies on that do this comparison, I just want to share some of those results real quick. In Delaware County, Pennsylvania, which is close to where I live. I actually live in the middle of the biggest cluster of trash incinerators in the country—there are five (5) of them and one (1) of them is the largest. The largest one is in Delaware County, in the City of Chester, and that county decided that they were going to hire Zero Waste consultants to come up with their ten-year Solid Waste Management Plan required by the state and come up with this Zero Waste plan and that plan includes not just moving away from incineration as quickly as possible, which they expect to do within a few years. They are already starting this year to divert waste, but includes the lifecycle analysis which look at incineration versus

landfilling because there is a lot of misinformation and misunderstanding about which one is more dangerous. We all know that landfills are a bad. No one is here saying landfills are wonderful...no one would say that. I would not say that, I have helped fight them, however, incinerators are worse and make landfills more dangerous and that is what the science on this shows. The first two (2) bars here are that incinerator and the third one is the landfill that the county owns. Those first two (2) bars...the reason why there is two (2) of them is because a lot of times when you do lifecycle assessment, you will subtract things that are displaced. So when they make electricity, they will assume in that case natural gas power is being displaced so they will subtract emissions from that from the total. The community experience is the first bar, but overall the world experiences the second one because some things are reduced although that is still worse than going straight to the landfill. The blue part of those bars is the climate emissions, so that is the biggest one...the greenhouse gases and you do not see a lot of the other impacts associated with landfills, but with incinerator, you see the brown section which is the particulate matter that contributes to heart attacks and strokes. The red section which is the toxic chemicals that contribute to birth defects and cancer and other diseases. The yellow section on top of that is the nitrogen oxides that contribute to triggering asthma attacks. These are all made worse when you incinerate and tiny bits by landfilling, but for the most part you do not have those kinds of affects with the landfill. This chart is from Hawai'i County, it came out just this past year and they asked the question whether for recyclable materials, is it better to recycle them, to landfill them, or to ship them to O'ahu and burn them at the Honolulu Program of Waste Energy Recovery (H-POWER)...that is what they studied. The green bars here, they are all positive on affects, but that is looking at shipping it thousands of miles across the ocean to Asia to get them recycled and even with all that transportation and the fuels they burn on these big ships, it is still a net positive affect to be recycling those materials. The first two are types of paper, the second two are types of plastics, and if you look at what you do with the paper, the brown bars there, that is the effect of landfilling, so those will break down over time, you will get some greenhouse gases from them, which is most of those brown bars, but if you burn them immediately, all that carbon is injected into the atmosphere, so the yellow bars from incineration is even worse than with landfilling. Now with plastics, the second two sets of bars, the brown section from the landfill, it is not even big enough to put the number on it so they had put a little marker on there. You get very little harm coming from the plastics and the landfill because they basically sit there forever which is a benefit. It is carbon sequestering the plastics. That is better to be keeping them in one place where they are not going anywhere than to immediately inject them into the atmosphere which is what incineration does, which is why you see those yellow bars are so much worse. A few things on solutions for...we are running out of time here. This is a deconstruction crew in the City of Baltimore where we are helping the city councilmembers pass a deconstruction mandate like some other cities that passed to reduce construction and demolition waste, which is one of your bigger waste streams here, and in general. Zero Waste is defined internationally—I helped write this definition with the Zero Waste International Alliance, it is an internationally peer-viewed definition, it makes it very clear that burning is not part of what Zero Waste is and Zero Waste is not some utopic crazy idea that folks think we are literally going to get to zero. We have zero policies of all sorts. We have zero drug tolerance, zero safety defects, and zero accidents in the workplace kind of standards. What

Chief Executive Officer (CEO) is going to announce to their shareholders and say, "This year our goal is to injure five (5) workers." They get laughed at out of the room, right? But we do that with waste all the time when we say what percent we are going to recycle, what our target is, which means how much waste are you for because that is what we are essentially doing. Zero Waste planning, which other governments have been doing, involves trying and never stopping to get us close to zero as you can and those most effective communities have gone up to sixty percent (60%), seventy percent (70%), eighty percent (80%), sometimes in other countries even ninety percent (90%) diverted from incineration or landfill. This here is a Zero Waste hierarchy. You will see incineration is classified as unacceptable, next up is the landfill, but if you do it right, you have a landfill that is not as gassy, stinky, large or having as much of a leachate problem because of all the upstream solutions and the backend processing that makes them much safer to have. Some of the main solutions, I am going to highlight the first one. It has a lot of different names...it is typically called "Pay As You Throw," but because there is an aversion to the word "pay," it has been renamed "Save as You Throw" and some other names like "Unit-based Pricing." What that means is charging people per bag or per bin, and you currently kind of do that a little bit with the size of the bin being how people are paying for their waste disposal here, but that we pay for electricity, for water, for gas, we pay for how much we use, and in general, a lot of times your neighbor can put out ten (10) bags a week...you can put out one (1), and you end up paying the same price and that is not fair in a lot of places. There are over seven thousand (7,000) communities that are doing that type of system and when they do, they find immediately, people's behaviors change. You are paying for recycling, you are paying for composting...right now you are not paying to pick it up at people's doors, so it is made less convenient. You are saying you are?

Councilmember Cowden:

We do. We have size of garbage bins.

Mr. Ewall:

Okay, you have sized ones, but people still have to take their recycling and composting elsewhere. You do not come to the door, right? That is part of the problem is the lack of curbside collection that makes it less convenient for people, but you do have the sizing issue, so yes, I am aware of that, thank you for highlighting that. When you look at communities that have done Pay As You Throw, let us highlight the last one here, Sanford, Maine, is the best example. They found what other communities found. On average of forty-four percent (44%) reduction right away in how much waste is going into trashcans when you have that different type of how to pay for it. A way where they can control how much they pay by paying per bag. What happened in Sanford, Maine is someone won the lottery and did not like it and took out billboards and lobbied against it and they repealed it. Then the amount of waste going out went right back up to almost as high as it was. Then after some time as you see in that chart, that person moved away and the people decided, "why do we not try doing that again," and it went down even more than it was. You cannot get a better case study than that and it has been documented that it is the most effective and cost-effective way to quickly reduce waste. If there were no other things that you do, curbside, recycling, and composting collection with this kind of system will probably close the gap and save you the notion of running out of landfill space altogether for some period of years. Pointing out here is Austin, they have a Zero Waste Plan, as well. It is pretty ambitious, it gets them

to over ninety percent (90%) diversions. There are a lot of places that have plans like this that have been developed for them by Zero Waste consultants. The second to the last slide, suggests an overview of things that can be done. First, I understand you are working on, for a second time, a new study on so-called Waste To Energy Technologies. This is not something that really needs to be studied because other counties have already done this and found that they do not work. There are communities like Prince George's County that had a consultant come back, give them all these ideas for Waste To Energy Technologies, and they chose to not do any of them, just stick to expanding their landfill. You do not need to reinvent that wheel. We already know they are not going to work out. There are a number of solutions including bi-weekly trash collection, if you want to save on the collection costs, it can change one of those collections to recycling and composting and a deconstruction mandate like I mentioned Baltimore is considering—these are all things that will seriously reduce your waste and buy you the time that you need. I will leave it there. Thanks for letting me go over a little bit and happy to answer any questions.

Council Vice Chair Kuali'i: Thank you. Members, are there any questions? Councilmember DeCosta.

Councilmember DeCosta: Your first name again?

Mr. Ewall: Mike.

Councilmember DeCosta: Mike, I do not know if I was not listening or anything, but what are your credentials?

Mr. Ewall: My credential are that I have been working on these issues for over thirty (30) years, I have a degree in Sociology with a minor in Science Technology in Society and also an attorney, but people often ask if I am a Chemist because I taught myself enough chemistry to be dangerous, and I really understand how you folks feel because of that.

Councilmember DeCosta: I understand that. Do you have any kind of degree in any kind of environmental solutions or any kind of current certifications in this solid waste issue that we have?

Mr. Ewall: I am a certified Zero Waste Associate by Zero Waste USA which has Zero Waste certification programs.

Councilmember DeCosta: Zero Waste is something that was created here on Kaua'i, correct?

Mr. Ewall: No, that is international.

Councilmember DeCosta: International. Okay. So you are familiar with international. Solid waste...

Mr. Ewall: My focus is on the United States.

Councilmember DeCosta: Correct, because you mentioned that no place in the United States has an incinerator that can burn trash...

Mr. Ewall: No, that is not what I said.

Councilmember DeCosta: ...environmentally...let me finish.

Mr. Ewall: Oh, I am sorry.

Councilmember DeCosta: Environmentally-friendly because you said that incinerators are worse than landfills.

Mr. Ewall: Yes, that is correct.

Councilmember DeCosta: Did you look at Japan's current technology that Japan is using?

Mr. Ewall: Which one? They have a variety of technologies.

Councilmember DeCosta: I believe it is called the Global...let me look... So you are familiar with Japan though they have a variety of...

(Councilmember Kagawa was noted as not present.)

Mr. Ewall: A little bit. It is very difficult to get information from Japan, because it is not as their "Right to Know" laws are not the same there and there is also, of course, the language barrier that does not help me.

Councilmember DeCosta: Okay, hang on. And I do not want to argue with you, but since you are presenting and you gave a lot of information...

Mr. Ewall: Yes.

Councilmember DeCosta: ...that seems like it is going to make people nervous, because when you say that the toxic chemical that come out of burning trash is worse than a landfill, I would like to let you know that I have statistical data that shows it is not.

Mr. Ewall: Okay, I would like to see it.

Councilmember DeCosta: So when you have leachates, which is created in a landfill, even with a liner that you have, if there is pressure on top of that liner and there is heat, and you put earth, dirt to cover that landfill which is what our current landfill does, it eventually will cause that polyurethane liner to crack or break, and then the leachates goes into our aquifers and our earth. So, the state-of-the-art technology that is called World Class Solid Waste Management System in Japan, they have a state-of-the-art technology that actually burns with clean air their trash and only five percent (5%), a fifty-million-dollar equipment

produces five percent (5%) trash. When we recycle here with your theory, where do we send those recyclables? I noticed you did not have an answer. Where do those recyclables go because there are no third world countries taking recyclables any longer? So where would our plastic bottles and things that we recycle go?

Mr. Ewall: Okay, that is quite a different question and I think there is someone in the back of the room who can answer that for you. I was just speaking with him, he runs your recycling program on-island, I believe. There are markets for that where it is currently going. But as far as Japan, what you are saying is not correct about there being clean air incinerators. There is no such thing—you cannot have combustion without greenhouse gases without other things that go into it coming out. Mercury goes in, mercury comes out. Other elements go in, they come out, as well. Chlorine is in our waste stream, that will come out as hydrochloric acid and some will come out as dioxins and furans, which are the most toxic chemicals known to science. There is no such thing as a clean incinerator.

Councilmember DeCosta: Maybe here in the United States.

Mr. Ewall: No, anywhere. Technology is not fundamentally different. Physics and the laws of physics are not different.

Councilmember DeCosta: So you have some experience with the Japanese technology?

Mr. Ewall: Well you have not told me what technology it is. I am assuming you are probably talking about plasma arc gasification (PAG) of some sort and I am not familiar with that. I am also familiar with that those who have visited Japan found out that a lot of the things that they were told or actually when they toured the plants turned out not to be true. I am happy to dig into that further if you want to give me details of which plant...

Councilmember DeCosta: The last question I have for you. You talk about ash. Do you know that they can make bricks out of the ash that comes out of the landfill...I mean the incinerator?

Mr. Ewall: Yes, I have heard of things like that. That is not something that is generally been done in this country. It is something that is still a danger because the ash is particularly toxic and especially if you have better pollution controls that you have that stuff going into the air, that means that those toxic chemicals are now in the ash and the ash is a high surface area. So even if you made bricks, the manufacturing of them, the ultimate breaking down of them, or even the erosion of them is releasing toxic chemicals into the environment and the workers that are affected.

Council Vice Chair Kualii: Councilmember Cowden.

Councilmember Cowden: First of all I want to thank you for your presentation. I really value it. I think slide 19, the image with the coffee bean was particularly meaningful to me because I have not thought of it that way before. So, I

thank you on that one. I think the challenge we go through is that we just do not know where to send all those recyclables to. I want people to not buy them in the first place, but sort of what Councilmember DeCosta was saying, do you know which countries look like they are eager to continue to receive garbage?

Mr. Ewall: I will say right now that is not my specialty. You do have someone in the back of the room who could answer that better and also know folks who are recycling experts and work more on that markets' end. You can probably add to the answer if you want to be in touch with them.

Councilmember Cowden: Council Vice Chair Kuali'i, I see that Keola is here. Can we...

Council Vice Chair Kuali'i: The floor is yours. He gave us a presentation, we are asking questions on his presentation. So when we are done with questions of his presentation, we will consider other items.

Councilmember Cowden: Okay. I appreciate your work here, so thank you so much. You have quite a lot of information and well-presented, a lot that I am familiar with.

Council Vice Chair Kuali'i: Are there any other questions? On your slides where you say incineration worse than coal, you give us those graphs, and then you talked about science, so that is scientific data there. Then later when you talk about the incineration being worse than landfills, is that also additional scientific data?

Mr. Ewall: It is. The study that was done is called Lifecycle Assessment for Delaware County, Pennsylvania.

Council Vice Chair Kuali'i: Alright.

Mr. Ewall: It was Jeffrey Mars, M.D., a Ph.D. Economist who put together the most comprehensive lifecycle assessment tool that is largely drawing from EPA and other published resources and methods, and it looks at nine (9) different environmental criteria. The biggest one turns out to be climate, but looks at all the other ones and is able to add them up so you can see them in one (1) chart so it is easier for decision-makers to make sense of it instead of nine (9) different charts.

Councilmember DeCosta: I have a follow-up.

Council Vice Chair Kuali'i: Go ahead Councilmember DeCosta.

Councilmember DeCosta: Clarify that Ph.D. that he has. Is that an environmental study or did you said economics?

Mr. Ewall: It is economics.

Councilmember DeCosta: Okay, thank you. I am done. Thank you for that clarification.

Council Vice Chair Kuali'i: Okay, are there other councilmembers?

Councilmember Bulosan: I do.

Council Vice Chair Kuali'i: Councilmember Bulosan.

Councilmember Bulosan: Thank you again for your presentation. You mentioned in your presentation about Austin, Texas and their pursuit of going up to ninety percent (90%). Is that ninety percent (90%) diversion?

Mr. Ewall: Yes.

Councilmember Bulosan: Okay, and is that part of their general plan or master plan in land and waste management?

Mr. Ewall: Yes. That has been their solid waste plan for I think about ten (10) years now. When they say "diversion" that means from incineration and landfiling, but in Texas, they got rid of their mass incinerators years ago, so it is just about landfiling in their case.

Councilmember Bulosan: Right, and then you mentioned you live in an area that has the largest concentration of incinerators and the movement to going towards Zero Waste practice and your last slide was sharing about strategies in which to address these issues. The unique challenge here on Kaua'i is that it is an island and we are separated by oceans, so that is always the end product question is as much as we divert, where does it go? As far as the compost side, I am sure you have done work in that area. Besides compost pick-up, have you seen in these counties and places where you live where there is an activation in community just as a self-practice? I know we have a great program here where we promote composting at home and provide free bins, but aside from that, is there other solutions?

Mr. Ewall: Yes, one of the good places to look would be Montgomery County, Maryland where they have a county-owned incinerator that they are working on closing early in 2026, at the end of their contract, so they can replace it with a combination of Zero Waste and going straight to a landfill instead of burning first and then dumping ash. The Zero Waste consultants that they hired, and I am actually part of the consulting team in that case, they have some of the best composting experts in the country like a few of them who are just the most brilliant leaders on that topic and they developed a set of recommendations around composting that is many pages long and full of all sorts of things that they can do to improve their system around that. So I am happy to make that Zero Waste plan available to you and you do not have to even reinvent that wheel. You have a lot of recommendations already compiled.

Councilmember Bulosan: I appreciate it. I guess the last piece for my question is, how do you feel in these areas that are looking at these, I guess

conversions or change, how is the community response to these changes in a sense of adapting new behaviors and looking at ways to make those changes, I guess.

Mr. Ewall: Sometimes you have communities that are happy to embrace certain things. Sometimes change can be seeming jarring or difficult, and so, your challenge I think as politicians is to figure out how can you do that in a way that the community accepts and where they do not rise up and kick you out of office because they are like, "Oh my God, you have changed my trash pick-up to once every two (2) weeks, what am I going to do?" But, at the places that do that though, let me explain that one because there are some that have twice a week pick up and they go to once a week and the politicians are afraid, you know, like "Oh my God," but there are places that go into trash pick-up that is bi-weekly and when they do that in part, they do it not just to do it not just to save the collection costs, especially if you are trying to increase and start a new collection, for example, doing recycling and composting curbside, but they find that is a great way to get people composting because people are at first will go crazy and say, "What? My trash is going to stink the house in two (2) weeks." Then you say, "Well, why are you putting the stinky stuff in the wrong bin?" Then the lightbulb goes off and then the compost goes in the right bin. That is one way to effectively do that and the Pay As You Throw is another one that people and all decision-makers...their initial thought is, "It is going to seem like a pay increase." You will just have to explain you are already paying for it, we are just changing and giving you more control over how you pay for it. There is one more piece in there, I just forgot it. If it comes back I will...

(Councilmember Kagawa was noted as not present.)

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: Can you explain the Lifecycle Analysis?

Mr. Ewall: Yes.

Councilmember Carvalho: Can you explain that again?

Mr. Ewall: Sure. Lifecycle Analysis is where they look at not just say, the incinerator and the landfill or the recycling system like they did for Hawai'i Island, in like one piece, but they look at it more comprehensively, so they look at the affects of recycling or reducing waste and how much harm is avoided and it could be in other parts of the world. It could be manufacturing in China or mines somewhere in some other county. But that mining and production is avoided when you recycle or even better yet reduce the use, and so a Lifecycle Assessment captures those benefits and says recycling has these benefits because that damage is not happening. You also have things like when you make electricity in the incinerator where there are two (2) bars in that chart I was showing you, that second one is after they say, "Well they make electricity, so they do not have to make as much electricity somewhere else." So, subtracting the harm that would happen from a natural gas plant, of course, the emissions from the incinerator is so much greater than gas plant that does not give that much of a...it is not a really overall benefit, but they still subtract those emissions. Lifecycle Assessment builds the box bigger in terms of what

we are analyzing? Basically, what is the overall effect of this system? That is why it is an Economist doing it too because all these are rooted in emissions data and actual pounds of things burned and buried, so it is all science except for that last step is putting a dollar value on it so you can look at it in one (1) chart and make it understandable. So it is per ton of waste in one of the charts it is about four hundred dollars (\$400) per ton worth of health and environmental harm that you are not paying for in your trash bills, but it is something that people are paying for in medical bills or in having to adapt to global warming, that sort of thing.

Council Vice Chair Kualii: Councilmember DeCosta followed by Councilmember Cowden.

Councilmember DeCosta: Yes, and I am sorry to beat the dead horse, but since you did bring it up about only dealing with the United States. You know, it is funny because I have an Economics degree, so I know nothing about trash and the environment, but I have been my phone with my consultant friend who is currently working on the largest solid waste renovation project in Downtown Los Angeles, California, at a solid waste landfill and he is texting me about Japan's JFE Engineering Corporation. It is the Japan Iron Corporation who does clean air and incineration and they deal with God knows how many billions of people in their country. When you go to Japan, it is probably the cleanest city. I understand you have a background, but you have not reached out to other countries, so I am going to ask you a question. Is it safe to say that maybe the United States does not have the answer, but is the answer in other countries like Japan? Would you be willing to maybe take some time and if I can give you the name of this corporation and you can get in contact with them, and maybe they can convince you that your recycling where we do not know where it is all going to go yet, and we have to change the behavior of people now, we are talking about families where some people work two (2) jobs...

(Councilmember Kagawa was noted as present.)

Councilmember DeCosta: ...so they do not have time to recycle or to move their trash in different bins. Would you be willing to be receptive as to how other countries like Japan is doing and maybe you can research it a little?

Mr. Ewall: I am happy to research it if you can tell me where the plant is and get me their emissions data because they have emissions, but it is impossible, they do not have different laws of physics in Japan. They have emissions, it is just how many emissions per unit of energy or per ton of trash, either way, happy to look at those numbers and compare them to facilities here. I was just in a meeting with folks in New Zealand dealing with incinerators just a few days ago. I am working internationally just not as much as I do in the United States, and trust me, they do not have magical different "black boxes" in other countries that can just turn bad things into good things. That does not exist and the longer that you think that it does and pursue studying that, is time you are wasting to actually solving your problem.

Councilmember DeCosta: Thank you for that, sir. You said that there is no magic black box and trust you. I want to trust you, sir, but I asked you what were

your credentials to speak from this and not to be receptive of other countries that are successful, but you do not have the criteria or the degree that should convince me to trust you.

Mr. Ewall: Okay, bring in anyone you want, I will go toe-to-toe with whoever. It does not matter what degrees they have, if there is emissions data from these plants and that emissions data does exist, now they might have all emissions data, because most of these do not monitor from most pollutants. They usually monitor for three (3), but maybe in Japan they monitor a bunch more and I hope they do, because I look forward to seeing their emissions data and comparing it to the plants here.

Councilmember DeCosta: Yes, I am on close, please, thank you. I do not want toe-to-toe with you...

Council Vice Chair Kuali'i: Questions on the presentation?

Councilmember DeCosta: I would like to solve our problem on Kaua'i. I would like to solve our landfill problem and that is what we would like to do so we can be receptive and we all can work collaboratively together with your ideas and ideas from other successful counties, and maybe we can solve our problem. You came here today to solve our problem.

Mr. Ewall: There are a lot of successful countries—Japan is not the best example, in general. There are communities in Japan that are diverting ninety percent (90%), so there are some communities, but as a country, no, they are not one of the better ones, but there are a lot of good examples out there, but I think what you are looking at, Japan is not an example.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: Thank you for highlighting the critical situation...we have a very short window left. Anaerobic digesters that just follows into all of the rest of this too, because it breaks it up too fine? Would that be correct?

Mr. Ewall: No, I am glad you asked that though. If I can explain what that does because that could be part of the solution.

Councilmember Cowden: It does not sound like a bad idea.

Mr. Ewall: Right. It is fundamentally different from an incinerator or plasma gasification-style incinerator or these other wasted fuel schemes. Digestion is basically like composting in a vessel. You could do that for the organic fraction in municipal waste. It does not make sense to throw plastics, metal, and gas in there and it is not going to help anyone. For the organic fraction, you can put that in there and that should be done before you landfill that residual. This is for the dirty stuff. If it is clean, it just goes straight to aerobic composting and save all the money because that digestion is expensive. The organic fraction in municipal waste, doing that that is actually part of the Zero Waste hierarchy. That last step,

you see the orange bar, includes what the biological stabilization and that means that to avoid having a gassy, stinky landfill, you put those organic residuals in a digester, and then what comes out has already done most of its breaking down, and therefore, your landfill is going to be safer and you will get some energy off it in the process.

Councilmember Cowden: I would like to pose selfish pragmatism just owning that. We do not have enough time and we do not have enough places. Gratitude to the community of Kekaha. They are on the Westside of our island, they are for the most part downwind and so where we are looking at putting the next landfill, it is even further toward the Mānā plain. It is hard on everyone, but visualize that the wind blows from east to west and this is on the most Westside, so when I try and look at these different solutions, they have scrubbers and pieces to try and help minimize it and as selfish as it sounds, we have thousands of miles between anyone down wind. I think sometimes the argument can be made that it will dissipate over thousands of miles of ocean. You see that is not true for the garbage that floats around in those (inaudible), right? That did not work, but what do you have to say about that? If whatever is coming out beyond the scrubbers and it blows downwind?

Mr. Ewall: In O'ahu I was dealing with the same story. I was talking to folks in the Pearl City Neighborhood Board and they, in general, the Campbell Industrial Park there blows most of the stuff out to sea, but the winds sometimes shift, and so the Kona winds...the chair of that board, after I was going to do a brief presentation there, said, "Yeah, when those winds shift, it comes right down the valley and right to my house and I have asthma," and he was talking about how much of a problem that is for him and there were others who were expressing similar things in the community. The winds is not always going where you want and as global warming changes the trade winds to some extent, you might find that happening more frequently, but as far of where our landfill should go, picking the dry side of an island does make a lot more sense. It will minimize the leachate problems that you would have, and odors and gases.

Councilmember Cowden: Okay, thank you.

Council Vice Chair Kualii: Members, if there are no further questions while the rules are still suspended, do we have anyone signed up to give testimony? Is there anyone in the audience wishing to give testimony? Please come forward. Thank you, Mr. Ewall.

Mr. Ewall: Thank you so much.

RUTA JORDANS, Zero Waste Kaua'i: Hi, I am Ruta Jordans from Zero Waste, Kaua'i and I just wanted to answer Councilmember Bulosan's question about composting. Do you know about the Institute for Local Self Reliance (ILSR)? They have people throughout the country...if you look at their map of community composting, it is throughout the mainland. I did not see anything on Hawai'i, but throughout the mainland there is community composting, so if you are interested in...which I totally agree with you...we need composting throughout. We cannot have it just at Heart & Soul Organics for food waste. We should have it like we have for green waste that we have composting all over. Thank you.

Council Vice Chair Kualii: Thank you. Anyone else from the audience wishing to testify? Mr. Sykos, come forward.

Mr. Sykos: For the record, Lonnie Sykos. It is very interesting here. I am like twenty (20) years sitting in this chair on this same issue. It helps to not get stuck in the weeds. On Johnston Island, the Federal government disposed of chemical and neuro-weapons, which they did by incineration, and so that incineration process was so hot that it literally split the molecules apart and that is how they inactivated the nerve gas and the other agents were the actual molecules were destroyed and thus, the amount of ash that was left was very small because it was a small amount of material that they were actually destroying. The problem is was that in order to destroy the amount of material in a single artillery shell was like enough electricity to run a moderate city overnight. For us to generate enough electricity to run an incinerator that is capable of processing that much material in a short period of time is like science fiction. If this technology existed, the people that owned it would be out hawking it all over the world and people would be doing it. I met the late former Councilmember Tim Bynum in Safeway and the reason I met Tim Bynum in Safeway, I had no idea who he was, but a constituent came up and started talking landfill with him at which point I realized he was a councilmember and introduced myself. With the county struggles with is pulling the trigger on getting a resource center where you separate stuff out and no matter what you think the expense is today, the cost of shipping our trash off-island is going to be infinitely more than whatever we spend today. I will come back for my next three (3) minutes.

Council Vice Chair Kualii: Is there anyone in the audience wishing to testify for the first time? If not, Mr. Sykos, you can go for a second time.

Mr. Sykos: Here is the thing, Tim Bynum and I, when we would leave the island, no matter where in the world I go, I always try and go to the landfill. It is interesting, right? As a boy, you get big machines and all that stuff, but aside from it, you can talk to the employees and you can talk to the consumers that are there and get ideas. Both my mom and my dad come from communities that are quite similar to Kaua'i and the number of people one hundred (100) miles from a major city, we have barges, they have trains, and so thirty (30) years ago they were where we are today...we are actually thirty (30) years ago they were where we were thirty (30) years ago. What they did was the economic cycles where they bought warehouses that were relatively inexpensive because they bought them on the down cycle and in the inside of the warehouse they turned into their recycling center. You drive up, they have three (3) employees, they unload your vehicle for you, they take electronic waste, they have two (2) machines that do compacting and bailing—one for plastics, one for metals, they have a train that comes every so often and hauls the stuff away, we would ship it out on barge, and it does not matter that we would actually pay someone...instead of getting paid for our plastic, we would pay someone to take it off our hands, which is how much cheaper than a new landfill? If we had started twenty (20) years ago getting all the organic material out of the dump, we would not be in the bind today, we would still have a couple years on top of our current...if we just got five percent (5%) diverted, how far ahead would we be today? When they started these programs, the local community much of it was really unhappy and to make it work they attached if you keep messing up you are going to

get fined. This was back when they had Polaroid camera, so they went around with a pick-up truck and a trailer and you put out these bins that had paper, that had metal and they would sort all this.

(Councilmember DeCosta was noted as not present.)

Mr. Sykos: If you messed up, they would take a picture and mailed it to you and within two (2) years, the community was totally behind recycle all your stuff, keep it out of the landfill, and hey, we just saved sixty million dollars (\$60,000,000). Neither of those communities built a new landfill. That is when we went back in and harvested their garbage. Pulled all this steel out and were able to separate the aluminum because of the difference in weight and all these things, and are still using the same landfill that they had instead of building a new one. We have to pull the trigger here on something. Thank you.

Council Vice Chair Kuali'i: Thank you. Is there anyone else wishing to testify for the second time? No. Thank you. Is there any further discussion?

Councilmember Cowden: Is it okay if I call up the Department of Public Works?

Council Vice Chair Kuali'i: We can go back to questions. Well, this was not their presentation. What kind of question do you have? Maybe you can ask them offline?

Councilmember Cowden: I will ask offline.

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

Council Vice Chair Kuali'i: Thank you. Members, is there any further discussion? Councilmember Bulosan.

Councilmember Bulosan: I just want to *mahalo* Mr. Ewall for traveling and sharing your information. Sometimes one of the challenges as an island is access to information, so I appreciate your presentation.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: Mine is simple. I thank you also. This is a really grueling problem and we are working on it and your input is valued. We are trying and struggling just to open a new landfill, it is a problem. It is hard to have confidence that we can send these things somewhere else. We have to figure out how to recycle on-island is what I think, or not bringing it here in the first place.

Council Vice Chair Kuali'i: Councilmember Kagawa.

Councilmember Kagawa: I kind of agree with Councilmember Cowden. In the mainland, some of the communities that have failed in recycling, they call it

“wish-cycling,” because you wish that it will work, but then you...like Sacramento, I think their experience, having to truck what they sorted out all the way to North Carolina and it is ridiculous. We are all part of the United States of America, right? So we are going to ship our problem to another state who has plenty of room and they end up burying it because it is just piling up. Not being turned into the product that they wanted to produce, but I guess Sacramento is paying them enough to take it in and stockpile and probably bury it. So, it sounds great, but we are an island state remember, we are not part of the mainland United States with some options to ship it, and then turn it back into plastic or back into some type of materials that can be reused. We are an island state. We have to barge that thing from here to Honolulu, then from Honolulu all the way to the mainland and then truck it to wherever it has to go. That is a lot of fossil fuel.

(Councilmember DeCosta was noted as present.)

Councilmember Kagawa: A lot of money. Taxpayer money that is going to be spent in a program that maybe would be “wish-cycling.” I hate to put our taxpayers...we are going to make this big change and we wish...I would like to be sure if we pull the trigger on some of these things and I am not the one to be sure. I am no engineer, I am a school teacher. We have Engineers in the department. Please convince our engineers that we have the evidence, we have the proof that whatever direction we move, we are going to do it and it is going to be a lot better than a wish and I truly support that we need to look at all options thoroughly because we do not want to a landfill, so let us look at Kekaha, I mean, it used to be a little bump and now it is a big mountain right next to the ocean. Pretty sad when you think about it. It used to be my surfing spot back there. It is much too close to the ocean, much too high, much too wide, much too everything, but again, I have not seen how do we take care of our trash in an island state? How do we do it? How do we manage it properly? And when I get those answers, I am willing to pull the trigger, but I am not willing to pull any trigger on a wish. Thank you, Council Vice Chair Kuali'i.

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

Councilmember Carvalho: Just wanted to follow up on the discussion. I have not been involved in this for a numerous years, but the siting of the landfill here on Kaua'i, it is an island setting, I appreciate your presentation, by the way, but at the same time, the siting of the landfill is a big part. We have endangered species that is another part, there was the big birds and all kinds of issues that came about as well and what the next steps would be. I think moving in the right direction, we are way overdue, we have to come together and make the final decision. What is the best fit for our island of Hawai'i. We have heard all the numerous discussions and all the presentations, but what is it? I think that is where I am at trying to figure out what is the best way to handle our waste. I know that we have a Pay As You Throw program that is in place, okay, that is fine, but it is just a little of the bigger picture. I just wanted to share that. Whatever we need to put on the table working with our Department of Public Works, Administration, and coming up with a final decision that will really impact our island, our people, and how we are going to move forward

because remember again, Mr. Ewall, we are an island setting so it is kind of different in how we have to look forward to the future. Thank you.

Council Vice Chair Kualī'i: Councilmember DeCosta.

Councilmember DeCosta: Very interesting topic. I did not quite hear what Councilmember Kagawa fully said, but at the tail end I believe he is looking out for our constituents and the cost of recycling and I agree with him. I will not support something that is going to make our taxpayers have to pay more to live month-to-month. Our people are struggling, you folks...struggling, so unless the answer is something where our people can afford it, you know sometimes we sit here and we come up with these great solutions that fits our pocketbook, because we are financially at a different hierarchy than the rest of our constituents on Kaua'i. I have done a lot of research...the Department of Public Works is my department actually and I do not look at too much of what happens in our United States because our United States, the only other place that has an island I believe is outside of Alaska and I think Long Island. Most of our states is not an island. When you look across globally, you have many different small islands in Indonesia, Japan, you have some small islands outside. I am working actually with a company, JFE Japan Iron, it is an engineering corporation. One of their doctoring degrees in environmental science sits on the UN Board of the United Nations, so I do have some contacts that we have made when we go to our conferences. I would like to share with Zero Waste if you folks would like to, but it seems like you folks have your minds set on recycling and in Japan recycling is part of this thing. They separate all of their things before it goes to their incinerator. There is a lot of good product that can come out of an incinerator and with our EPA and Department of Health throughout the UN nations they are not letting these incinerators operate if it is going to cause any kind of global warming. The whole world is aware of that. I appreciate your knowledge and what we had shared today. Thank you.

Council Vice Chair Kualī'i: Thank you Councilmember DeCosta. Let me close by saying *mahalo nui loa* to Council Chair Rapozo, to Zero Waste Kaua'i and Kōkua Na Aina for bringing Mr. Mike Ewall before us today from Beyond Burning. I appreciate the detailed information you provided. I especially appreciate the science and the data and that you have even given us some of the websites and some of your presentation here and we can follow-up with that. I also appreciate the extra slides that you provided for additional information. I know you planned a lot in your time and I appreciate the thorough and thoughtful answers to all of our questions. Thank you so much. I think we have learned so we can do better. We have an excellent Solid Waste Division, part of our Public Works Department. Allison Fraley, Acting Environmental Services Manager and her team there and then Zero Waste Kaua'i keeps engaged with us and keeps us informed and keeps us on our toes and keep doing that. Thank you, Ruta Jordans and Zero Waste Kaua'i.

The motion to receive C 2023-221 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualī'i: Motion carries. Next item, please.

C 2023-222 Communication (09/27/2023) from the County Clerk, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2023-891, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2023 Through June 30, 2024, By Revising The Amounts Estimated In The General Fund, to cover \$61,400.00 of additional costs associated with the external auditor's work to complete the County's Annual Comprehensive Financial Report for Fiscal Year 2023.

Council Vice Chair Kualii: Members, this is our Communication on the Bill that is coming up for first reading, shortly.

Councilmember Kagawa moved to receive C 2023-222 for the record, seconded by Councilmember Cowden.

Council Vice Chair Kualii: Are there any questions at this time? We can hold them for the Bill? While the rules are still suspended, do we have anyone signed up for testimony? Anyone in the audience wishing to testify? Members, final discussion?

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

The motion to receive C 2023-222 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Motion carries. Next item, please.

C 2023-223 Communication (09/27/2023) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Authorizing The Procurement Of The Services Of A Contract Auditor And Approving A Contract For A Contract Auditor From Appropriations Of A Later Fiscal Year For More Than One Fiscal Year.

Councilmember Carvalho moved to receive C 2023-223 for the record, seconded by Councilmember Kagawa.

Council Vice Chair Kualii: While the rules are suspended, do we have anyone signed up for testimony? Anyone in the audience wishing to testify?

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

The motion to receive C 2023-223 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Motion carries. Next item, please.

COMMITTEE REPORTS:

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2023-03) submitted by the Public Safety & Human Services Committee, recommending that the following be Received for the Record:

“PSHS 2023-02 – Communication (07/26/2023) from Councilmember Bulosan, requesting the presence of the Executive on Aging, Hawai‘i Foodbank Kaua‘i, and the Kaua‘i Independent Food Bank, to provide a briefing regarding food insecurity on Kaua‘i among *kūpuna* and others, and partnerships with local foodbanks,”

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

Council Vice Chair Kualīi: Is there anyone in the audience wishing to testify on this item or any discussion?

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 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualīi: The motion is carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2023-11) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:

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

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

Council Vice Chair Kualīi: Is there anyone in the audience wishing to testify on this item or any discussion?

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 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Next item, please.

RESOLUTIONS:

Resolution No. 2023-60 – RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO CONTINUE TO CONTRACT WITH AMERICAN MEDICAL RESPONSE TO PROVIDE EMERGENCY-MEDICAL SERVICES IN THE COUNTY OF KAUAI

Councilmember Carvalho moved for adoption of Resolution No. 2023-60, seconded by Councilmember Kagawa.

Council Vice Chair Kualii: This is a Resolution from Councilmember Kagawa and Councilmember Cowden. Councilmember Cowden, you had a Floor Amendment?

Councilmember Cowden moved to amend Resolution No. 2023-60, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kagawa.

Councilmember Cowden: A simple housekeeping measure. You will see in the first paragraph where it says, "Whereas, the Department of Health," there is a missing "L" in the word "Heath." It is correcting that. In the last paragraph when it is naming who to send this Resolution to, it removes the name Errol McGowan as the President of the Kauai Paramedics Association because he is retired now and we just determined it was really just going to the Kauai Paramedics Association rather than specifying individuals. These are very simple changes.

Council Vice Chair Kualii: Is there any discussion?

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

The motion to amend Resolution No. 2023-60, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: So, we are at the Resolution as amended, do you, Councilmember Cowden and Councilmember Kagawa want to say a little bit?

Councilmember Kagawa: Yes, we seem to have some interest from the public. The public is probably curious as to what this Resolution is doing? Is it making a decision against our present company and former company? I would like to have the Resolution read, it will not take that long just so the public knows.

Councilmember Cowden: Do you want to read it or would you like me to?

Councilmember Kagawa: I do not want to read it.

Councilmember Cowden: You do not want to read it?

Councilmember Kagawa: I would prefer someone else read it.

Councilmember Cowden: I will read it. I am just turning to it.
“RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO
CONTINUE TO CONTRACT WITH AMERICAN MEDICAL RESPONSE TO
PROVIDE EMERGENCY-MEDICAL SERVICES IN THE
COUNTY OF KAUAI

WHEREAS, under Section 321-228, Hawai‘i Revised Statutes, the State Department of Health may contract to provide emergency-medical services, including ambulance service, in any county; and

WHEREAS, American Medical Response (AMR), has provided emergency-medical services in the County of Kaua‘i for the past forty-four (44) years; and

WHEREAS, AMR has provided a high quality of care and has become accustomed to the County’s people, culture, and communities; and

WHEREAS, AMR’s standard is to provide each ambulance unit with at least one paramedic and all necessary supplies and equipment for advanced-life support; and

WHEREAS, an advanced-life-support unit, staffed by at least one paramedic, provides a higher level of service than a basic-life support unit, which may not be staffed by a paramedic; and

WHEREAS, paramedics can:

- Apply extensive knowledge and experience to conduct an advanced assessment of a patient;
- Insert breathing tubes in patients with respiratory failure and treat life-threatening lung collapse;
- Use electrocardiograms to identify and respond to potentially life-threatening cardiac conditions; and
- Insert intravenous and administer life-saving medications; and

WHEREAS, the Department of Health support and continuation is critical to the only approved paramedic training center in the State of Hawai‘i; and

WHEREAS, residents and visitors of the County of Kaua‘i have been guaranteed that an advanced-life-support unit would respond to their 9-1-1 call because of AMR’s long-standing contract with the Department of Health; and

WHEREAS, on June 2, 2023, the Department of Health put out for bid the emergency-medical services contract for the County of Kaua‘i; and

WHEREAS, the Department of Health advised prospective bidders that a minimum level of advanced-life-support coverage was not required; and

WHEREAS, without a minimum level of coverage, ambulance units may not be staffed by paramedics or provide advanced-life-support services; and

WHEREAS, on August 29, 2023, Falck Northwest Corporation was awarded the contract for emergency-medical services in the County of Kaua'i from December 28, 2023 to June 30, 2027; and

WHEREAS, according to press accounts, Falck Northwest Corporation has a recent history of substantial fines by California municipalities for failing to meet response times; and

WHEREAS, the Department of Health has not publicly released the contract with Falck Northwest Corporation, and it is unclear how ambulances in the County of Kaua'i will be staffed; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it urges the State Department of Health to continue to contract with American Medical Response to provide emergency-medical services in the County of Kaua'i; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to Honorable Governor Josh Green, M.D., Honorable Lieutenant Governor Sylvia Luke; Kenneth S. Fink, MD, MGA, MPH, Director of Health; Debbie Kim Morikawa, Deputy Director for Health Resources, Department of Health; Kaua'i Paramedics Association; Tito Villanueva, Kaua'i Operations Manager, American Medical Response; and Honorable Mayor Derek S.K. Kawakami."

Council Vice Chair Kualii: Thank you. Other Councilmembers, are there any questions for the two (2) introducers?

Councilmember Cowden: I had a comment.

Council Vice Chair Kualii: Oh, you had more to say?

Councilmember Cowden: Well, just a comment.

Council Vice Chair Kualii: Go ahead.

Councilmember Cowden: The island of Maui just went through this very intense trauma. Sent and submitted a very similar one, and I would say that it is really shocking to see this kind of decision made without any kind of interface with our counties' elected officials or the public. Given that this is a three-month timeframe to make that kind of change is really hard to understand how any new applicant could come in and actually be able to pull it off. We have many people come to us and not the least of which was the existing paramedics and EMTs, I have not heard from a single one (1) that said they had been contacted for this change. This is

stronger than something I would normally say where we are telling the State who we want to work with, but when they give us no time and no inquiry, we are just being really clear.

Council Vice Chair Kualii: Thank you. Do you have anything further before we take questions?

Councilmember Kagawa: Yes. Thank you Council Vice Chair Kualii. I wanted to do something about this problem stirred from receiving some emails on the Monday after the Saturday that this occurred. It was a couple days later when I sent some feelers out to our Kaua'i legislators. They just heard, as well, over the weekend probably from similar emails. It was really quick that we heard this response from AMR workers, just kind of concerned about the lack of transparency from the State Department of Health, letting them know that they were going to do this contract in a different manner. I think if you are serving the island for forty-four (44) years, you deserve the level of transparency that is...and being public safety, and the past performance where you deserve a higher level of transparency from the State Department of Health in letting them know what the change is, you have competition, and those things. It is not just acting as though it is the same bid going out and there is really nothing to worry about. I think when it came to my level of attention, I think we owe to the people of Kaua'i to say, "Hey, State Department of Health, I think you messed up here. Why are your local workers that have been serving us for that long, why are they concerned?" Again, it is the trust factor, lack of transparency and this disregarding AMR's past performance and service and now going into a different direction without having those levels of transparency performed. It is nothing against Falck—I thank Mr. Newberry and Mr. Doug Chin for being here. Mr. Chin has a lot of respect in the political community and has always served the State well, but I think this is just a "stand up" for our workers, friends, and family we grew up with and we need to make sure their jobs are secure, that they can continue to do the work that they want to do, because not many people want to perform that kind of job that is stressful, hard work, and it goes beyond just dollars on a contract. So, I think that is where my heart is and I am willing to step up even though I do not know all the facts, I am willing to stand behind this type of Resolution that again, stands firmly behind the people I respect and live with. Thank you, Council Vice Chair Kualii.

Council Vice Chair Kualii: Members, are there any questions from the two (2) introducers? We did hear a lot of thoughtful detailed and important testimony earlier this morning. I am going to take testimony again from anyone who did not have a chance or chose to wait to testify now. With no further questions from the Members, while the rules are still suspended, do we have anyone else to testify? Do we have folks in the audience wishing to testify? Please come forward and Mr. Sykos, you are next.

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

JEFF GOODMAN: My name is Jeff Goodman, I am a retired physician on Kaua'i for over fifty (50) years and I have worked with emergency services for over fifty (50) years. First off, I do not represent any particular

organization, any particular entity, business or otherwise, I represent myself and the experience I have had on Kaua'i for this period of time. My observation of Emergency Medical Services over the fifty (50) years, is basically this—is that it is very important to treat the patient in the field, not only from a time perspective, but for a medical level of care perspective. You save more people by stabilizing and evaluating in the field than you do by just picking them up and bringing them into the hospital for basic services. I think this also causes an effect on the time involved. If you do not treat the patient in the field, it takes more time to go out and pick them up and take them to the hospital. In other words, you are shifting the definitive care from the field to the hospital. When you do that you create a totally different environment, in other words, by shifting the care to the hospital, certain communities are going to get definitive care faster than others and that is an inequality. I represent the North Shore of Kaua'i, that is where I practiced, that is where I have lived for all this time. I do not want to see a level of care that goes down in my community and lives lost of my friends, my family, and the people I work with. That is what is going to be the result if you do not have a high level of medical care in the field by our ambulance personnel. The kind of care that AMR and services like that provide by having MICT advanced medical care technology. I think it is a very unfortunate step backward, it goes against everything we have tried to do for the last fifty-two (52) years in emergency services and I think this Resolution needs to be passed in order to be able to continue to give the excellent care to this island. Anything else is a step backward. Please resolve this.

Council Vice Chair Kuali'i: Thank you. Mr. Sykos, please come forward.

Mr. Sykos: For the record, Lonnie Sykos. I must say that I have a completely different slant on this than much of what I have heard so far. I am almost seventy (70) years old and I guarantee you that if I call the ambulance or my neighbors or my family does, I could care less what name is painted on the outside of the ambulance. Care less. When I worked at sea, when Search and Rescue arrived, nobody cared which country's Coast Guard it was or what color the helicopter pilot was, or his religion. You have conflated issues that you have a responsibility for as a Council with issues that you do not have a direct relationship or responsibility for as the Council. So, I have friends who work for AMR, I have friends retired from AMR, I have no issue with AMR, but AMR, this contract is completely legal. This is the completely normal State process for letting this contract out, and so if you have an issue with the legality of what the State has done in the contract, bring those issues forward. The fact that AMR has to compete with somebody else, that is not within your purview as an agent of the government. The other company has every right to come complete to get the job. So, your interfering on behalf of AMR is anti-competitive, you might legally be allowed to do it because you are not the ones paying AMR, but you are a subdivision of the State of Hawai'i and the State of Hawai'i is the one that pays AMR, and thus, you have to ask how responsible is it for you to be inserting yourself into the middle of the contract process. Now, what is a problem, what is your *kuleana* and what bothers me about this, I have done my homework, I went online, these allegations that this company is somehow egregiously incompetent has to do with their staffing problems during COVID-19. The whole world had staffing problems with COVID-19, the question is whether or not they can properly do the job today. They are not the ones reducing the care in the ambulance, the State

of Hawai'i is. And so, this ought to be directed to the State and have nothing to do with AMR and have everything to do with the fact that we want the additional level of aide to arrive in the ambulance, not this new lower level, right? And it ought to be "where is Senator Kouchi?" You ought to have Senator Kouchi in here today explaining why the State wants to reduce our ambulance response. "Hey Ron, come address us, please."

Council Vice Chair Kualii: Thank you. Is there anyone else? Come forward, Mr. Hart.

BRUCE HART: For the record, Bruce Hart. In regards to what Mr. Sykos said, I do not know a whole lot of what I would like to know to be able to make a decision, but I asked and I was told it was a blind bid, that the bid went out and nobody had discussion with the State—none of those that gave a bid, had a discussion with the State. I do not think there is anything out of the ordinary or nefarious going on with either bidder. The idea that the State should have been more upfront or in communication with the bidders, I do not think is normal process. I do not think they do that. Now, on what Mr. Sykos said about, I call it, "The bump in the road," for this new applicant, that is the information that I received, that it is not across the board and again with Mr. Sykos, I agree that the State has proposed to lower the level of service that we are used to and I think we need to address the State. We need to ask them respectfully, and maybe our State Representatives should tell us why? Why have they decided to do this? Of course if you provide a lower level of service you probably can get a lower bid, but is that in our best interest of our people? I do not think so. Again, I think we need to focus on the State and ask them, "Hey, how come this is happening?" Thank you.

Council Vice Chair Kualii: Thank you. Anyone else wanting to testify for the first time? Is there anyone else wanting to come back for a second time?

Councilmember Cowden: Well, he was... Did you want to come for the first time?

Council Vice Chair Kualii: Thank you, Councilmember Cowden. Raise your hand...step up...come on.

JULIAN NEWBERRY: I just wanted to reiterate the position mentioned earlier. I know we have some new people in the room that were not present. The same level of service, paramedic and EMT, will be delivered as part of this new agreement. ALS and BLS was listed and I believe the speculation on the BLS level of service stemmed from a question during the Question and Answer process which is public record. We saw that there was one of the five (5) stations that had two (2) units and we put in a question if it was a BLS because we were trying to figure out where the BLS component was based on the title of the bid and that is where it said it could be an optional position. This is going to be an ALS unit. All of these ambulances will be staff with a paramedic and an EMT. I want to reassure both the Council and the public that that is the case and especially the front line because I do not want there to be anyone who thinks their job is at stake. We would have prioritized hiring for all the incumbent work force that chose to come over to the

organization should we be successful and we would welcome them with open arms. I also wanted to offer, that is if there are any clarifying questions that might exist.

Councilmember Cowden: I have a clarifying question.

Council Vice Chair Kualii: Okay members, clarifying questions. Go ahead Councilmember Cowden:

Councilmember Cowden: He is almost like an expert testifier.

Mr. Newberry: That is the first time I have been called that.

Councilmember Cowden: I am looking at the Falck statement, the testimony. It is basically that you are going to maintain the current staffing or staffing levels. Did you speak to any of the people that are in the positions that they are in now?

Mr. Newberry: Upon award, when the notice was issued on hands, attempted to reach out to each union leadership, advised them we are excited by the news. We passed on our condolences, we did not want that to overshadow impartiality that was existing due to the Maui County wildfires. We would advise that we would provide more updates as soon as we got them. Since that moment, we started to get rumors about the work force not being guaranteed a position, diminished levels of care, being BLS as opposed to ALS. We felt it was necessary to then issue a statement reiterating our position that we would recognized the current CBA, current seniority, PTO accrual rates...

Councilmember Cowden: What is PTO?

Mr. Newberry: Paid Time Off. Other components of that CBA would be offered.

Councilmember Cowden: What is CBA?

Mr. Newberry: Collective Bargaining Agreement.

Councilmember Cowden: Okay, just use the real words. It is tiresome to hear BLS, Basic Life Support. Okay, another question is when this, what I am looking at, that you would be able to start operating within...that look like...a little more than four (4) months of being...so did you folks have a plan of where you are going to put your locations?

Mr. Newberry: We are certainly working Plan A, B, and C, right now with local real estate. We are also, and have in the past, San Diego is an example where we actually worked with the incumbent to facilitate a seamless transition for the City of San Diego, and that was AMR. Now we might compete on these opportunities, but when it comes to patient care and patient delivery, we collaborate.

Councilmember Cowden: So are you saying that you have been in communication with the leadership of AMR for a seamless transition?

Mr. Newberry: No ma'am, I would assume that would be part of our dialogue once the protest period is finalized.

Councilmember Cowden: Once the what is finalized?

Mr. Newberry: Once the protest period. If the protest period...

Councilmember Cowden: The protest.

Mr. Newberry: Yes, ma'am.

Councilmember Cowden: Okay, the protest. I just struggled to understand what you said.

Mr. Newberry: To your point, that is Option "A." Should we be successful, aside from that, we are currently and actively looking for solutions within both Kaua'i County and Maui County.

Council Vice Chair Kualii: The clarifying question you stated, you talked to unions. Which unions did you speak to?

Mr. Newberry: I issued an email to both the Maui Paramedic Association and the Kaua'i Paramedic Association.

Council Vice Chair Kualii: Paramedic association.

Mr. Newberry: Yes, sir.

Council Vice Chair Kualii: Thank you. Are there other Members with clarifying questions? Councilmember DeCosta.

Councilmember DeCosta: I have a clarifying question, just because he mentioned that Falck is in the San Diego area. Are you folks in more areas than California? Are you across the United States?

Mr. Newberry: Yes, sir. We provide 9-1-1 ambulance services at the ALS level for the City of San Diego and Alameda County. We also serve Los Angeles County and Orange County. Outside of California, we provide 9-1-1 services for the City of Aurora, Colorado and Salem, Oregon.

Councilmember DeCosta: Chair, you can stop me if I am not asking a clarifying question, but it is on my mind. I have to ask it.

Council Vice Chair Kualii: When he said X, Y, or Z, what did you mean? That is a clarifying question.

Councilmember DeCosta: Then I will stop.

Council Vice Chair Kuali'i: Okay, thank you. Are there any further clarifying questions? Thank you for your testimony.

Mr. Newberry: Thank you.

Council Vice Chair Kuali'i: I suppose the makers of the Resolution could have set it up where you invited these people to be experts and then we would have treated them differently.

Councilmember Cowden: Okay. I did invite them.

Council Vice Chair Kuali'i: Not to give testimony, but to be...I, as Vice Chair, was not told that it would be treated as an expert to give questions to help the two (2) of you, because you answered the questions. I am just saying in the future that could have been such. I am treating everyone like a testifier and I am treating them equally the same. Anyone else wishing to give testimony? For the first time? Yes, second time. Anyone for the second time?

SPEEDY BAILEY: Thank you again for the support. I totally agree with Councilmember Kagawa and Councilmember Cowden in your comments. It is not between us at fault. That is not the issue. This is an issue that the Resolution points towards the Department of Health where this decision was made. There is a lot of reasons...we have a formal protest on file, I cannot discuss that. It is very detailed and that is the process we are in. About a year ago, I approached the Department of Health and said, "You missed it. You missed your deadline for doing a bid. We need to extend the contract because you do not want to have any disruption of services." It was October, they said, no, "We can do it, we can do it." In March they approached me and said, "We need to extend your contract for six (6) months in order to get it done." I said, "That is still not long enough. If you want to do this right, you probably need about a year." They said, "No, we can do it." It is October, we have three (3) months. This is the process. It needed to have more time and more due diligence in order to make a decision at this magnitude and you know the magnitude of the decision, it is a big change. It just needed to be done well, that is all.

Council Vice Chair Kuali'i: A clarifying question. It reminded me when you introduced yourself, but you said, "We have a formal protest filed with AMR." So you are the owner and operator of AMR?

Mr. Bailey: I am the Regional Director.

Council Vice Chair Kuali'i: Regional Director, but you are speaking for AMR.

Mr. Bailey: That is correct.

Council Vice Chair Kuali'i: A protest is filed.

Mr. Bailey: There is a protest process.

Council Vice Chair Kualii: Any other clarifying questions?

Councilmember DeCosta: AMR is it a company? Is it a Kaua'i-based company or Hawai'i-based?

Mr. Bailey: We are national-based.

Councilmember DeCosta: So you folks have other agencies in other states like Falck?

Mr. Bailey: That is correct. We are probably the largest national corporation of EMS, air and ground.

Council Vice Chair Kualii: Are there any other members with clarifying questions? Is there anyone else who wishes to testify for a second time? Come forward, please.

Mr. Goodman: I am amazed that people are telling you what your job is. You know what your job is and I know what my job is. I can care less about the contracts and the intermissions and the complaints and the protests. What I am worried about is the medical care to the patients that I have taken care for fifty (50) years. I am going to tell you, your responsibility is to those people. They are your family, your friends, your colleagues, and your constituents. We have to give them the top quality of medical care in the field with a reputable company and that is all I care about. Thank you.

Council Vice Chair Kualii: Mr. Goodman, we have a clarifying question from Councilmember DeCosta.

Councilmember DeCosta: You mentioned reputable. What can you tell me about AMR versus Falck as far reputable?

Mr. Goodman: I cannot compare those. Reputable is I think a term that is more of a qualification, certification type of process. I am not in a position to certify or to...I know good medical care when I see it and we have gotten good medical care really since 1972, when I was personally riding around in Cadillac Station wagons with completely untrained individuals. We have sure come a long way in that time. I do not want to see us going backwards at all. So, reputable I think is one has a reputation, one that is more than just a fly-by-night organization that is a one-stop show. Something that would be formed here on Kaua'i, that would not have the qualifications. The State looks after those qualification and I think the other people that have bid in this unfortunately set of circumstances where the State tells us what kind of care we are going to get. The State, when you look at it, when you are looking at O'ahu with a majority of the population, they are all in close quarters, they are all very close knit, the response times I am sure faster on O'ahu than they are here on the North Shore of Kaua'i. We have a special situation. We have to look out for ourselves and I think to have the State telling us what kind of

service we are going to get is...we have got to stand up and I will be personally ready to stand up and testify to the statement in that response.

Council Vice Chair Kualii: Thank you. Anyone else from the audience wishing to testify for a second time? Come forward, Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I would like to state from my position, that your most important function is not being worried about the individual care of patients. Your job is to see that the County is run as efficiently as possible and what this Resolution should be about is...and if you want to take exception with by saying that we should be run as efficiently as possible. We always have to balance cost effectiveness and outcome. Obviously nobody wants anyone to suffer harm, nobody want to suffer harm because of how long it took them to get to the hospital, but we rely on ambulances, so you getting to the hospital is not going to be that fast even if you are close. You cannot "beam me up Scotty." This needs to be addressed with the State and at this point, I am completed unclear as to what the actual facts are—whether or not the State intended to or accidentally reduced the service level in the ambulance where this whole conversation about service level is irrelevant because it was not changed. I am unclear on that, so that need should get clarified because if I heard correctly, the State did not change the requirement I the ambulance. If that is the case, I am not sure what the point of all this is. Thank you.

Council Vice Chair Kualii: Thank you. Come on up, Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I will say some of what I said when I got here, I am not sure either. Has the State lowered the level of service because I still do not understand? Can somebody tell us...is that a given fact? If it is a given fact they have lowered the level of service without consulting us, then I consider that a breach. We should have input. I do not think we are going to decide... the State decides, but at least we could say that we do not want to lower our level of service. Just like Mr. Sykos, I still do not know that it is happening. None of this is personal. Like Mr. Sykos said, it does not matter to me whether it is AMR that comes to my door or whether it is the new applicant. I want a level of service just like the physician testified, but I still do not know whether that is an issue or not. I do not think we can make the decision without knowing whether that is an issue. Alright, thank you.

Council Vice Chair Kualii: Thank you. Anyone else for a second time? Okay.

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

Council Vice Chair Kualii: We are going to get on discussion, but before we do that, I have a question for the two (2) introducers. On the second page of the Resolution, the two (2) "WHEREAS" that talk about the Department of Health advised prospective bidders that a minimum of advanced-life-support coverage was not required. That is one (1). And then the other one (1), "WHEREAS" without a minimum level of coverage, ambulance units may not be staffed by paramedics or

provide advance-life-support services. What can you tell us to make those statements true when we heard from the testifier with Falck that they were actually doing these things? Did you get this information from the Department of Health?

Councilmember Cowden: Did you want to start with Councilmember Kagawa or do you want me to...

Council Vice Chair Kualii: Either. You are the introducers.

Councilmember Cowden: This came...basically we worked with Maui of what they had. I made a number of calls right away when we first got these letters. I sent a letter basically to the State government saying, "Hey, we need a public process." It was not nearly as strong as this. We need a public process. I also saw at the same time that same week the State says, "We are no longer going to sponsor neighbor islands with that two thousand dollars (\$2,000) a month for their paramedic training." It seemed like there were changes, so they basically said they cannot answer anything while there is a protest underway. Now, Councilmember Kagawa was the original introducer and this came from the Maui documents. There was intention to have alignment, we understand that the Council Resolutions have little...

Council Vice Chair Kualii: It is non-binding.

Councilmember Cowden: It is non-binding and certainly talking to the attorney about it. And this is not against Falck. It is against the process. The process was not open, was not transparent, it was not inclusive to the public, it was not inclusive to the elected representatives of the public to just have this sprung with such a narrow window that any of us who have any experience in business as I do, realistic understanding of what it is to be in business, you cannot set something up in this time window. When Mr. Bailey said it takes a year, it is not easy to do something in a year. When I saw that Maui was so strong where they are saying, "Hey, we want to stick with our existing..."

Council Vice Chair Kualii: Councilmember Cowden, you are drifting away from the question. So the question was...so you did not talk to them.

Councilmember Cowden: When I sent the letter over, they said that they cannot give us any information.

Council Vice Chair Kualii: Also on your WHEREAS, that says, on June 2, 2023, they put out a bid. Could you get a copy of that bid? It would say right in there whether they required advanced-life-support coverage or not. Did you get a copy of the bid?

Councilmember Cowden: No, I did not.

Councilmember Kagawa: I am told that the Request for Proposal (RFP) had not written percentage and/or ratio written BLS versus ALS. That again, we did

not verify that personally, but we were told that...so it opens the door to the winning company to go either or on that.

Council Vice Chair Kuali'i: Or that a paramedic would be required to be...

Councilmember Kagawa: It had no written percentage on...

Council Vice Chair Kuali'i: What does written percentage mean?

Councilmember Kagawa: On the BLS or ALS requirement. Whereas in the past it was in there, but that was taken out.

Council Vice Chair Kuali'i: Councilmember Cowden, you also mentioned something about Maui and I just learned from a couple Maui councilmembers that in fact their resolution has been passed on to the Committee to work on it further. They did not pass theirs yet either. Did you know that?

Councilmember Kagawa: I did not know that.

Councilmember Cowden: No.

Council Vice Chair Kuali'i: I think I am going to ask a question of the County Attorney. County Attorney Matthew A. Bracken, I know that you review our resolutions. We had at least one testifier express concern that we are kind of delving into an area where the State makes these decisions and I think that he even used the word "legal." Can you tell us what the...everything is fine with this Resolution and we are not clear on these two WHEREAS, should we be saying that if we did not actually look at the bid. A Resolution is non-binding, but it should be as much as possible, factual, and correct?

There being no objections, the rules were suspended.

MATTHEW A. BRACKEN, County Attorney: Yes, I would agree. I mean it is a non-binding resolution, but you ideally want it to be as factual as possible. When I say non-binding, each resolution can be a little bit different. In this situation we are talking about a State procurement process. It is non-binding in that no matter what happens to this Resolution, the reality is that the State cannot consider it. It is in a bid protest process, it has to follow State procurement laws and procurement does not allow outside influence anyway, so no matter what statements are made, procurement-wise the State has to ignore it. The bid protest process has to be ignored in that process, the procurement process has to be ignored in that process too. The State has to follow State law and the procurement code is set up in a way that it cannot be influenced by outside factors. That is the way it is set up, so it cannot be influenced by outside factors.

Council Vice Chair Kuali'i: In my question to them about it was put out to bid by the Department of Health on June 2, 2023, and then these two (2) statements, WHEREAS, talk about advanced-life-support coverage not being

required and that there may be no paramedic staff, you did not necessarily check this for being factual or not?

Mr. Bracken: Correct, it was not checked for factual accuracy.

Council Vice Chair Kuali'i: Okay. Any other questions for Councilmember Cowden?

Councilmember Cowden: I have a question.

Council Vice Chair Kuali'i: Go ahead.

Councilmember Cowden: Thank you. We have basically two (2) interactions on the legality of this because I did check that even as late as yesterday. How does the law allow something this important with the procurement process... where is there anything that allows public input on something this big? I basically was told that I cannot get any information through the Department of Health. They were not going to give me anything.

Mr. Bracken: I can understand their position. When a bid protest occurs, it is a due process. It is kind of a due process hearing. So the person who is protesting the bid has an opportunity to state why the procurement or that the faults in the procurement that they saw and then the Department of Health has to then defend their procurement process. It is in administrative litigation, so them not wanting to say anything while they are in administrative litigation makes sense. Generally, we would do the same. We would generally try not to comment on litigation and that is what they are in. It is an administrative process. That is probably why they do not want to comment. Sorry, I know that is not...

Councilmember Cowden: They did not want to comment or give information. When we are looking at facing something, and this is again, not a slam to Falck, and I called Falck to have them be represented here. How is there some sort of due process for the citizen to have their elected representatives be number 1, aware, and working to protect them, and when we see they have made a change, and the State has even made a change to not be supporting the training of our paramedics, what is the right process, the legal process to do our job to ensure the public safety of our citizens?

Mr. Bracken: We are talking about a State procurement process. The procurement code is set up in a way that it is public. Procurement documents are made public, the procurement process is all public. The State will say, "Okay we need this kind of service," and they will put together the various requirements they need for that service and they will publish it to the public. But if it is part of the public procurement system gets notified and then they bid on it. The procurement process is a very public process. It is meant to be that way.

Councilmember Cowden: Is it like in the classified section on page C3 of the Star Advertiser? Is it legal fiction that it comes out to the public if they do not

even actually tap the Committee Chair Public Safety on the shoulder and say, "This is what we are doing in your community?" Are you aware and paying attention, like I contacted Falck?

Mr. Bracken: Again, we are kind of talking about a State process because it is the State that has authority over this. So, really it is the State Department of Health that would be doing...they are the ones creating the scope of work, essentially what they need from the service providers and they are bidding that out. The people who are notified, it is not really through...it would be on the State Procurement website when they put out the procurement. That is one way the public can be made aware of it. A lot of service providers across the nation...if they are doing the service all over the nation, they actually will reach out and be a part and will be notified when the State puts out these kinds of procurements, so that is one way people are notified. It is really people who are looking for government contracts that ask to be notified because that is what we are talking about here is a government contract.

Councilmember Cowden: Do we know if there has been any kind of advertisement for this or any sort of this in the process?

Mr. Bracken: It would have had been put out, I mean, it is public procurement, right, so it would have been put out by the State on their websites and it would have notified everyone who is on their list.

Councilmember Cowden: But not to the common person. You would have to know to look.

Mr. Bracken: Yes.

Councilmember Cowden: Yes. Okay.

Council Vice Chair Kualiti: Councilmember DeCosta.

Councilmember DeCosta: Thank you Mr. Bracken. I am a little concerned also about some of the WHEREAS' in this Resolution, especially the one that states that the level of care on the ALS versus the BLS. When you looked at this and if we approve it today, does Falck have grounds to be concerned that we had approved something that is not factual and does it open a door where Falck might pursue the legality of this Resolution. Does it leave an open door for some kind of action that Falck could take?

Mr. Bracken: We call them non-binding resolutions because they have no binding affect. This affects nothing. The State cannot take it into consideration, it is nothing but a political statement, but even saying that, even saying that, yes, a resolution still should be factually accurate, because it is something that you and every other councilmember will be adopting as your voice. Depending on how you vote, that is your voice. So, should Resolutions be factually accurate? Yes, especially if you are signing off on it. On another level on it too of do we have to the concerned about some sort of...defamation is not the right word, but

there is always concern that if it is not accurate they could assert something against the County. In this situation, it is written, you would be looking at libel.

Councilmember DeCosta: When you looked at this Resolution, you do not know if the level of care of the ALS versus BLS is actually in that RFP or State bid that is going on right now. We do not know that, right?

Mr. Bracken: I do not know. When we review resolutions, sometimes we check it for factual accuracy, not always. If we cannot find the information to dispute one way or another, I am not going to comment on it, but when I do receive a resolution, to some extent we do factually check it, but when the information is not available, I cannot comment on it—so I do not.

Council Vice Chair Kualifi: Any other councilmembers have questions for the County Attorney? Councilmember Kagawa.

Councilmember Kagawa: If the RFP, in fact, had no percentage or ratio written whether you needed to do the BLS or ALS, would it be inaccurate for this WHEREAS to be stated? I think it is accurate if it says WHEREAS, the Department of Health advised prospective bidders that a minimum level of advanced-life-support coverage was not required. That is what the RFP is saying, you can go either way, whereas I think one company decided to bid on doing what they did for the past contracts and now we have a new bidder that we do not know what they bid on. He stated here that they intend to fund the most highly wanted...he is nodding...but I do not think the WHEREAS is wrong because the Department of Health did not say what the minimum percentage should have been. I think it is actually factual. I think that this WHEREAS has nothing wrong with it. We are not presuming that Falck bid it, if you read between the lines the statement of AMR, then it is maybe an assumption that one could make, but to me this WHEREAS is not unfactual.

Mr. Bracken: I personally cannot comment without seeing the RFP, but RFPs generally, it is just setting your standard, like this is the minimum of what we need, and then people can come in and offer more or above that standard. That is minimum requirements.

Councilmember Kagawa: That is why I am talking about the transparency part. Would the State Department of Health have an obligation to at least communicate to AMR that, "Hey, one company that may bid without having that advanced support," because it is not stated knowing that the level of service has been provided in the current contract. I do not know, for me we are talking about what level of service would be we getting up to now and then now this bid comes out and, oh, you may not have to abide the level that...and that is where the concern is coming from the public.

Council Vice Chair Kualifi: You did say that they are in this bid protest process now and that during this time they would not even look at our Resolution as not only is it non-binding, but they just cannot look at it, or just...

Mr. Bracken: That is correct. They cannot look at it. If they protest, it is...yes, they cannot look at it. They really can only look at the procurement. In bid protest process, if it is administrative initially, and then it can be appealed to court. So it can end up in court, but it starts as an administrative proceeding before the Chief Procurement Officer of the State, I am assuming. That is how it happens in the County, right? The bid protest goes before the Chief Procurement Officer, administratively, and then it can be appealed to the court. When they are doing that, they are just looking at the procurement documents and then the actual protest and what they are protesting, and then they will be analyzing that very small issue and they would not look at outside factors, because it would be inappropriate.

Council Vice Chair Kuali'i: This bid protest could go on what is like the short period and the long period?

Mr. Bracken: I would think a short period would be three (3) months and then if it is appealed to Circuit Court, then you are talking about six (6) months on top of that. Realistically, probably about nine (9) months and from there it can be appealed further, as well, but through Circuit Court, I think about nine (9) months.

Council Vice Chair Kuali'i: My last question is if we were to defer this for a little bit, would you be able to get a copy, as our attorney, of the June 2, 2023 Department of Health's bid so that we can confirm that those two (2) WHEREAS' are factually accurate or not?

Mr. Bracken: It should be a public record so there should not really be any impediment to getting that document.

Council Vice Chair Kuali'i: Okay. Thank you. Do you have a question?

Councilmember Cowden: I do not have a question.

Council Vice Chair Kuali'i: Okay, thank you, County Attorney. Do you want to say final discussion?

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

Councilmember Cowden: Either if we come back after break, I have some amendments that I am thinking of working on or if the body would like to defer it.

Council Vice Chair Kuali'i: I do not think there is any hurry.

Councilmember Cowden: If the body would like to defer it, I can introduce the amendments.

Councilmember DeCosta moved to defer Resolution No. 2023-60 and failed for a lack of a second.

Councilmember Cowden: Can I have a conversation?

Council Vice Chair Kuali'i: If the motion to defer passes, there can be no discussion.

Councilmember Cowden: I have amendments...

Council Vice Chair Kuali'i: We heard that.

Councilmember Cowden: Yes, and so I am pretty clear about the direction I want to go in today, but I am willing to do a deferral and do an amendment.

Council Vice Chair Kuali'i: Okay. Anybody else have something to say before we take the motion to defer? Councilmember Kagawa.

Councilmember Kagawa: I do not see any major problem with the Resolution and I do not see a need to defer. I am concerned that with such a big change that the State Department of Health management decided to go in that...again, the lack of transparency...even our representatives at the State, including Senate President did not know until the Monday after the Saturday was brought up to the AMR and our workers. I mean it just baffles me that the level of transparency is missing and then doing with this Resolution, I am doing exactly what Mr. Sykos is saying. This is not on Falck. This is on the Department of Health who should have done a better job and now they find themselves in a protest situation and I am willing to stand by the fact that this Resolution will say to the State Department of Health that you need to treat these types of RFPs with more attention and care because this is a huge difference in what may be able to allow Falck...if it becomes "a profit and loss" thing that they are able to provide less than what we are getting now and that concerns me enough to stand behind a Resolution like this and deferring it will not change the fact that I feel this way, that the State messed up on the process and that their decision has possibly impacted the future of our emergency services. I am willing to stand by and I do not see a need to defer or amend, but I will do what the group wants.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: I am on the same page as Councilmember Kagawa. I have little amendments that I could make that would take out any of that lack of clarity that could be there, but it is not going to change the fact that I feel that the State recklessly put our community into a position of risk and that is not again, a statement about whatever Falck can or cannot do because I do not have any experience with you. But I have experience with AMR who has repeatedly been there for us and I am going to also say very different than from what Mr. Sykos said when he said, "I do not care who is on the ambulance." Oh, yes, I do and in fact, the paramedic with the creds...he came to my house. He found the problem. If he had not been diligent, I would have never known what was wrong with

me and it is a pattern with the person, I cared about this person, I had not been in an ambulance yet that did not have someone in there that I felt personally safe with. So, I just want to honor this is a small town, this is not a big city, and these are not strangers. These are our family and how you feel cared about, you feel safe when the person is there and you are not indifferent to you and they know your name and they helped your kid learn soccer. All those kinds of things, every bit of that is one of the things that is the benefit of what we are and so without any slam to any other applicant that could be there, I want to send a strong message to the State that is not how you do the procurement process. This is as close to the jugular literally and figuratively as you could get for the wellbeing of our people and I am not good with the government basically telling us that we have to wait until the end of a legal process to even have an opinion or have any information. I feel strongly about it. I am willing to make an amendment or something like that, but really, I am on the same page as Councilmember Kagawa. It is a strong statement. I want to stand with Maui, I want to stand with the people of Lahaina, I want to honor Tony Simpson who had his funeral this Saturday who sacrificed his life on Maui. They did the right things, they did a good job, they have our back and I am having theirs.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: A lot has been said and you have the AMR team here and you have Falck here, but it is the State...it was a big glitch to me is what I am hearing. It was a big mishap or whatever you want to call it from the State level. That is what we should be...that is what this is about. Holding the State accountable before they even went to this level. They should have stayed at this level, let us figure it out first and then...because the AMR team folks have been here, it is not just the work they do, there are families, all this emotional side here. Then you have Falck here who is just here, because he went through the process like anybody else would, but the State did not give us enough ample time to discuss...to allow AMR to discuss it, bring it to the table. I think this would take that to the next level. I know there is a lot of ups and downs in here, but for me, with that level, holding the State accountable.

Council Vice Chair Kualii: Anybody else before...

Councilmember DeCosta: I like the boldness of Councilmember Kagawa and Councilmember Cowden for taking on this. When you first hear about this Resolution, I look at it, and no doubt support AMR. They have been in our family for forty (40) something years. I look at Falck and I did not really know, excuse me for my unintelligence not to notice, AMR is a mainland company, same like Falck. Not like Hawaiian Airlines versus Southwest. When Southwest came in and gave a price competitiveness. So, I am hoping that if AMR is going to retain their contract because the State messed up and that is great, but if Falck is awarded this contract, then I am hoping they use their common sense and hire all the people back and local management because Councilmember Carvalho and I did a resolution on how we believe local community-based people should be the management authority within the company. I am a little bit worried about the two (2) WHEREAS'. I am thinking that we are not in a big rush to do this and I would like our County Attorney to look at the contract to see if we can get us the appropriate information because I want to

put my vote to sign something right now that could have information that is not concrete, I am a little worried.

Council Vice Chair Kualifi: The County Attorney found I and he showed me and so it will require an amendment to be factual. So let us take our lunch break and Councilmember Cowden, you work on your amendment and we will come back and get it done today.

Councilmember Cowden: Okay.

Council Vice Chair Kualifi: We will go into our lunch break. We will recess for one (1) hour.

There being no objections, the meeting recessed at 12:45 p.m.

The meeting reconvened at 1:45 p.m., and proceeded as follows:

Council Vice Chair Kualifi: We were on the Resolution for AMR services with Councilmember Kagawa and Councilmember Cowden. You have an amendment.

Councilmember Cowden moved to amend Resolution No. 2023-60, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Carvalho.

Councilmember Cowden: Are you looking at the Resolution? I took out one (1), two (2), three (3), four (4), five (5) lines. I will read the lines that I took out and I replaced it with four (4) WHEREAS'. Being removed is: "WHEREAS, the Department of Health advised prospective bidders that a minimum level of advanced-life-support coverage was not required; and

WHEREAS, without a minimum level of coverage, ambulance units may not be staffed by paramedics or provide advanced-life-support services; and

WHEREAS, on August 29, 2023, Falck Northwest Corporation was awarded the contract for emergency-medical services in the County of Kaua'i from December 28, 2023 to June 30, 2027; and

WHEREAS, according to press accounts, Falck Northwest Corporation has a recent history of substantial fines by California municipalities for failing to meet response times; and

WHEREAS, the Department of Health has not publicly released the contract with Falck Northwest Corporation, and it is unclear how ambulances in the County of Kaua'i will be staffed; now, therefore,"

I have that taken that out and replaced it with:

"WHEREAS, the Department of Health Request for Proposal (RFP) states, "All ground ambulance units at all times must be equipped and staffed to operate at the

Advanced Life Support “ALS” or Basic Life Support “BLS” level for all 9-1-1 emergency calls”; and

WHEREAS, the citizens of the County of Kaua‘i deserve advanced-life support services in all ambulances; and

WHEREAS, on August 29, 2023, Falck Northwest Corporation was awarded the contract for emergency-medical services in the County of Kaua‘i from December 28, 2023 to June 30, 2027; and

WHEREAS, the Department of Health has not responded to requests for more information, and it is unclear how ambulances in the County of Kaua‘i will be staffed; now, therefore,”

Then it goes on...here is the rough line for some, a good line for others:

“BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, that it urges the State Department of Health to continue to contract with American Medical Response to provide emergency-medical services in the County of Kaua‘i; and”

So the effect of this changes, we are not singling out Falck as being bad because where our concern most deeply lies is with the process with the Department of Health. When I read this where I am with gratitude to our County Attorney who pulled up the document, it says: “All ground ambulance units at all times must be equipped and staffed to operate at the advanced-life-support ALS or basic-life-support for all 9-1-1 calls. Now, I was not able to see the existing contract...I do not like the “or,” I will be honest, but I do not like the “or,” because the “or” is what creates a lot of lack of confidence, because “or” is unacceptable, and it might be, and I do not know, I am looking at AMR, it might be that is your existing contract, but that you folks hold a level of care but it does not matter what it says, you are going to have an offer the best that is available. I do not know if that is very nerve-wrecking to with a new company who might be able to be given the opportunity to have the “or.” I am looking right at Mr. Bailey because you are the number one here, the regional person. I am sure hoping that if this works out where you folks continue that you do keep giving us ALS even if they have given an “or” because you have done that. We are basing our judgment on the standard of care that you have given, which has never been...

Mr. Bailey: It has never been “or” before.

Council Vice Chair Kuali‘i: Councilmember Cowden.

Councilmember Cowden: Okay, do not say that? Alright.

Council Vice Chair Kuali‘i: Councilmember Cowden, we got the amendment. We are just on the amendment now and I think we should have a chance for members to ask questions on the amendments if they have any.

Councilmember Cowden: Sure.

Council Vice Chair Kualii: Members, are there any questions on the amendment? Okay. If you do not have any questions, I am going to suspend the rules and see if anyone wants to provide testimony on this amendment. Come on up Mr. Sykos.

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

Mr. Sykos: For the record, Lonnie Sykos. I just want to reiterate that this is a problem that was created by the State and the County is not going to rectify this problem with a resolution. The Resolution, as it is currently written, creates a substantial advantage for AMR, which is a violation of the State's system for letting contracts. I do not think the County should be sticking itself in the position of choosing one contractor over the other. I am considerably older than Councilmember Cowden. I appreciate the fact that if we change service providers who will change service, and that the quality of the service that I assume will arrive today, we will receive in the future from a different vendor which is the whole point of the procurement process. If the procurement process is flawed, that should be addressed, but choosing a specific vendor, I do not think is the job of the County Council—your job is to protect us, not to protect a vendor. Thank you.

Council Vice Chair Kualii: Anyone else wishing to testify on the amendment? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. Although I appreciate the sentiment that most of us know those that work for AMR, at least some of them, that is not the issue. Again, like Mr. Sykos said, the issue is the procurement and the issue is with the State. I will say something...I do not feel the County Council should be playing favorites or giving more credit to one vendor than another, and there is something else that was talked about earlier...resolutions and the question of factuality. When I go out into the community and I speak authoritatively about some subject, I want to make sure that I am factual. It is something not only from a prospective biblically, but it is something to do with just being a credible person. When the County Council crafts a resolution, it has to be as accurate as possible, because you are speaking as one voice and I will tell you something...you have a big pulpit, you folks have a big one...a lot bigger than the individual, and so people are listening. I urge you and I appreciate what Councilmember Cowden has corrected—I do not see anything that I am objecting to in the Resolution except the last part of it where you prefer one vendor over another. Thank you.

Council Vice Chair Kualii: Moving forward, Mr. Goodman.

Mr. Goodman: I do not like "or" either. When you have an "or," somebody has to make a decision. How long does that decision last? Who makes it, who decides whether it is BLS or ALS? What stations get BLS? What stations get...does it depend on your economic situation, if you are in trouble as a company? You might choose because there is an "or." You may choose a lower costing option. I

do not care for the “or” either to be quite honest. I cannot argue with some of the other people who have testified, I think their arguments are real. I argue only for the standpoint of the patient population. Thank you.

Council Vice Chair Kualii: Thank you. Anyone else wanting to testify on the amendment? Nope, okay. Calling back to order. Members... Second time, sorry Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I would like to address that word “or.” In a different season in my life I was part of an ad hoc committee in Hāna, Maui, to transform our State-operated medical center into a private non-profit, and of the concerns we had was ambulance service at East Maui. There is nowhere on Kauaʻi that is isolated like East Maui is. We looked at all the different options of what to do. The reality of why that “or” is never coming out of the contract is that if the time were to come that they could not hire that licensed staff and have enough of them on the payroll that they ended up with an ambulance that they could not staff with one of those members, they would have an absolute liability. Nobody is going to sign that contract in today’s world. What the contract says is to the best of their ability, they are required to provide that level of service, but we are not going to sue your company into bankruptcy if you cannot. Congratulations, tip of the hat to AMR, greatly appreciate the...because I know people in the company, their company’s goodwill towards all of us, but one would expect that same level of goodwill from any company operating ambulances. Tip of the hat, I love AMR, if they win the contract, wonderful, but a contract is a contract. Thank you.

Council Vice Chair Kualii: Thank you. Anyone else for a second time? Come forward Mr. Hart.

Mr. Hart: For the record, Bruce Hart. In regards to what the doctor said, also. I do not like public relations (PR), but I understand some of the legality. If you want to know it all, maybe you could ask the County Attorney. It is legitimate that they put the “or” in there. I am concerned that someone in the audience said that it was never in there before. Those kind of little things being dropped cause doubt and it is true or it is not true, it was not in there before. If it was not in there before and it is in there now, I would like to know why? I am concerned also, but it does not change my feelings about the procurement process and that again, the State seems to be the focus. It is not upon the vendor and I have nothing personal in regards to either one and having talked to the new applicant, I do not see any reason to doubt their credibility that they will provide the same level of service. I do not know, I just do not have any reason to doubt, so I wish well to whoever gets the contract. Thank you.

Council Vice Chair Kualii: Thank you. Anyone else for a second time? Any final discussion on the amendment?

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

The motion to amend Resolution No. 2023-60, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kuali'i: The amendment passes. We are back to the full Resolution, as amended. Is there any discussion on the Resolution, as amended? Is there any final discussion? Councilmember DeCosta.

Councilmember DeCosta: Again, this is a tough situation and I am looking out at the AMR folks...a few of them worked with my wife when she was at Wilcox and Kaua'i Veterans Medical Hospital (KVMH) and I know Mr. Yoshita, I personally worked with his wife at Waimea High School. It worries me a little bit that we are still getting involved with a State procurement process that I want to make sure that we are not ethically violating anything. We ethically cannot tell the State who to give a contract to...that is a violation. I believe I would like to check on the ethics with our County Attorney, Vice Chair Kuali'i.

Council Vice Chair Kuali'i: I think that is why we had the County Attorney up earlier to do.

Councilmember DeCosta: I am asking about the ethics of that.

Council Vice Chair Kuali'i: Ethics, okay.

Council Vice Chair Kuali'i: We will call the County Attorney back up. Are there any questions of the County Attorney? Starting with Councilmember DeCosta.

Councilmember DeCosta: I am sorry for going over this again, but I wanted to make sure that...I want to support this, but I want to keep our company with our service care with the provider we have...I just want make sure we are going to vote on something that ethically is as sound as factual. We did the factual part of by doing the amendment, now I am asking ethically, in a State procurement process, we have the right to tell the State how to run their bidding of the contracts?

There being no objections, the rules were suspended.

Mr. Bracken: Matthew Bracken, County Attorney. No, you do not. You have no say in how the State does their procurement. The Resolution really is just a statement. It cannot have a legal effect. The State has to ignore it, they have to go through the protest process, it will be ignored in that process. The State has to follow the State procurement laws which would allow that sort of influence, so the County really...and that is why it is a non-binding Resolution, we have no say in this. This Resolution has no legal effect which is why it is non-binding. With ethics it brings into...the moral Code of Ethics brings in the Fair Treatment Clause, and so if this is something that the County had control over, I would say, yes, I would have ethical concerns, you really should not be trying to influence procurement, especially when State law governs procurement. In that situation, I would say yes, it could have some ethical implication and this situation, it is something we have no control over. It does kind of ring, when you look through the Fair Treatment section of the Code of Ethics, it exists so people do not use their

position to try to unduly influence contracts specifically, so does it kind of ring of that? Yes, but do I see an actual Code of Ethics violation, no I do not.

Council Vice Chair Kuali'i: Is there anyone else? Thank you, Mr. Bracken, County Attorney.

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

Council Vice Chair Kuali'i: Is there any final discussion? Other councilmembers?

The motion for adoption of Resolution No. 2023-60 as amended to Resolution No. 2023- 60, Draft 1 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (6) ayes, one (1) excused.

Council Vice Chair Kuali'i: Motion carries. Next item, please.

Resolution No. 2023-61 – RESOLUTION URGING STATE OFFICIALS TO PRIORITIZE FUNDING AND IMMEDIATE IMPLEMENTATION OF A RAPID RESPONSE MANAGEMENT EFFORT TO SAFEGUARD KAUAI FROM THE IMPACTS CAUSED BY THE COCONUT RHINOCEROS BEETLE

Councilmember Carvalho moved for adoption of Resolution No. 2023-61, seconded by Councilmember Cowden.

Council Vice Chair Kuali'i: This Resolution is from Councilmember Bulosan and Councilmember DeCosta. Do you want to share anything on your Resolution?

Councilmember Bulosan: Sure. Thank you councilmembers for allowing us to put this on the agenda today. It is pretty clear, Kaua'i is one of the last places to experience Coconut Rhinoceros Beetle (CRB) and it is here. We have some testimony that will come, in short, from some of the experts that are handling this issue right now and it is affecting our county not only in private places, but on actual county grounds. This Resolution is to encourage swift action because this is one of the things we do not want to see expand on Kaua'i, and it is easy to paint the picture of what this can effect, I just have to say, the Royal Coconut Coast, and you just know the effects of what is going to happen, but that is not limited to just that experience and it is not the experience in which that we want our community to face. This is a swift action to be in support of our current actions that are being taken by the Department of Agriculture, our County of Kaua'i Parks and Recreation Department, our local non-profits, like Kaua'i Invasive Species Committee (KISS),

and Councilmember DeCosta and I want to stand firm in all our actions, including all the organizations possible to eliminate, eradicate, treat, and support the community in addressing this issue as fast as possible so this problem can no longer be here on Kaua'i. I could read the BE IT RESOLVED, if that is at the pleasure of the members, and if not, everyone can read it on the board and it is also in the agenda. Councilmember DeCosta, is there anything else you would want to add?

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you, Vice Chair Kualii. Thank you Councilmember Bulosan. Again, a Resolution is non-binding, but in this situation we are really encouraging our State to put their money towards this invasive species. We have put money into many different invasive species throughout the island and this directly impacts coconut trees, but what is Hawai'i without a coconut tree? You look at O'ahu and there is a lot of the coconut trees standing there dead without leaves on it, and we are hoping that right now that we get a jump on it with some kind of financial stability without this project to remove this invasive...if we let it go any further, we are going to be like O'ahu and we are just going to give up on it. This beetle would and may transverse into another species that could be at the mercy of being eaten by these coconut rhinoceros beetles. I am happy that Councilmember Bulosan and myself have worked on this and hope to get your support.

Council Vice Chair Kualii: Are there any questions for the two (2) introducers?

Councilmember Cowden: I have more of a comment than a question.

Council Vice Chair Kualii: With no further questions, while the rules are still suspended, do we have anyone signed up to provide public testimony?

JADE FOUNTAIN-TANIGAWA, County Clerk: We have two (2) registered speakers. The first registered speaker is Tiffany Keanini, followed by Haylin Chock.

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

TIFFANY KEANINI: Hi, good afternoon, I am Tiffany Keanini. I am the Manager of Kaua'i Invasive Species Committee and I am in support of this Resolution. Thank you for introducing it. Just a little background, CRB was first detected on Kaua'i in May 2023, during our monthly monitoring checks at the airport. Following that initial detection, there was an initial multi-agency rapid response effort to go after the suspected breeding site. Crews from multiple partner agencies did island-wide detection surveys to identify any additional introductions or possible populations. Since then, we have had about eighty-two (82) traps around the island, including twenty (20) that are maintained by our conservation partners and our agricultural community that you heard earlier in the testimony. We now have four (4) general locations on the island, so that adds one (1) additional location than when this Resolution was drafted really highlighting the need that something needs to be done quick. We still have a chance to do something and stop it and eliminate it

before it can spread island-wide and we should take that chance and encourage the State and our partners to move forward. Next week University of Hawai'i (UH) researchers and the teams from Hawai'i Department of Agriculture (HDOA) in coordination with County parks, we began the treatment at Wailua Golf Course. It was in a press release. This is really great, but it is crucial that all of the CRB detections that we currently know about are treated with the same amount of effort if we really want to stop this thing. We can easily spread CRB by moving infested green waste, soil, compost, mulch, so now is really the time for the State, County, and community to come together and start using best management practices to stop the unintentional spread, because we do not want it to continually spread throughout it across the island. We have the ability to stop it. I really appreciate the Council's support in encouraging the State to include permanent language in the Hawaiian Administrative Rules, Chapter 472, that can safeguard Kaua'i and prevent the movement of CRB and additional hitchhiking pests. I think this Resolution is really important to our community and to show the State that we think this needs to be prioritized. Thank you.

Council Vice Chair Kualii: Thank you. Are there any clarifying questions?

Councilmember Kagawa: Yes. The four (4) locations, one (1) is the airport, one (1) is at Wailua Golf Course. What are the other two (2)? If you cannot disclose, it is okay.

Ms. Keanini: Kilauea area and then there is one (1) in...you said the airport, the airport has been eliminated.

Councilmember Kagawa: Oh, that is done. So, what is the last...

Ms. Keanini: More west in the Lihu'e, Puhi area. Those were the ones in our press releases and there was an additional one this morning that has not been released.

Councilmember Kagawa: How big is...is it like a peanut?

Ms. Keanini: I believe, actually, we have a beetle to show. These were just caught by the community trapping effort last night or the night before last.

Councilmember Kagawa: Bigger than a bumble bee.

Ms. Keanini: Yes, they are huge when you look at them. They are almost larger than the big cockroaches.

Councilmember Kagawa: If you have one (1) male per se, they need a female to reproduce, right?

Ms. Keanini: Yes.

Councilmember Kagawa: Yes. We are worried that when they are being transferred by mulch, green waste or compost that there are multiples, like male and females.

Ms. Keanini: We are worried that their eggs and larvae are in there. Their eggs are about the size of a Tic Tac and their larvae, which I do not have, has multiple stages—three (3) different stages and it will get probably larger than your thumb. It is harder to find that Tic Tac in compost and that is what we are really worried about. From infested areas off-island and within the island.

Councilmember Kagawa: So good chance that the larvae will have male and female.

Ms. Keanini: Yes.

Councilmember Kagawa: Thank you, Council Vice Chair Kualii'i.

Council Vice Chair Kualii'i: Thank you. Next person to testify.

Ms. Fountain-Tanigawa: Haylin Chock.

HAYLIN CHOCK: Aloha County Council. My name is Haylin Chock. I am representing Kaua'i Native Species Committee, I am the Outreach Specialist, as well as myself as an *aloha aina*. I am here to express my strong support for this Resolution and invasive species have long been a burden to Hawai'i. I know we are no strangers to that. Within my relatively short lifetime I have seen the impacts that a single invasive species has a rippling effect in the community. Coconut Rhinoceros Beetle is an invasive species that cannot be pushed to the back burner. Despite its name having a tie to a primary food source of coconut, we do know that it can move on to banana, *lauhala*, it can also move onto to agricultural and culturally significant plants, as well as our endemic species and *lolu* that are endemic to Kaua'i and Ni'ihau. I strongly believe that with swift and affirmative action by community leaders such as yourself, and authoritative organizations, this pest can be contained and managed at this phase early infestation. I graduated from UH West on O'ahu on the Waianae Coast and I studied sustainable community food systems. Many of my classmates are now food producers and farmers on the West Side. They are also cultural practitioners in *lauhala*, and I recently got in touch with them to see how CRB has impacted their lives on the Waianae Coast. Within five (5) years, from me moving back to Kaua'i, from there being plentiful amount of coconut along the coast and into the valleys, it has now impacted and infested that entire coastline that Waianae is known for, and gone all way into the valleys and into places like Ka'ala Ponds and has complete decimated some of those trees to the point of no return. It worries me that this particular invasive species can spread and impact us so quickly. This one pest can hinder agriculture industries, especially producers who rely on sharing mulch and coconut mulch, which is something that we practice here on Kaua'i. It threatens local farmers and it threatens cultural arts of *lauhala* weaving and endemic native plants. I hope that as community leaders you will have the foresight and drive to keep the pest under control and support future efforts to stop the spread of CRB. Thank you.

Council Vice Chair Kualii: Are there any clarifying questions?
Councilmember Kagawa.

Councilmember Kagawa: I know that some of the folks that eradicate the coconut trees, they mulch it up and then they donate it to Waimea High School and whatever agriculture programs, but is that safe for us to do that until we get the CRB under control?

Ms. Chock: From my knowledge right now is that if it is freshly mulched which means it goes through that process of being torn up, it is safe if it is done on-site and it is not moved. Usually if mulch is sitting somewhere for a period of time on a property and then moved to a new one, that is where it can be sticky. Say, they mulched it on one property that happens to have CRB, and then different community members come and pick up that mulch or they move that mulch to a new place and it has been sitting there for a while. That is where it can be transported, but if it is mulched on-site, I believe that is the safest way to do it.

Councilmember Kagawa: For now, not to transport the mulch, just keep it on-site.

Ms. Chock: Yes. From my knowledge and Ms. Heanini can follow up with that information and confirm it. It can either be heat treated or it can be physically moved and treated, so it goes through a mulcher again. That will essentially kill the CRB that could possibly be in there.

Councilmember Kagawa: Makes sense, thank you.

Council Vice Chair Kualii: Thank you. Is there anyone else in the audience wishing to testify? Please come forward. State your name for the record.

DEXTER KISHITA, Hawai'i Department of Agriculture, Deputy to the Chairperson: Good afternoon. Thank you again for hearing this really important Resolution. Councilmembers who introduced it, thank you for taking this. As you saw, it is a pretty crazy beetle. Actually before I get started, I would really want to thank the Administration and the Mayor and his team who have been absolutely amazing to work with giving us whatever access and support is needed to do this operation that we are going to be doing next week at Wailua Golf Course. They have been great. At the same time, the Governor released funding to be put towards CRB operations, so we will be able to access funding to continue this work at least in the short-term. The reality is one million dollars (\$1,000,000) is not a lot to combat an invasive species like this, but we will do all that we can with the partnerships that we have to ensure that we do the best, but I want to say that Kaua'i, you are on the cusp of moving from possible eradication to just maintaining and controlling with community. We have to act now in a few ways. The department will come in and do these operations when we find these incidences like Wailua Golf Course, the...I think it is the back "9" that we are really going to be concentrating on because that is where we see heavy activity. Beginning of June, zero (0) hits in traps. Now, we are seeing thirty-one (31) hits in the trap. We see exponential, actually no,

a lot of rhythmic growth that is happening with this. If one (1) female can lay ninety (90) eggs in its lifetime, that is why we are going to see this and why we need to act absolutely quickly and now. The other piece is that we need the community to be aware. We do know that we are starting to find...we thought that compost that was getting shipped in from the continent was pretty safe...they do not have CRB, but somewhere along the supply chain before it gets to final destination, there is infestation that is possibly happening. We need folks to be very vigilant that if they are going to buy a bag of compost, whether it is bagged on O'ahu or from the continental U.S., or anywhere, if there is are any holes in it, possibly return it back to the place they bought it from so they can store it in a container because very likely, as you saw the size of the beetle, they will burrow in to potting soil, to mulch, to even garden soil mixes if they need that place to lay eggs and then have their larvae hatch and grow. The other pieces as mentioned—do not move compost. Do it on-site, but we also know there also green waste facilities and the County will be going through some training to learn the best management practices and then implement them at the municipal green waste collection sites. Thank you.

Council Vice Chair Kualii: Thank you. Are there any clarifying questions?

Councilmember Cowden: I have a clarifying question when you are talking about the palm. It is not just the coconut palm, right?

Mr. Kishita: Correct.

Councilmember Cowden: Can you name the plants?

Mr. Kishita: There is a bunch of palms that do get affected. It seems as though the areca palm, not as much, but the danger, I guess in even saying coconut trees, because you are right, there is a bunch of palms...there is an interim rule that actually I am waiting for the email that our chairperson is going to be signing specifically for CRB.

Councilmember Cowden: Could you say Coconut Rhinoceros Beetle because people are listening and acronyms lose listeners. Coconut Rhinoceros Beetles.

Mr. Kishita: Correct, yes, Coconut Rhinoceros Beetle. It is now not only palm trees though.

Councilmember Cowden: Yes, but so what else?

Mr. Kishita: They have been found in attacking things like *kalo*, which is very different than a palm. They have gone to the *loulou* fern, not fern, palms. So, a lot of the fan-leaf types. Be vigilant, any palm tree, if you see things like large holes attacking especially the crown, go to CRBHawaii.org or (808) 643-PEST and let someone know so we can be tracking and confirm that this is Coconut Rhinoceros Beetle or some other damage.

Councilmember Cowden: And just so I am clear, one big indicator besides that burrow hole is the “V” shape on the frond.

Mr. Kishita: Correct, because as the frond is developing, the beetle will burrow in and kind of eat through it and then you will see...I would liken it to...I do not know if you have done those paper dolls...similar thing. It is folded up, it eats through, so when it unfolds, it is this strange diamond “V” shape.

Council Vice Chair Kuali'i: Councilmember Kagawa, you had a question? Okay, and you too?

Councilmember Bulosan: Clarifying question. Thank you again for flying all the way to Kaua'i. Is that one million dollars (\$1,000,000) allowed by the Governor specifically for treatment of Coconut Rhinoceros Beetle on Kaua'i?

Mr. Kishita: No, it is for state-wide. Correct, it is not a lot when you split it, though currently O'ahu and Kaua'i have been the live detections.

Councilmember Bulosan: I had several more questions, they are really not clarifying.

Council Vice Chair Kuali'i: Okay, thank you.

Mr. Kishita: I can follow-up in person or feel free, I will give my contact number later. Thank you.

Council Vice Chair Kuali'i: Thank you. Is there anyone else from the audience wishing to testify? Come on forward.

Mr. Hart: For the record, Bruce Hart. I am sure all of you are aware, this is alarming. As the gentleman said, we are on the cusp, if we pass this point and it spreads to the interior, we will no longer be able to eradicate it, in my opinion and others. We will be able to just slow it down...we will only be able to manage it, so we are only going to have this one (1) chance. I even want to speak to the children of this community, “If you see this bug, go tell dad or mom, because this bug is bad.” Okay, thank you.

Council Vice Chair Kuali'i: Come on forward, Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. Decades ago I raised hogs and poultry and then switched to tropical flowers and foliage on Maui and at the time I ended up having a great relationship with the State Department of Agriculture... several of their departments, and a real “tip of the hat” to them because with extremely limited resources and even more so today because we have had severe cutbacks in the last thirty (30) years. They are excellent at focusing and figuring out what is the worst threats facing us and then focusing their effort on that. I am hugely impressed with their response to this beetle. To the public, they are going to be treating the Wailua Golf Course, so please do not get all alarmed and upset because according to the news, they are going to using, in part, drones so that they can very

accurately apply pesticide to the tops of the trees to kill the bugs and protect the trees and it is just the reality if you want to have palm trees, you are going to spray poison into them to kill the bugs, and if we do not, then the bugs will win. Please keep your protest to a minimum about the use of pesticide because it is reality. This is an ongoing problem for us. Back in the 1980s, the State told us they could clearly identify at least three (3) new species of insects that were negatively impacting agriculture every single year. This is like twenty (20) times three (3), like sixty (60) new species of insects or more basically since I got out of it and this is just the most recent or one of the more recent ones, and so “tip of the hat” that we have the...to them to catch this on time for us to be able get it under control. Thank you for your support of the State effort and the language in the Resolution was most excellent. Thank you very much.

Council Vice Chair Kualii: Anyone else wishing to testify from the audience? Deputy Director, if you could come back up. Councilmember Bulosan has a clarifying question for you.

Councilmember Bulosan: Thank you again. You mentioned that the one million dollars (\$1,000,000) is not just for Kauaʻi, it is Statewide. In that one million dollars (\$1,000,000) is it for treatment and education, or is it just treatment, or just education, or both?

Mr. Kishita: Luckily it was set-up to be very broad in what we can use it for.

Councilmember Bulosan: And with that one million dollars (\$1,000,000), is there also allocated personnel from Department of Agriculture to provide services?

Mr. Kishita: In the one million dollars (\$1,000,000), not quite that broad. Personnel did not come with that allocation, but we do, between our Plant Pest Control team and our Plant Quarantine Team, as well as, our partners like KISC, the Invasive Species Committee here would be the way that we would do education, as well as, I am sorry, CRB response team.

Councilmember Bulosan: With follow-up with that, you mentioned there is a CRB response team. They will allocate some of that fund, I guess, is there treatment plans—can you clarify the treatment plans of the Hawaiʻi Department of Agriculture (HDOA)?

Mr. Kishita: Absolutely. So, why this Kauaʻi operation, the Wailua Golf Course operation is so important, it will be really informative on treatment plans going forward partly because we need tighter data to figure out where the breeding grounds are, because we need to break the lifecycle, right? We cannot spray all the coconut trees on the island and there are other options, but I am not quite comfortable going there for all coconut trees and they are called “systemics.” It is essentially an injectable into the tree that goes into the system, but you are not able...you will need to de-flower so it does not fruit the tree for a few years. That is not the route I want to go. We want to break the lifecycle and catch them at the

mulch plant material grub stage and deal with it there, but we need to find it first and one of the difficulties is that Kaua'i has a lot of plant material on the ground.

Councilmember Bulosan: A couple more clarifying questions.

Council Vice Chair Kualii: They are clarified.

Councilmember Bulosan: You mentioned that it can also affect *kalo*. Right now, I think there is like tinging on the back of my head considering the amount of *kalo* that we have here. In that one million dollars (\$1,000,000), is there educational resources for *kalo* farmers how to detect and treat?

Mr. Kishita: That is not their primary food source so the primary focus is going to be on our palm and coconut tree areas, but CRB Hawai'i website and some of the material usually translates to anything. Many of the pesticides that can be used are restricted use, so you need specialized licensing to be able to use it. Again, thinning out the mulch pile or compost and things like that are going to be the key measures that most people can do easily.

Councilmember Bulosan: Two (2) more clarifying questions. One (1) was you mentioned that there is treatment for Wailua Golf Course and that was in your press release, but did not mention treatment elsewhere because it is not planned or it is not stated yet.

Mr. Kishita: It is not stated yet. Wailua is by far the place we are hitting the most, so we need to focus there and bring that down. And yes, we need to "chew gum and walk," so I get that...that we need to be able to focus there and now start working in some of the other areas especially now that a few more areas are possibly on our radar. So, we are going to be developing, and in fact, that is part of the other calls I was taking in and out of the County Council meeting today...to develop the plans now that we are seeing greater spread on the island.

Councilmember Bulosan: And last clarifying question. For the community you mentioned that there are things they can do for treatment and you said something about the mulch and also if they identify it.

Mr. Kishita: Right, so again, keeping mulch really thin right now, so not thick piles. The larvae like it dark, warm, but not too warm, but darkened and moist where they will be able to lay their eggs, hatch, and eat. So, keeping it thin where the sun can keep it dry is actually helpful. I know that is counter to why you are probably mulching, but compost, as well. The other thing you can do is as you are bringing in product, make sure it is not infested. So again, if it is a bagged product, making sure no holes, completely sealed before you apply. If it is bulk product that you are picking up on-island, making sure that facility has good management practices in ensuring the piles are either getting up to temperature or that they are fumigating before distribution. If you see plants growing on a mulch pile, that mulch pile is way too cool to be safe for CRB...Coconut Rhinoceros Beetle, sorry, can definitely be living in there.

Councilmember Bulosan: Thank you.

Council Vice Chair Kualii: Thank you.

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

Council Vice Chair Kualii: Members, is there any further and final discussion before our vote. Councilmember Cowden.

Councilmember Cowden: I want to, first of all, thank Kaua'i Invasive Species Council and UH and the team that came over. I want to acknowledge the training that I received with you folks and the CRB Response Team at Na Aina Kai, they had a number of agriculture workers there, I do not know, probably twenty (20) some odd people from our community in Kilauea. I just want it out there that they will come make house calls like that and get the neighborhood together and the people I know at least up Waikoloa Road and different places are actively looking for it and it is because of your effort. So, I thank you for that, I thank you for joining me on the air, and we have been paying attention...you saw the Hawai'i Founders Union United are talking about it. We appreciate the effort and I am sort of right now speaking for the Northeast because it is there also, it is not just Wailua...it is definitely in Kilauea and thank you and I guess I am going to make a comment that when we were doing something on Coco Palms, we had a testifier who talked about when she worked there many years ago, that it was there then too. Maybe it has come and gone and it has come back. Thank you, we need to work to not have Coconut Rhinoceros Beetle.

Council Vice Chair Kualii: Is there any further discussion?
Councilmember Bulosan.

Councilmember Bulosan: I will just close. I want to *mahalo* our Deputy Director that joined us today and especially thanks to the Kaua'i Invasive Species Council for the presentation a few months ago to alarm us of this issue and work with us to help mobilize our community. With the testimonies, I am even more alarmed than before this Resolution. I am actually petrified at the thought that this could affect not only palms and coconut trees, but *kalo*. That part I did not know and now I am even heightened to a better response. It does not sound like one million dollars (\$1,000,000) to the entire Statewide effort is enough and I wish if the Governor was watching, we could get allocated personnel specifically to address this and mobilize HDOA as fast as possible. As we heard from our community, the devastation that this potentially can happen to us hearing about what has happened to Waianae, but then if you expand that to *kalo* and how that would affect the entire island of Kaua'i. I do not want to be sitting here five (5) years from now...I am just not going to entertain that thought, but I really, this is a call-out to the community because we know here on Kaua'i, we mobilize as a community. So I strongly encourage our entire community regardless if you are in agriculture or not, if you see a mulch pile, you know the person who owns that and it is piled up too high, spread that thing if that is okay with whoever owns that. Educate each other...CRGHawaii.org. The greatest things about our community is that we self-activate as a community, we address problems together, we work together, and I

would like to say that three (3) months from now I hope the vision that we eliminate every Coconut Rhinoceros Beetle here on this island and maybe the next Resolution is a celebration because I cannot imagine this...I do not want to imagine the worst case scenario of this. And so please, if you are watching, share this information, make sure everyone knows what is going on and let us activate as a community.

Council Vice Chair Kuali'i: Is there any final discussion? Can I get a roll call vote?

The motion for adoption of Resolution No. 2023-61 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (6) ayes, one (1) excused.

Council Vice Chair Kuali'i: The motion carries. Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2907) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE

Councilmember Cowden moved for passage of Proposed Draft Bill (No. 2907) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Parks and Recreation / Transportation Committee, seconded by Councilmember Kagawa.

Council Vice Chair Kuali'i: Are there any questions for the Department of Parks and Recreation or Transportation Agency? Are there any questions? The rules are still suspended. Did you? You do not have to.

Councilmember Cowden: I wondered if Councilmember Kagawa or someone wanted to just say what it is.

Council Vice Chair Kuali'i: You do not have a question, but you want to...

Councilmember Cowden: For the public, but I read the Bill. I am aware of it.

Council Vice Chair Kuali'i: We talked about this earlier.

Councilmember Kagawa: Yes, we talked about this earlier.

Council Vice Chair Kualii: We took testimony.

Councilmember Cowden: Oh, that is correct. Never mind.

Councilmember Kagawa: If I can, Council Vice Chair Kualii, I have some adjustments that are going to come up...I got some...right now to talk to the golf course staff. They were kind of concerned that we jumped a little bit too high for non-residents, so I will be looking at some amendments in committee. We can discuss those amendments in Committee. Also amendments to some of the other rates that are going up five dollars (\$5), instead we are going to go up only three dollars (\$3). Again, I think it is a collaboration with the Administration. The money part involves Golf 10. Basically Golf 10, the monthly is from sixty dollars (\$60) to seventy dollars (\$70), forty dollars (\$40) to fifty dollars (\$50) for seniors, and twenty-six (\$26) to thirty-six (\$36) for super seniors, but the daily rates, I am looking at a smaller increase of fifteen dollars (\$15) to eighteen dollars (\$18) for the daily and twenty dollars (\$20) to twenty-three (\$23) for the daily on the weekends for the residents, but we will discuss it in Committee and if the committee decides that they want to keep the higher increase, I think Kauai Golf Association (KGA) looked at it, they know that they are always going to oppose going up there, especially like times like this, but I think they overall approve of...they know that costs have gone up and there are complaints about non-golfers saying the subsidy we have, so I think the Bill that Councilmember DeCosta and I have is one about fairness in making the golfers pay what we think is a fair price, because it is still a great deal to play that wonderful golf course that we have...it is a prized gem and they continue to do a great job taking care of it. The golfers cannot expect the fees to be the same ten (10) years later. We have to build revenue up as much possible for them otherwise it is going become so large that non-golfers are going to ask for more drastic measures on the course. Thank you Council Vice Chair Kualii.

Councilmember Cowden: I have a couple questions for him.

Council Vice Chair Kualii: Okay, go ahead.

Councilmember Cowden: Councilmember Kagawa, what is KGA?

Councilmember Kagawa: KGA is Kauai Golf Association, which is made up of longstanding members that oversee the Wailua Golf Course and puts comment on any discussion made by Administration or County Council.

Councilmember Cowden: Will we anticipate that a member of Kauai Golf Association will be at our Committee Meeting?

Councilmember Kagawa: I think, I do not know if they are wanting to show up, but I think they have made their comments known to Patrick Porter, Director and Wallace G. Rezentes, Jr., Deputy Director.

Councilmember Cowden: Okay, my other question is, I was a former business person. My guess is probably the regular golf courses are hoping that our non-resident fee is up a little higher because we are probably...not only are we a good

golf course, but we are probably competitive with their viability. Is that accurate? Are we going to hear from them?

Councilmember Kagawa: We have received testimony from Puakea and Kiahuna has given me verbal support for...

Councilmember Cowden: They probably like us raising the price.

Councilmember Kagawa: Yes, because their rates are up in the neighborhood of one hundred twenty dollars (\$120) per day and ours is currently at forty-eight dollars (\$48).

Councilmember Cowden: That is an even drive?

Councilmember Kagawa: And we are talking about almost two-thirds lower than what they currently have.

Council Vice Chair Kuali'i: Okay, while the rules are still suspended, do we have anyone signed up to testify? Is there anyone in the audience wishing to testify? Come on forward. Mr. Sykos.

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

Mr. Sykos: For the record, Lonnie Sykos. I would like to thank the two (2) councilmembers for this excellent piece, here. Once again, I am amazed at how many years I guess it has been...I have been before this microphone and this is another conversation that has been ongoing since I first showed up here. I think the pricing is really good, right? I do not have any marketing science or anything that I have done recently, but just looking at the prices, in today's world a twenty dollar (\$20) bill is like change. I mean a twenty-dollar-bill is real money to me because I am old. But the younger people today, twenty dollars (\$20) is nothing. And so these prices...sixty dollars (\$60) or eighty dollars (\$80) to play that golf course is a screaming bargain. It may not have all of the bells and whistles and whatnot that the golf course is designed by the gentleman that was here on the previous council, but the view at Wailua Golf Course, there is no more pleasant place to play golf in the world. This is extraordinary. These are really good prices, the "tip of the hat" to the Department of Parks and Recreation for realizing they need to raise them, and my only observation is, if it seems the thing to do, that you could raise them a little bit more. Even me...where do I fall into, senior Kaua'i resident, fifteen dollars (\$15). How much does a movie cost, right? Not that I want the price to go up, but even with these prices raised, this is an extraordinary bargain. If you keep it at fifteen dollars (\$15), thank you very much, I will appreciate it and if you raise it up to twenty dollars (\$20), I will gladly pay that as well. Thank you.

Council Vice Chair Kuali'i: Anyone else? You have clarifying question? Anyone else wishing to testify on this item? Nope. Okay, I will call the meeting back to order.

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

Council Vice Chair Kuali'i: Members, is there any final discussion?
Councilmember Bulosan.

Councilmember Bulosan: As Chair of the Department Parks and Recreation, I just wanted to say that I wholly support this measure and I think this has been long awaited and echo some of the efforts that the introducers have done and I appreciate them doing the work and definitely appreciate our team at the golf course and our Department of Parks and Recreation that has diligently put efforts to take care of this world class facility and I look forward to make it a more feasible financial situation in which we can provide better services in the future.

Council Vice Chair Kuali'i: Is there any further discussion? If not, could I get a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2907) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Parks and Recreation / Transportation Committee, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (6) ayes, one (1) excused.

Council Vice Chair Kuali'i: The motion carries. Next item, please.

Proposed Draft Bill (No. 2908) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR – \$61,400.00*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2908) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Vice Chair Kuali'i: Are there any questions at this time?

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

Councilmember Cowden: I have a process question. I appreciated some written answers I received. In the Committee, who will a person we would ask anything of?

Ms. Fountain-Tanigawa: That would be our office.

Councilmember Cowden: So, in committee maybe you would be able to answer a question or two? That is a yes. Alright, thank you.

Council Vice Chair Kuali'i: While the rules are still suspended, do we have anyone signed up to provide testimony? Is there anyone in the audience wishing to testify? First reading Proposed Draft Bill (No. 2908), sixty-one thousand four hundred dollars (\$61,400) additional costs for Fiscal Year 2023, a budget item.

Councilmember Cowden: Audited County Financial Report.

Council Vice Chair Kuali'i: Yes. Okay, where were we? Being no further discussion, can we get a roll call vote.

The motion for passage of Proposed Draft Bill (No. 2908) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Committee of the Whole, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (6) ayes, one (1) excused.

Council Vice Chair Kuali'i: The motion carries. Next item please.

Proposed Draft Bill (No. 2909) – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2909) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember DeCosta.

Council Vice Chair Kuali'i: Are there any questions?

Councilmember Cowden: I will reserve my questions until committee.

Council Vice Chair Kualii: Committee, thank you. While the rules are still suspended, do we have anyone signed up for testimony? Is there anyone in the audience wishing to testify? Members is there any further discussion?

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

The motion for passage of Proposed Draft Bill (No. 2909) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 1, 2023, and that it thereafter be referred to the Committee of the Whole, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Seven (6) ayes, one (1) excused.

Council Vice Chair Kualii: The motion carries. Next item, please.

BILL FOR SECOND READING:

Bill No. 2906, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Constituent Staff Support - \$400,000*)

Councilmember Cowden moved to approve Bill No. 2906, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Bulosan.

Council Vice Chair Kualii: We brought this out of Committee, this is here for second reading. We should have had all of our questions answered already, yes? While the rules are still suspended, do we have anyone signed up for testimony? Do we have anyone signed up for testimony? Do we have anyone in the audience wishing to testify? Members is there any final discussion? There being no further discussion, roll call vote.

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

The motion to approve Bill No. 2906, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Kagawa, Kuali'i	TOTAL – 5,
AGAINST ADOPTION:	DeCosta	TOTAL – 1,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes, one (1) no, and one (1) excused.

Council Vice Chair Kuali'i: Next item, please.

EXECUTIVE SESSION.

ES-1105 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority for a possible settlement proposal in a claim filed by, CLERKIN, SINCLAIR & MAHFOUZ OBO USAA CASUALTY INSURANCE COMPANY A/S/O ADAM K. HUSSEY AND KYLLIE HUSSEY and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-1105, seconded by Councilmember Carvalho.

Council Vice Chair Kuali'i: Is there any public testimony? Is there any discussion? Come forward.

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

Mr. Sykos: For the record, Lonnie Sykos. As always, the public is greatly interested when our tax money is about to go into settlement hearings. Given that this case was filed in court and is public, could you have the County Attorney inform the public what the generalities were when they filed suit against the County, it states what the lawsuit is about. We realize you will not tell us any details, but what can be addressed, to please do simply so the public is aware of why our money is, once again, at risk. Thank you.

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

Council Vice Chair Kuali'i: The clerk just read the item so I think that is as descriptive as we are going to be. The County Attorney will come back out after the meeting and share what he can legally. Members, the vote is to go into Executive Session. Seeing none, roll call vote.

The motion to convene in Executive Session for ES-1105 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kuali'i	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,

EXCUSED & NOT VOTING: Rapozo
RECUSED & NOT VOTING: None

TOTAL – 1,
TOTAL – 0.

Ms. Fountain-Tanigawa: Five (6) ayes, one (1) excused.

There being no objections, the meeting recessed at 2:54 p.m., to convene in Executive Session.

The meeting reconvened at 3:01 p.m., and proceeded as follows:

(Councilmember Kagawa was noted as not present.)

Council Vice Chair Kuali'i: Calling the meeting back to order. We will hear from County Attorney, Matthew Bracken on Executive Session.

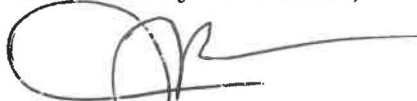
Mr. Bracken: Matt Bracken, County Attorney. We entered into an Executive Session to discuss a pending claim. Pursuant to State law, we need to disclose anything that is not confidential. At this time, it must remain confidential. Pending claims are disclosed on County Council's agenda quarterly, therefore, there is nothing to be disclosed at this time.

Council Vice Chair Kuali'i: This concludes the business on our agenda. There being no further business, and hearing no objections, this meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 3:06 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc/db

(October 4, 2023)

FLOOR AMENDMENT

Resolution No. 2023-60, RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO CONTINUE TO CONTRACT WITH AMERICAN MEDICAL RESPONSE TO PROVIDE EMERGENCY-MEDICAL SERVICES IN THE COUNTY OF KAUAI

Introduced by: FELICIA COWDEN, Councilmember

Amend Resolution No. 2023-60 in pertinent part to read as follows:

“WHEREAS, the Department of [Heath] Health has not publicly released the contract with Falck Northwest Corporation, and it is unclear how ambulances in the County of Kaua‘i will be staffed; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it urges the State Department of Health to continue to contract with American Medical Response to provide emergency-medical services in the County of Kaua‘i; and

[BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to Honorable Governor Josh Green, M.D., Honorable Lieutenant Governor Sylvia Luke; Kenneth S. Fink, MD, MGA, MPH, Director of Health; Debbie Kim Morikawa, Deputy Director for Health Resources, Department of Health; Errol McGowan, President, Kaua‘i Paramedics Association; Tito Villanueva, Kaua‘i Operations Manager, American Medical Response; and Honorable Mayor Derek S.K. Kawakami.]

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to Honorable Governor Josh Green, M.D., Honorable Lieutenant Governor Sylvia Luke, Kenneth S. Fink, MD, MGA, MPH, Director of Health, Debbie Kim Morikawa, Deputy Director for Health Resources, Department of Health, Kaua‘i Paramedics Association, Tito Villanueva, Kaua‘i Operations Manager, American Medical Response, and Honorable Mayor Derek S.K. Kawakami.”

(Material to be deleted is bracketed, new material to be added is underscored.)

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(October 4, 2023)

FLOOR AMENDMENT #2

Resolution No. 2023-60, RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO CONTINUE TO CONTRACT WITH AMERICAN MEDICAL RESPONSE TO PROVIDE EMERGENCY-MEDICAL SERVICES IN THE COUNTY OF KAUAI

Introduced by: FELICIA COWDEN, Councilmember

Amend Resolution No. 2023-60 in pertinent part to read as follows:

“~~WHEREAS~~, the Department of Health advised prospective bidders that a minimum level of advanced-life-support coverage was not required; and

WHEREAS, without a minimum level of coverage, ambulance units may not be staffed by paramedics or provide advanced-life-support services; and

WHEREAS, on August 29, 2023, Falck Northwest Corporation was awarded the contract for emergency-medical services in the County of Kaua‘i from December 28, 2023 to June 30, 2027; and

WHEREAS, according to press accounts, Falck Northwest Corporation has a recent history of substantial fines by California municipalities for failing to meet response times; and

WHEREAS, the Department of Health has not publicly released the contract with Falck Northwest Corporation, and it is unclear how ambulances in the County of Kaua‘i will be staffed; now, therefore,]

WHEREAS, the Department of Health Request for Proposal (RFP) states, “All ground ambulance units at all times must be equipped and staffed to operate at the Advanced Life Support “ALS” or Basic Life Support “BLS” level for all 9-1-1 emergency calls”; and

WHEREAS, the citizens of the County of Kaua‘i deserve advanced-life support services in all ambulances; and

WHEREAS, on August 29, 2023, Falck Northwest Corporation was awarded the contract for emergency-medical services in the County of Kaua‘i from December 28, 2023 to June 30, 2027; and

WHEREAS, the Department of Health has not responded to requests for more information, and it is unclear how ambulances in the County of Kaua‘i will be staffed; now, therefore,”

(Material to be deleted is bracketed, new material to be added is underscored.)

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