

COUNCIL MEETING

SEPTEMBER 25, 2024

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair KipuKai Kualii at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, September 25, 2024, at 8:51 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Ross Kagawa
Honorable KipuKai Kualii

Excused: Honorable Mel Rapozo

(Note: No one from the public provided oral testimony via the Zoom remote technology platform on any agenda item.)

APPROVAL OF AGENDA.

Councilmember Cowden moved for approval of the agenda, as circulated, seconded by Councilmember Bulosan.

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

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

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

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

MINUTES of the following meetings of the Council:

August 14, 2024 Council Meeting
September 11, 2024 Council Meeting
September 11, 2024 Public Hearing re: Bill No. 2930

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

Council Vice Chair Kualii: Is there anyone else in the audience wishing to testify? If not, Members, is there any discussion? This is just the Minutes.

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

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

Council Vice Chair Kualii: The motion is carried. Clerk, next item, please.

INTERVIEWS:

POLICE COMMISSION:

- Merrilee Mia Ako – Partial term ending 12/31/2024

ELLEN CHING, Boards & Commissions Administrator: Ellen Ching, Boards & Commissions Administrator. Good morning, I am pleased to introduce Merrilee Ako. Most of us know her as Mia. Mia was born and raised on Kaua'i and attended Kaua'i High School. Upon graduation, she continued her matriculation at the University of Hawai'i at Mānoa (UH Mānoa) and earned a bachelor's and master's degree in education. She entered the working world just as the Department of Education was forming specialized teams to meet the federal mandates of providing appropriate services for children with disabilities. These teams included a speech therapist, a social worker, a psychiatrist, and an education specialist. Mia was assigned as a member of the Central District team which covers 'Aiea, Moanalua, Radford, Leilehua, Mililani, and Waiialua. In 1988, Mia decided she needed a hiatus from the Department of Education and went to work at the Legislature for Representative Dennis Nakasato for two (2) sessions. Representative Nakasato chaired the Committee on Labor and Government Operations. There she met Dr. Doris Ching who was the Vice President for Student Affairs at UH Mānoa. At that time, the University was just launching the federally funded Cooperative Education (Co-op) program to integrate academic and career interests with productive work experiences. Students were paid, received academic credits, and were placed in business internships. Mia was selected to kick-start this program. Mia returned to Kaua'i in 1998 and worked at Kaua'i Community College's job training program, and later the Co-op program there. In 2005, she accepted a position at the Kaua'i Economic Development Board (KEDB). As the Vice President at KEDB, she created and developed the Aloha Ike program, providing grants to public, private, and charter schools to expand educational enrichment opportunities for students through the use of innovative project-based activities. Many of the Science, technology, engineering, and math (STEM) programs got their start through Aloha Ike and this program reached over four thousand (4,000) students, sixty (60) community partners, and ninety (90) teachers. Always open to change, Mia worked at Alaska Airlines from 2015 to 2021. Please note that the 2015 to 2021 dates are a correction to her application. She was also the Manager at Kaua'i Housing Development Corporation. In 2022, Mia was selected as the Kaua'i Island Liaison for the newly elected Congressional Representative Jill Tokuda. She has always been active in the community serving on the State Boards of Easter Seals and the American Cancer Society, as well as the Hawai'i State Commission on the Status of Women. Locally, Mia has also served on the Planning Commission, the Charter Commission, and since her retirement, she became a volunteer Court Appointed Special Advocate and Guardian

Ad Litem with the Family Court. In her retirement, Mia is able to fully indulge in her guilty pleasures of murder mystery books and puzzles. With the breadth and depth of her professional and community work, I appreciate her willingness to share her time and *mana'o* with the Police Commission.

Council Vice Chair Kualif'i: Mia, is there anything that you would like to share?

MERRILEE MIA AKO: Thank you, Ellen. You made me sound good. One thing that I think I got from my father was about volunteerism. The community does so much for you. It is when it is your turn that you give back. As Ellen shared, at one time, my mom had cancer, and because of all of what she was given through the American Cancer Society, I volunteered with them. That is sort of how my volunteerism evolved. I was born, grew up, and went to school on this island. When I have time and now that I am retired, it is again...I have time and I am willing to serve, so this position to sit on the Commission for the Police...I am open, I am willing. As Councilmember DeCosta and Councilmember Kagawa know, when you are in education, you learn to listen and you learn to listen to both sides before you can make a decision. I think that helped me when I sat on the Planning Commission, because you have so many different sides. I am willing and I am still able, so I hope that you will give me your blessing to serve.

Council Vice Chair Kualif'i: Members, are there any questions for Ms. Ako?

Councilmember Kagawa: I have a question.

Council Vice Chair Kualif'i: We will start with Councilmember Kagawa.

Councilmember Kagawa: I have a question regarding all three (3). Why are they partial terms ending December 31, 2024, which is right around the corner? Is the intention to extend to a further date?

Ms. Ching: Yes.

Councilmember Kagawa: How long would each of these terms be?

Ms. Ching: All the terms end December 31, 2024. When they end at the end of the year, in about couple of weeks, you will be getting a memorandum (memo) on reappointments, so everyone whose terms have ended will be coming back to you in a reappointment memo.

Councilmember Kagawa: Thank you. I was hoping that we were not doing the interview process for just three (3) months. I hoped it would be longer.

Ms. Ching: I would not put them or you through that.

Councilmember Kagawa: I am in support. Thank you for bringing them.

Councilmember Cowden: I have a follow-up question.

Council Vice Chair Kualifi: Do you have follow-up? Councilmember Cowden.

Councilmember Cowden: I know there is an opening on the Police Commission, so she is filling in for that. Is that the same thing with the Public Access, Open Space, Natural Resources Preservation Fund (Open Space) Commission? Is there an opening? Did someone not finish their term?

Ms. Ching: That is a Council-appointed position. This would be a Council nominee. That position has been vacant for a while.

Councilmember Cowden: Okay, because I could not think of when that ended. Is the Building Board of Appeals for real property appeals?

Ms. Ching: No.

Councilmember Cowden: Is that for building appeals?

Ms. Ching: It is for building appeals.

Councilmember Cowden: Do you have a Building Board of Appeals in place?

Ms. Ching: To my knowledge and the research...I want to thank Council staff for assisting me with the research...apparently, the Building Board of Appeals was established by Ordinance in 1956, and I am not able to find any rules or minutes, so my only conclusion would be that it was never operational. This would be my attempt to try to operate the Building Board of Appeals.

Councilmember Cowden: I know there has definitely been a request from contractors on that. Will this person be the first person on that Board, so even though it says a partial term...

Council Vice Chair Kualifi: Councilmember Cowden, can you wrap up, because you are getting off of the interview with Mia.

Councilmember Cowden: I was just going off of his question.

Councilmember Kagawa: We are not on that item right now. We are not on the Building Board of Appeals.

Councilmember Cowden: Okay.

Councilmember Kagawa: We are on the Police Commission.

Council Vice Chair Kualifi: Does anyone have any questions for Ms. Ako?

Councilmember DeCosta: I have a question and I have a comment.

Council Vice Chair Kualifi: We will have discussion later. This is only for questions.

Councilmember DeCosta: My friend, Gerald, is sitting in the audience. You did not mention your husband. To the young ladies in the back, when you become powerful ladies, listen to this powerful lady right here. Yes, my friend Gerald is sitting back there. Tell me a little bit about Gerald.

Ms. Ako: My husband is also a true believer in giving back to the community. He has always told me that in his greatness in baseball, there is always someone who took time in their day to invest their time into the future, whether it is a small baseball player or a big baseball player. He believes in volunteerism and giving back. It is also something that he shares with the baseball kids who he coaches. He said, "Yes, volunteer. Get out of the house. Do your best."

Councilmember DeCosta: Thank you.

Council Vice Chair Kualifi: If there are no other questions, is there anyone in the audience wishing to testify? Seeing none, Members, we are in final discussion.

Councilmember Cowden: I wholeheartedly support you and I am someone who attends almost every Police Commission meeting. I think I have missed two (2) or three (3) in my almost six (6) years. I have known you for twenty-five (25) years of interaction. I think it began when I was on Workwise and the North Shore Business Council. I want to just add that you have always demonstrated leadership, competence, and diligence, so if you were going to have something to say, I know it was well-researched, well-thought-out, and fair. Your temperament is a really good match. Were you with Jill Tokuda, too? Your skillset goes from national to local, so I think that you will bring a very valuable perspective. The County has a great Police Commission and you will be another member of that who will bring a lot to the table.

Council Vice Chair Kualifi: Councilmember DeCosta.

Councilmember DeCosta: First of all, I want to thank Ellen. Ellen, you do a great job. This is about recognizing the Board members, not about trying to make Ellen look like she is not doing her job. Ellen, you do an excellent job. Thank you for all you do. I do not know how you find all these people. Mia and my wife are personal friends because our sons went to Kamehameha Schools. I was the quiet person next to Gerald while our wives ran the show, so to all the young ladies in this room, remember how powerful women are today, because women run the show and we are so lucky to have you. It is a blessing to have you as part of the Police Commission. We know the right work and decisions you will make, so we are honored to have you. You are a born, raised, and educated local person. How much more can we ask of you? Thank you, Mia. Thank you, Gerald, for being the silent person in the back. I am that silent person, too.

Council Vice Chair Kualifi: Are there any other Members.

Councilmember Kagawa: Thank you for bringing Mia. I am in strong support. In full transparency, the Police Commission has some problems to address with the Chief of Police and the union. It is well-known out there. There are issues and there

is discontent within the ranks, and I think it is upon the Commission to address it. Thank you. It is a tough job that is coming up, but I know you fit it well.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: Mia, I have known you for a long time, you have been at all different levels, and volunteerism, but it was more than that. It was your heart and soul just to get things moving within whatever committees you were in. I like the word “reactivate.” Right now, you need to reactivate your volunteerism, right? You cannot stop. That is the magic of who you are and how you serve our community. Thank you for your service. I know you will do very well on the Police Commission.

Council Vice Chair Kualii: Councilmember Bulosan.

Councilmember Bulosan: Everyone has said it, so I will just say, “Ditto.” Thank you.

Council Vice Chair Kualii: *Mahalo nui loa* for your life of service. You are truly one of the County’s best examples of servant leadership, of volunteerism, and of giving back. You must love and enjoy it, because it truly shows that it has been your whole life, so thank you so much. Next interview.

PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES
PRESERVATION FUND COMMISSION:

- Manuel L. Cabral (*Hanapēpē – ‘Ele‘ele*) – Partial term ending 12/31/2024

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. On behalf of Chair Rapozo, I am happy to introduce this Council nominee, Manuel Cabral, for the Public Access, Open Space, Natural Resources Preservation Fund Commission for the Hanapēpē – ‘Ele‘ele position. Manny was born on O‘ahu and raised in Kalihi. To get away from the “big city,” the family moved to Kaua‘i where he attended and graduated from Waimea High School. Following high school, Manny worked in his grandfather’s tree trimming business until he was hired at the Pacific Missile Range Facility (PMFR) as a hazardous material specialist. As a hazmat specialist, he worked on the transportation, storage and disposal of explosives and chemicals. Manny always loved cooking and learned from his family, grandparents, and from all the aunts and uncles at community events and parties. In 2010, he took a leap of faith and jumped into the restaurant business and opened Unko’s Kitchen and Catering (Unko’s) in Hanapēpē. Unko’s specializes in delicious homecooked meals at reasonable prices. Fourteen (14) years later, not only is Unko’s firmly rooted on the Westside in the former Hamabata’s Green Garden restaurant, it also owns the property. We have seen so many of our family restaurants close, it is so fantastic to see this 76-year tradition continue and fourteen (14) years later, Manny still loves cooking. He credits a lot of his success to Gwen and her mentoring. The restaurant business is a demanding one. Luckily, he has the support of his wife, Sharon, and their four (4) adult sons and daughters. When they can run away, it is for a trip to Vegas. His dream trip would be a cross-country drive in a recreational vehicle (RV). By the way, if you have not had it yet, his favorite dish to cook is chicken hekka, which is only by special request

on the catering menu. You would think that running a restaurant is hard enough but Manny and Sharon are also active supporters of their community with many organizations like the E Ola Mau Na Leo O Kekaha, Hanapēpē United Church of Christ, Kauaʻi Soto Zen, and the Waimea Alumni & Friends Foundation. With the recommendation of the purchase of two (2) parcels in Hanapēpē to commemorate the historic battle known as the Hanapēpē Massacre of 1924, it seems only appropriate to have someone so deeply imbedded in the Westside community as a member. I am so grateful that Manny is willing to volunteer his experience and knowledge to the Public Access, Open Space, Natural Resources Preservation Fund Commission for the Hanapēpē – ‘Ele‘ele position.

MANUEL L. CABRAL: Good morning, Council. My name is Manuel Cabral and as she said, I am from the Westside—Hanapēpē. I have been there most of my adult life and am presently there. I learned about the incident about fifteen (15) years ago sitting in a lecture by Dr. Pruitt at Leeward Community College and there were variations with what he said and with what happened. Being a union person, I understood what that whole ordeal was about. I firmly believe that after ten (10) years, the County finally purchased that piece of property, and that is what we need. We need space for local families to relax and unwind. Kauaʻi is building quickly. A lot of things are moving around really quickly, so we need places where people can go to relax. Being on this Commission is sort of like my idea. It is trying to find space we can actually use or purchase for communities to use. Most of you folks know that in the ‘70s, the plantation was a good living. There were no gates or fences. There was nothing. On Sunday, you could go with your family to “Steps.” Most of you know where Steps is. You spend a Sunday afternoon at Steps, because we respected the property owners. That is the reason why they left the gates open, but there are a lot of places I legally visited by dirt bike in the last twenty (20) years that most of the public will never see again. I was fortunate enough to see a lot of waterfalls and streams that have been taken away. We have some work to do, of course, in trying to acquire spaces where families can go to on weekends or weekdays without any restrictions. Now, most of the places that I am talking about are commercialized. I remember the ditches. I jumped in the ditches to cool off after a day of bike riding, hung out for a few hours, then got back on my dirt bike to head back out. Those are the places that we will probably never see again, but we can at least get something close to that type of environment for our community. Even if I am going for the Hanapēpē – ‘Ele‘ele position, my whole deal is islandwide. Any place we can actually find some space and can purchase or acquire to turn into a park is what I am going to do. To see the Hanapēpē thing come to life and it is finally getting there...I speak with a lot of the elders of Hanapēpē on almost a monthly basis. They have concerns of what is happening to Hanapēpē and to the island, but these people are up in age, so they all listen. I tell my kids, “If an elder is going to talk to you, listen, because they are not just talking to you, they will pass knowledge to you. It is the knowledge of what they learned throughout the years, so just listen, because you cannot find any of that knowledge in a book or in school. You need to listen to your elders. They will give you exactly what happened throughout the years.” Some of these individuals are in their eighties (80s), but they are still letting the knowledge out, so you need to capture that, retain that, and pass it down to the lower generation. This Open Space Committee is a big deal for me. I want to make sure that everything is being taken care of while we can still do it. Thank you.

Council Vice Chair Kualii: Thank you. Members, do you have any questions for Mr. Cabral? Seeing none, is there anyone from the public wishing to testify? If not, are there any Members with final discussion. Councilmember Kagawa.

Councilmember Kagawa: Thank you. For me, it is an easy vote. I grew up in Hanapēpē and just like Manuel, I am a Hanapēpē boy, a Westside boy. We enjoy the river, the ocean, surfing, and things in the river. He is right. He talks about there being a lot of places where we used to have access to that our children will not have access to, because it is all gated up. It is private property. We need people on the Open Space Commission who will open those doors so our children, the young ones out there, can enjoy the beauty of our nature and culture, like we used to. How is it fair that years later, things are more restricted, right? Things should be more open as years go by, especially for those of Hawaiian ancestry, but it is closed to everyone. We need people like Manny who know how things were, who know the *kūpuna*, and who try their hardest on that Commission to fix things, so that our young ones are not paying the price of bad decisions of the past that allowed things to close and allowed misbehavior so that people had to close because they cannot trust our normal behaving local people who want to use and take families to enjoy places. It is a perfect choice. I hope you continue to bring people like Manny here. Thank you.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you. Where do I begin? Mr. Cabral, you spoke about *kūpuna*, the elders. Councilmember Kagawa and I sit here. You were our elder when we were in middle school and high school. I look at my date here on your application...big, strong, former-Mayor, Councilmember, and 1979 graduate of Kapa‘a High School...which is the exact same year I believe you graduated...you were 1978, because my sister was your class Miss Football. The battle stories I heard about Manny Cabral versus Bernard Carvalho in the trenches, linebacker, defensive line and offensive line...these are living legends. Our nonprofit organizations on the North Shore want to look at the elders who came before to teach us things. This person is the person. I bow when I see Manny. The Open Space Commission is dear to me. I sat on that Commission from 2003 to 2005. There is so much work to be done and now the County has money. The County has that funding that comes in...that half percent (0.5%) that comes in for you folks to use. When I first started, there were a couple of accesses I was looking at and I am in touch with the Open Space Commission. I will educate you on those accesses. One is on the North Shore above Kalihiwai Ridge. That whole mountain is Unit “C.” It is owned by the State, yet no one can pick *maile* or ‘*Ōhi‘a lehua* to make *haku* [sic] *lei po‘o*, to go hunting, to spear ‘*o‘opu*. Councilmember Kagawa said a mouthful. We grew up riding motorcycles when the plantations had all the gates open. We fished bass in reservoirs that we could walk to. Why did we allow them to close the gates everywhere? It can be done, because I believe the Knudsen Trust has a motorcycle track in Oma‘o with a nonprofit organization that is insured and that people can ride around. With you on the Open Space Commission, I think you can make things happen. Take the lead of the Open Space Commission with your *mana‘o* and what you bring to the table—all the stories you learned—and make some dreams come true for the kids in the back of the Chambers, so they can enjoy some open space. Thank you.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: What can I say? We will talk about football. Do not worry. I like how you delivered your message about commitment and dedication to the community and to the whole island, about open space, and how you define your *mana'o*, and how important it is to you. Your passion is right on for this particular appointment and I look forward to whatever support we can give you, but I know you in the community. Councilmember Kagawa and I were talking about trying to create senior football, similar to senior softball. We will only use half (½) the field and will stand up, because our knees are sore. Knowing that side of the fence as well—the sports side—with you, knowing that passion comes through, so *mahalo* for “stepping up to the plate” and it will be awesome. *Aloha*.

Council Vice Chair Kualifi: Councilmember Cowden.

Councilmember Cowden: Again, I am happy with this nomination. While we did not play football together, I identify with your recognition of the challenge of the fences and the electronics, because we used to just have this sense of wonder and freedom on all sides of the island where you could just go. When I look at the youth in the room, I wish that they had that sense of freedom because we have so many amazing waterfalls and spaces where we used to play, different areas of the beaches, and we had less pigs because the hunters could go up and hunt the pigs. Now, they are growing up with a tremendous amount of restrictions, so it is no wonder that people are often living on their cellular phones. I would love to see whatever can be done to open those gates, to open the fences, and to recreate some of that, so having you on the Open Space Commission...we need representatives from all different sides of the island. I also really identify with what you are talking about with the relationship with elders. You have not reached *kūpuna* status, yet, but when you are recognizing that and as we have been having campaign forums this week in front of *kūpuna*, they are all like living libraries. It is important to have that arc of history, so when you have a restaurant where people come in to talk story and you have all that, you are actually providing that environment for that passage of knowledge in keeping those bridges open, and you get to hear it all. In having that, you ensure you have a great place for bringing people together and for being able to exchange of what is known and knowledge of how to do it, so I wholeheartedly support your nomination.

Council Vice Chair Kualifi: Councilmember Bulosan.

Councilmember Bulosan: Thank you so much for volunteering your time. It is always fun to go last because everyone else says everything, so again, ditto to everything.

Council Vice Chair Kualifi: *Mahalo nui loa* for your life of service and for stepping forward in this new role. I loved hearing you mention that you are a union person, that you mentioned Dr. Pruitt's name...it was been a long time since I thought about him...and I loved you sharing your range of experience, your appreciation for the wisdom of our *kūpuna*, and your understanding of what the job is with being on this Commission. Public access is important to our people, so good luck with all the work. It is hard work, but it is a very important Commission. Thank you so much for stepping forward. Clerk, our next interview.

BUILDING BOARD OF APPEALS:

- Julian M. John Melchor (*Electrical*) – Partial term ending 12/31/2024

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. Lastly, I would like to introduce John Melchor. John was born on Kaua'i and graduated from Waimea High School. Directly after high school, John applied for and was selected for the International Brotherhood of Electrical Workers (IBEW) Apprenticeship Program. Upon graduation, John was hired at Ron's Electric which is the only local unionized electrical contractor on the island and there he stayed for five (5) years. In 2005, John accepted a position at American Electric. American Electric is the only TEGG Service Contractor in Hawai'i. TEGG stands for Predictive Maintenance Thermographic & Ultrasonic Scanning. The TEGG System focuses on creating electrical preventive maintenance programs that protect employees from dangerous electrical hazards and interruptions in electrical service. John became the General Foreman and worked there for eighteen (18) years. In 2023, John was offered and accepted the position as the Kaua'i Business Representative of IBEW 1186. John and his wife Brandy have five (5) kids, ranging in age from nine (9) to twenty-three (23). Three (3) attend Kamehameha Schools as a seventh (7th) grader, a freshman, and a junior. They are also proud parents of their oldest who graduated from Arizona State University, earned a master's degree, worked for the Federal Bureau of Investigation (FBI), Homeland Security and now is in Washington D.C. with the Secret Service. While school comes first, the kids have always been active with paddling, cheerleading, and more. For the past sixteen (16) years, John has coached baseball, football, soccer, and even flag football. On weekends, they fly to Honolulu to watch the football games where their son is a running back. Between coaching and practice, things can get pretty hectic. John admits that has even taken the wrong kid to the wrong park. Although, their last family trip was to Disneyland about four (4) or five (5) years ago, John travels a lot as the coach for the traveling baseball teams. Without a lot of free time, I am so pleased that John is willing to lend his technical knowledge and expertise to the Building Board of Appeals.

JULIAN M. JOHN MELCHOR: Good morning. I have been in the industry for about twenty-five (25) years. I have been a foreman for about fifteen (15) years, and it varies from designing substations, water treatment plants, wells, and hospitals, all over the State. I have a lot experience in troubleshooting for that, too, and designing a lot of the Supervisory Control and Data Acquisition (SCADA) systems and whatnot, so I feel I have a lot to share as far as experience. This is sort of new for me, because I replaced Richard Jose who was the IBEW Business Representative. He retired about a year ago, so I am reaching about a year now. Also, with community things, I have been involved in a lot of sports, and this is just another way that I want to share the *mana'o*, and help and give back to the County. We are heavily involved in apprenticeship and recruiting, so as far as training, safety, and the National Electrical Code (NEC) for the electrical industry, we are really on top of that, so we enforce a lot of that with safety and whatnot, too. I just wanted to share that with you folks. This is just something else that I would like to help out with on the island to give back.

Council Vice Chair Kualifi: Members, are there any questions for Mr. Melchor.

Councilmember Cowden: I have a question.

Council Vice Chair Kualif'i: Councilmember Cowden.

Councilmember Cowden: It is for...

Council Vice Chair Kualif'i: The questions are for Mr. Melchor. If you are going to ask about process, it can be done offline with Ellen. The interview is for Mr. Melchor. Do you have a question for Mr. Melchor?

Councilmember Cowden: No.

Council Vice Chair Kualif'i: Does anyone have a question for Mr. Melchor? Is there anyone in the audience wishing to testify? If there is no one wishing to testify, Members, is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I want to thank Ellen and John for stepping up. It was mentioned, but we can discuss it during the Building Code update. The Building Board of Appeals has been inactive forever. It was meant...

Council Vice Chair Kualif'i: Councilmember Kagawa, if you are going to start talking about the process and the Boards...

Councilmember Kagawa: I thought we were in discussion.

Council Vice Chair Kualif'i: No, but...

Councilmember Kagawa: I am confident that you can help the County start this up and be the expert on the electrical end with the experts on the construction side, so that when the public has disagreements with the Building Division in passing their permits, and are denied, what was intended in the Charter is the County has a Board made up of experts like you who can provide the public with assurance that decisions are being made fairly in accordance to the County's Code. With your expertise and involvement in the community, we are off to a great start, so keep bringing it. Thank you.

Council Vice Chair Kualif'i: Councilmember DeCosta, followed by Councilmember Cowden.

Councilmember DeCosta: Thank you. I call him "Big John." Big John, thank you for everything you do. Your name throughout the electrical industry with all the apprentices your folks have under your wing have you put you on the highest pedestal. I am amazed with what you do with our youth in the electrical apprenticeship program. I want to get the attention of all the young men from the Hawai'i Technology Academy (HTA). Listen up. Electrical is a good way to make a six-digit salary and you folks can learn some of the electrical things online like different colored wires. Black being power, green being neutral, there is a brown colored wire, I am not sure what it is for, but there is an easy way to learn electrical. John, thank you for everything that you do. I also wanted to tell you that when we went to our conference, it was so nice that Councilmember Carvalho, Councilmember Kagawa, Council Chair Rapozo, and I were able to sit down with you and your union to talk about the economy and how we

can promote the economy, so thank you for that. We are afraid of being reliant on tourism, and you bring a wealth of knowledge to your position with the importance of the construction industry here, so thank you, Big John. It is an honor to have you.

Council Vice Chair Kualii: Councilmember Cowden.

Councilmember Cowden: I want to also thank you and in alignment with what he said, I am really pleased to hear you put an emphasis on apprenticeship and recruitment in your position with electrical contractors, because we need people—girls as well as boys...girls can tell the difference of colors of lines...so I appreciate that. What I am also happy to see is you are comfortable in leadership positions. That is very clear. It sounds like you are the first on this new Board, so you are going to be there...it will probably take until you have a quorum, which means there will be four (4) or five (5) before you even start to meet, so hopefully, we will get the rest in there, but starting with electrical, it is very critical and very important. What I am hearing from contractors is this has long been needed, so maybe we will have strengthened standards and the ability for people to want to enter these fields, so thank you very much. I appreciate you.

Council Vice Chair Kualii: Councilmember Bulosan.

Councilmember Bulosan: My dad is a retired IBEW 1186 union member, and I know about all the things you folks need to do to make sure you accomplish all the things you are focused on, so I am really grateful for you stepping up into this position, especially with it being a brand-new Board. Good luck.

Council Vice Chair Kualii: *Mahalo nui loa* for your willingness to step forward. This is clearly in alignment of the right person for the right job. You have the expertise. You said that replacing in Richard and whatnot that it is new for you, but all that is new is the vehicle and the venue for you to put your expertise forward, and we appreciate that you are willing to give that to the County and to the community, so *mahalo nui loa*. Councilmember Carvalho, is there something else?

Councilmember Carvalho: John, on the field and off the field...off the field, you have awesome experience with IBEW, Ron's Electric, and all of that. You bring a wealth of knowledge and your connection with the community in different levels. You go forward, and that is important in what you are going to be doing in this one. On the field, you are in total support for our *keiki* and the sports part of it with football and whatnot, and taking that side of the fence as well. I think it all connects to everything and your commitment to our youth. I remember all those things that were happening. It was good things, of course. I am totally supportive of whatever we can do to move things forward, but continue to do what you are doing on the field and off the field. *Aloha*.

Council Vice Chair Kualii: Thank you, again. We will be voting on the approval of the appointments all three (3) individuals who have come forward today at our next Council meeting. With all the young people in the audience, I just want to say that you have seen three (3) awesome examples of what it means to be part of your community, to give back, and to volunteer. I know some of you are probably already

starting, because when you love it, you do it, and you will do it your whole life. Thank you, again. Clerk, our next item.

COMMUNICATIONS:

C 2024-182 Communication (07/30/2024) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.

Councilmember Kagawa moved to receive C 2024-182 for the record, seconded by Councilmember Bulosan.

Councilmember Kualii: We will suspend the rules and let the representatives from Smith Dawsons & Andrews, Inc. do their presentation.

Councilmember Kagawa: Good morning.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Managing Director: Good morning, Councilmembers. Reiko Matsuyama, from the Office of the Mayor. I am pleased to present Kierstin Stradford-Patterson and Jim Smith on Zoom. Mr. Smith had a last-minute family emergency, so he could not be on the island, but he really wanted to join in via Zoom. Ms. Stradford has been able to enjoy the island for the last couple of days and will be here for part of the weekend. We are excited to have her. I know that most of you folks sat through the Federal funding workshop at Hawai'i State Association of Counties (HSAC) last week. You folks have seen the charts and what is available, and we are pleased to say that we do bring in our fair share. Thanks to these folks, if you compare us to the other counites across the state, we do bring in more than our fair share per capita basis. We do receive a lot of compliments from our federal delegation about how organized, thoughtful, and how we present our material in such a way that does advocate for more funding. Again, it is due to Smith Dawson & Andrews, Inc. (SDA) providing us with guidance and also, the lobbyist aspect, and being present in Washington, DC. I will pass it onto Ms. Stradford-Patterson for the presentation and then we will be available for questions after.

KIERSTIN STRADFORD-PATTERSON, Vice President: Thank you. Good morning, members of the Council. It is great to finally see you folks in person. I know that we generally do this presentation virtually considering the proximity of our office, but I am happy to be on the island. The County has been extremely hospitable, and I have had the opportunity to tour many sites and speak with several different departments about their priorities going into the next Fiscal Year (FY). This presentation will highlight our work with the County from FY 2023-2024, talk very high-level on the impacts of the 2024 Election, and our outlook on the 119th Congress. As in the years past, we will go through the presentation and open it up for questions, and I will allow Jim to introduce himself and "kick-off" our presentation.

JAMES P. SMITH, Founder and President (*via remote technology*): Hello and thank you Ms. Stradford. Good morning and afternoon from the stateside. It is a

pleasure and an honor to be here. Again, I apologize for not being there in person. As indicated, I had a family medical emergency that required me to stay behind and I was very disappointed because I was really looking forward to visiting Kaua'i again. We have not been there since before the pandemic, and I was anxious to see all the projects that have advanced and progressed in the last four (4) or five (5) years. As indicated, SDA has had a strong partnership with the County for many years now. We are a government affairs firm headquartered in Washington, D.C. We work with a number of communities and organizations all around the United States of America (U.S.A.), but we are especially proud of partnership with the County of Kaua'i. I know many of you. Some of you might be new to me, but again, let me introduce our team that has represented the County, including myself. I am the Founder and President of SDA. We have been in business for over four (4) years. I have been involved with our relationship with the County from day one (1). I have worked with many of you in your capacity on the Council and some of you as former Mayor. Ms. Stradford-Patterson is there today. I cannot thank her enough for making the trip. I am sorry that I forced her to go alone, but she has been an integral part of our team and is very familiar with all the issues. She works day-in and day-out on Kaua'i issues, with the Executive Agencies of the government, as well as the Kaua'i delegation. Of course, last but not least, Catherine Beal is also a key member of our team. Ms. Beal could not be there today either. She was very disappointed. Ms. Beal was in her "final throws" of finishing her law degree and classes prevented her from attending today. I mentioned that we have done this for a number of years now and it has been a good working partnership with the County, SDA in Hawai'i congressional delegation, because of that, we have seen a number of major successes over the years. One (1) of the first big items was the Līhu'e Town Center Mobility Project, which was funded by a Transportation Investment Generating Economic Recovery (TIGER) Project) under former Mayor Carvalho. Of course, we received a follow-up grant to the successor Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program of almost twenty-five million dollars (\$25,000,000) grant to fund the Po'ipū Road Safety and Mobility Project. Finally, the Lima Ola Workforce Housing Development Project has been a great boost for the County. It took a collective effort. At this point, I will turn it over to Ms. Stradford-Patterson and let her give an overview of some of the issues that we are working with and also a report on the progress of appropriations.

Ms. Stradford-Patterson: Thank you, Mr. Smith. It takes a lot of coordination to secure some of those major successes. A lot of that includes our daily interactions with the Office of the Mayor and a lot of the different departments. Some of the work that we usually do with the County includes sending weekly federal grant updates, which are tailored to the County's needs and goals, including areas of public safety and wellness, community and economic development, housing, etcetera. These programs vary from established federal programs to newer programs created through the current 5-year Fixing America's Surface Transportation (FAST) Act, which we will touch on shortly, and in addition, to (inaudible), we sent relevant policy and legislative updates to the County and keep a regular communication with the delegation. Additionally, we have very strong ties with the National Association of Counties (NACo) and are in constant communication with NACo and the Conference of Mayors, lots of their policy staff will reach out and keep us abreast of some of the things that are of importance to other counties, nationally. That way we are aware of

how most folks are positioning on certain issues and ensure that the County and their priorities are included in those conversations.

The next slide focuses on the 5-year FAST Act that I just flagged. It has a lot of names. Infrastructure Investment and Jobs Act (IIJA) is what it is more commonly referred to. You might also hear Bipartisan Infrastructure Law. It can also be called that as well. This legislation passed in 2021 and will run into 2026. The County roughly receives eleven million dollars (\$11,000,000) to twelve million dollars (\$12,000,000) from the Federal Highway Administration. This is dispersed under a formula and is used for existing projects that are on the State Transportation Improvement Plan (STIP). The County has then increased the annual allotment just based on the robust funding that the IIJA has provided. Some other discretionary program highlights include the Safe Streets and Roads for All (SS4A) Grant, which the County was recently awarded a two-hundred-thousand-dollar Planning Award. The County has been very successful in electric vehicle (EV) space and has received funding formerly through the National Electric Vehicle Infrastructure (NEVI) as well as the Charging Fueling and Infrastructure (CFI) program, which the County recently submitted a joint application with HSAC this month. We expect to hear back on whether the County was successful with that award in January. In addition, the Energy Efficiency and Conservation Block Grant (EECBG) Program, which will fund Level-2 charging at Lima Ola. The County was successful in that award and received notice of that in July. Again, the County has been very successful under the IIJA. This is a huge piece of legislation and I think at this point, in Congress, the current FAST Act, as I mentioned runs between 2026 and members, as well as NACo and other entities are already discussing what the next surface transportation bill looks like and are thinking of long-term solutions to fund and monetize transportation infrastructure beyond this point.

Outside of the IIJA, most of our work with the County includes working to develop and submit Congressionally Directed Spending projects for earmarks. This list on the screen is reflective of the FY 2024 projects. As you can see, the County was very successful receiving several different projects from Senator Brian Schatz, Senator Mazie Hirono, and Senator Jill Tokuda. I have included the projects and the amounts on the slides, so I will not go through each of them, but I do want to flag Project 3 and Project 4 as they are a testament to the delegations commitments in increasing the housing supply. This legislation passed in March, so the relevant departments are likely working with the proper agency contacts to begin grant agreements to access those funds. That process usually happens within six (6) to nine (9) months of a bill passage.

Moving into FY 2025, these are the current projects that are pending in the 2025 process. There is a lot of current congressional work that is happening in the FY 2025 and Mr. Smith will provide a little update on that later in the presentation, but these are the two (2) projects that we are tracking right now. One million two hundred fifty thousand dollars (\$1,250,000) for the Lima Ola Project Phases III and IV. One million five hundred thousand dollars (\$1,500,000) for Kalāheo Safe Route to Schools.

Lastly, we wanted to touch on the Water Resources Development Act (WRDA) of 2024. WRDA is a water infrastructure bill that authorizes studies and projects under the Civil War Division of the USA Army Corps. In this past year, the

County has worked with the delegation to include the following projects: Waimea and Hanapēpē Levee Projects; Flood and Coastal Storm Risk Management; and an expedited feasibility report for Waimea River 400. These are authorizations, so with this legislation, it authorizes specific projects. Once this is passed, we would still need to go back to and work with the delegation to appropriate the funding. This is the first step of a layered process with WRDA 2024, but we did want to flag that these are opportunities that we are pursuing through this process. Final passage is expected by the end of 2024 assuming that negotiations are smoothed. There is “word” that it is not very contentious and members on both sides of the isle are very supportive of these studies. Now, I will pass it onto Mr. Smith to give the State of Play in D.C., talk about the FY 2025 appropriations, 2024 Elections, and our forecast of legislative items that we expect in the 119th Congress.

Mr. Smith: Thank you, Ms. Stradford-Patterson. Ms. Stradford-Patterson referenced the FY 2025 appropriations and as you know, the Federal FY ends on September 30th. That is the time by which Congress should enact the twelve (12) standing appropriations bills. Unfortunately, they have not, which means that they will have to pass another Continuing Resolution. The Congress is in session today, doing just that. The two (2) Houses have agreed to move a short-term Continuing Resolution starting on September 30th through the middle of December. Then, come back in November, after the Elections, to finish all the regular appropriations business. The House will actually pass this legislation this afternoon. The Senate is expected to take it up immediately thereafter. It appears that they have the Unanimous Consent Agreement, so they will be able to pass that at a straight “up or down” vote and it could potentially be on the President’s desk tonight. That is to say that Congress will then adjourn for the balance of September and October and early November. As you know, the members are anxious. We have a national election underway, and members are anxious to get back to campaign for reelection. Congress will go out tonight. They will not come back until after the election, which is Tuesday, November 5, 2024. After they do come back, there are some critical must pass issues that they will have to take up in the lame-duck session. The outcome of the election might determine how much of an “appetite” they have in tackling these issues, but among them is the Agriculture Improvement Act of 2018 (Farm Bill), which expires at the end of September and must be reauthorized. They have yet to complete that. Up to this point in the year, that is going to get rolled over into the omnibus. Hopefully, they will be able to wrap up the Farm Bill in November or December. The same is true with the National Defense Authorization Act (NDAA). The NDAA is an annual authorization bill to authorize spending for the Defense Department. This is also a critical must do. Congress has never enacted the NDAA, but again, they are delayed in doing that for this year. That will come up during the lame-duck session of Congress as well. There is also talk of the “Trump Tax Cuts” that were enacted in 2017. Those expire at the end of next year and both parties are both very anxious to take that up and amend that legislation. That will not happen this year, but it is likely to see a lot of discussion in November and December with the full legislative overhaul taking place in 2025. As far as 2025 is concerned, as indicated, there are national elections. The old saying “elections have consequences,” and that certainly seems to be true and this particular year as well, we do not know yet, who will be the incumbent president, whether or not there will have to be a change in Administration. The same is true with Congress. Currently, the Democrats are the majority in the Senate, and the Republicans have the majority in the House, but both Houses are in

play in this election. It is quite possible that the Senate could “flip” Republican and the House could “flip” Democratic. The number of very close and narrow elections will determine the outcomes of those majorities.

Finally, I know that Ms. Stradford-Patterson and Ms. Beal have been in contact with the County and the Office of the Mayor. With the Council looking forward to FY 2025, putting together the annual Federal agenda, and planning a visit to Washington, D.C. earlier in the new year, we look forward to a dialogue with the Council on that as well.

Councilmember Kualii: Thank you. Members, are there any questions? Councilmember DeCosta.

Councilmember DeCosta: I wanted to know a little more about the funding for infrastructure. Depending on what route we end up with the House in Congress, is there a possibility to tackle some of the infrastructure funding? We have some critical things that we want to fix on Kaua‘i, our wastewater, infrastructure, sewer lines, and possible landfill. Is there a possibility to “jump on” some of that funding? You mentioned going in February with our Administration. If we are lucky enough to be on that Council and follow you folks to that conference, is there a possibility that we could discuss on bringing back some funds for Kaua‘i or Hawai‘i, in general?

Mr. Smith: Of course. Infrastructure is always a major focal point of local spending. Ms. Stradford-Patterson spoke about the current in IIJA, which was passed three (3) years ago. That legislation expires at the end of 2026 and the new Congress would have to take on that reauthorization. They will start the year with the oversight hearings, field trips, field visits and so forth. That will an opportunity for the County to weigh in on a variety or host of infrastructure issues and projects with the target being the next reauthorization bill. There is always the annual appropriations process. Ms. Stradford-Patterson spoke about the Congressionally Directed Spending projects that we have been successful in securing over the last several years. The delegation is always very supportive of Kaua‘i’s requests, so I think the simple answer is, “yes.” Of course, we cannot get funding for everything so that comes down to establishing the priorities and putting your most needed projects first.

Councilmember DeCosta: During that grant process, if the County and Administration has the funding to provide a percentage match for the “leg work,” will that help the County secure funding for infrastructure?

Mr. Smith: It always helps to have a match. In fact, some of these programs require a match. For instance, the TIGER Grant and RISE Grant require a local match. Many programs have a statutory requirement that a match is required.

Councilmember DeCosta: Thank you.

Councilmember Kualii: Councilmember Cowden.

Councilmember Cowden: Thank you so much for all that you have done and I want to thank the Mayor's Administration, too. Our County's structure is very strong. We have a strong mayoral position, so I understand that it is their job to do this, but I am happy to hear you reference NACo. I want to understand how the Councilmembers can best contribute to what we learned at NACo because we learn about all these grants and "throw them" across the street. The last time that I was in Washington D.C., I tried to get ahold of you and was unsuccessful. What is the best way for the Councilmembers to communicate that back to you folks?

Ms. Stradford-Patterson: I think reaching out through the Office of the Mayor is a great way to contact us. As far as NACo, is concerned, when the Counties have areas of interest that they are looking to position with the larger organizations...I know that NACo has a resolution process where they will allow for submissions from each individual entity that they will take up in their larger legislative portfolio and ultimately, "push" on Congress. We work with the County, and assistant counties that we have relationships with as well, to develop resolutions and work with NACo to "push" them nationally with members of Congress.

Councilmember Cowden: With SDA, how do you folks help with avoiding claw-back? That is another thing that we learned at NACo. We went through the smaller groups of that. It is a little nerve-racking to hear the potential claw-back. A lot of times when the claw-back actually manifests, it is ten (10) or twelve (12) years later, so it is in a completely different administration. Does your organization help to ensure that we are not out of alignment and to do the follow-up even if we are in a fresh administration.

Mr. Smith: The one (1) thing that I would say about Kaua'i. To your credit, Kaua'i has a very good track record for over many years now of wisely and efficiently spending their money, completing their projects, keeping their projects on time and under budget. That goes a long way in being able to protect the pipeline of Federal funding that is coming the County's way. Obviously, if there is a change in administration, as I said in my opening remarks, "elections have consequences." The new administration could come in with completely different priorities and what might be the interest of Kaua'i. Some things are harder to control, but what we do is spend wisely on what we can control. We are always advocating through NACo, through the legislative process on programs, policies, and priorities that meet the interests of Kaua'i and local governments. I know that a new Administration can come in and do what they want. Sometimes, it is hard to stop them.

Councilmember Cowden: Councilmember Kualii, I have two (2) more questions. Would you like me to wait for others to ask their questions first? One (1) of them is sort of a follow-up to Councilmember DeCosta.

Councilmember Kualii: Councilmember Carvalho.

Councilmember Carvalho: On Slide 9, WRDA 2024 and additionally, the House version extends Section 444, Pacific Region to include Hawai'i. I just wanted to get clarification.

Ms. Stradford-Patterson: This is an existing program that the U.S. Army Corps of Engineers (USACE) has already established. It looks like what they are going to do is add Hawai'i as a potential recipient of Section 444, so essentially, this means that the County would be eligible for funding under this specific program. Essentially, the State of Hawai'i would be accessible for funding under this existing program.

Councilmember Carvalho: Is the funding that we have right now for the Waimea and Hanapēpē Levee projects all there?

Ms. Stradford-Patterson: These are just authorizations. They are pending, so they have not passed yet.

Councilmember Carvalho: ...but it is listed.

Ms. Stradford-Patterson: I think the process working with the USACE is that specific projects need to fit into an existing program, so adding the State of Hawai'i to Section 444, would essentially expand the opportunities that the County could pursue for various projects. Each program has its own requirements and specifications. I am happy to follow-up with more on this specific one, but I think it ultimately increases the availability of resources for the County and the State of Hawai'i to pursue projects with USACE.

Councilmember Carvalho: In this discussion, river and stream maintenance is a big part of follow-up. My mind is on that part.

Ms. Stradford-Patterson: I am happy to follow up with specifics on WRDA compartment.

Councilmember Kualii: Councilmember DeCosta.

Councilmember DeCosta: I wanted to follow-up on the river stream and maintenance. We received a large request from our North Shore community regarding the Hanalei River and having a dock installed for their boats. We finally had USACE dredge a little, so they could get their boat in the river, but there is a big environmental move to "not to touch the stream and rivers." A friend made a comment twice regarding how Federal funding can change, depending on who gets elected, and Republican versus Democratic. No matter who gets elected, if you keep the funding within the USA, then there is more "piece of the pie" to give to each state. When the funding goes out to the different countries, then we have less of the "pie" to give to each state. If we keep our funding home, within the fifty (50) states, our portion of the "pie" will be greater to invest in the infrastructure and fixing issues. I want to be able to help the North Shore. Out in Waimea, Westside, we have a river issue with the dredging and we cannot touch both rivers. How can we receive USACE infrastructure funding to do what is right for the community and have both rivers dredged, so that we can have the right flow of the water and possibly have boat ramps installed on the North Shore?

Ms. Stradford-Patterson: I am happy to hear that the USACE are already doing some existing work there. Traditionally, the process with the USACE

is non-federal sponsors, so the County would reach out to their regional office or headquarters and express interest in a project. USACE is a little layered as they require a feasibility study on whatever area or river, whatever project the County is interested in, which can take up to three (3) years to do. Once the feasibility study is completed, we either wait for another WRDA of process, like the one that we are currently in, or we try to get that project onto the USACE work plan. Once the project is included in the work plan, we are again faced with trying to appropriate funding to complete the project. This can usually happen by way of earmarks or just channeling through the appropriate process. Bringing projects of concern to the County or to the Office of the Mayor and letting us know which projects are big priorities, so that we can start this process with the USACE. They are one of the most equipped agencies to (inaudible 01:16:09). They are very mindful of current regulations with the counties and states. I think that would be the best process moving forward with projects of concern.

Councilmember DeCosta: Thank you.

Ms. Matsuyama: I will also say that the best part of having Ms. Stradford-Patterson on island, is that not only can she see the benefits of the projects that have been funded, but she can also see and hear the County's concern of future things that are coming up. Regarding your point Councilmember DeCosta, regarding infrastructure and wastewater, we have discussed those things with Ms. Stradford-Patterson. She can actually go out and touch and feel. Today, she will go to the North Shore, so she is getting to see all that we are working on and upcoming projects.

Councilmember DeCosta: Since you mentioned me, I will mention you and her. Relationships are important. It is how you get things done. If you both are on the same page and both respect each other as leaders then you want to help each other. I can feel the comradery, which is great for us. Thank you, Managing Director, for that.

Councilmember Kualii: I appreciated your slides on the major successes. You spoke about the Po'ipū, Līhu'e, Lima Ola, the 2024 appropriations and the millions of dollars. I could have a better understanding if maybe you laid it out because you say appropriation, earmarks, awards...it would be good to see what all the money is and where it is all coming from, so that we could see the totals by category. I think it would be reassuring to know if we were getting our fair share in each of those areas. I would imagine that maybe we are doing better than most counties of our size because there has been so much success. I know things like the TIGER Grant and RAISE Grant is highly sought after and the fact that the County of Kaua'i got it was a really big deal. What is the difference between earmarks and appropriations?

Ms. Stradford-Patterson: They are the same. It is through the same process. Appropriations are the annual budget process, the Federal budget process. Earmarks are specific projects that are essentially one percent (1%) of the total amount of the annual appropriations in their specific community projects that localities can request. This is unique in a way that members of Congress can go to their communities and look for things that are not traditionally funded through the

normal discretionary projects. They can work with entities that do not necessarily have the support or grant infrastructure to pursue some of those larger dollars. It is through the same process. I apologize if that was confusing.

Mr. Smith: There are essentially two (2) ways to secure Federal funding for a local project. Fortunately, Kaua'i has been successful in both. One (1) is through the traditional competitive grant process. That is where the Federal agency puts out a notice of funding availability for a particular program, whether it is a transportation program by the Department of Transportation (DOT) or an education program by the Department of Education (DOE). Any entity who is eligible on Kaua'i to do so. That was how we secured the funding for both the Līhu'e Mobility project under the old TIGER Grant program, as well as the Po'ipū project under the RAISE Grant. In fact, those were the same programs. The Obama Administration referred to it as the TIGER Grant and the Trump Administration referred to it as the RAISE Grant, but those were competitive grant programs that we applied for and succeeded. The other way, as Ms. Stradford-Patterson just outlined, is to go to Congress and through the Annual Appropriations Process, put forward a request that a particular project be funded out of the relevant appropriations bill. We have been very successful in that regard as well, both under the Housing and Urban Development (HUD) appropriation subcommittee, the transportation subcommittee, energy and water for USACE projects. They are two (2) different processes, so it gives you "two (2) bites of the apple."

Councilmember Kualii: You spoke about formulas and annual allotment. Is that automatic money and we are getting it because we have so much population? Does that come under appropriations?

Mr. Smith: Some of those funds are subject to appropriations from Congress. Congress has to fund the program and then the agencies distribute those funds based on a fixed formula, which includes population, income, density, and other things. It varies from program to program, but those are formula funds that we referred to.

Councilmember Kualii: In the chart, if you showed the ones that need matching and how much that would be, just to show the big picture. Councilmember Cowden, followed by Councilmember DeCosta.

Councilmember Cowden: My questions are follow-up questions to the original questions from Councilmember DeCosta regarding the infrastructure needs of the County. It is due to many decades of economic shifts, so a lot of things could not have been or were not anticipated, so I am not blaming anyone in the office now, but we are responsible for solving them. Not too long ago, our wastewater, we had the potential to float one hundred million dollars (\$100,000,000) worth of bonds to sort of avoid a consent decree. Are you focused on that piece too? Our wastewater system situation is at a crisis-level. It is one (1) of the main barriers to being able to construct affordable housing. I just do not understand how we interface with you folks. Do you look at that and look at our potential wastewater moneys?

Mr. Smith: We interact with the Office of the Mayor and Administration on all these issues. We go through an annual process which really

starts today. It includes Ms. Stradford-Patterson's visit to the island. She is spending a lot of time this week going out, looking at various projects, sites, and needs. We will be in a consulting process with the Administration over the next two (2) or three (3) months to determine what the priorities of the County are? It may be wastewater, transportation, or may be a combination of. Ultimately, the Council will make the decision on what we want to put forward as our federal priorities.

Councilmember Cowden: I am really thankful that Ms. Stradford-Patterson is here. The last time that we spoke, we said that it would be great to drive from one end of the island to the other. Have you done that yet?

Ms. Stradford-Patterson: Yes.

Councilmember Cowden: I think that one (1) of the things that is so difficult and unique for Kaua'i and Hawai'i is that we are the perimeter of the circle with "some fingers" that go in, but we are not the area of the circle, so we have a really high cost for our infrastructure. We recently had a Water Infrastructure Investment Plan finished that was one billion three hundred million dollars (\$1,300,000,000) worth of needs. That is what the consultant said. We have seventy-five thousand (75,000) people. If you looked at the fluid amount of visitors, we are maybe at about one hundred ten thousand (110,000) people. One billion three hundred million dollars (\$1,300,000,000) is very high. We have not done federal dollars before, so I am not sure if you have got the chance, but I am just making this suggestion to look at the Water Infrastructure Investment Plan. We have a great Director for the Department of Water. Then, I just want to bring up solid waste for a moment. I am someone who likes to do my homework. I was a little shocked this weekend at reading the environmental assessment for the Department of Defense that is just a national environmental protection agency. It is not a Hawai'i environmental protection agency. It is really different, and it is not an environmental impact statement (EIS). This is about tripling the volume of activity on Pacific Missile Range Facility (PMRF) and nowhere in their new drawing do they have a reference to putting our new solid waste landfill out there, right adjacent to it. It is like five hundred (500) and some odd pages. When I look at the tripling of activity as well as Ka'ula Island, I get a little nervous because right now, we are planning to put our solid waste facility out there and it is right next to the airport. If we are constantly doing strikes or looking over at Ka'ula Island and are tripling the amount...the Department of Defense is not Navy.

Councilmember Kagawa: Chair, is there a question?

Councilmember Cowden: Are you aware of that new environmental assessment (EA)? It is a significant impact on the island that I think will affect our solid waste plans. I think that we need "all hands-on deck" looking at that potential change.

Ms. Stradford-Patterson: We will absolutely take a look at that and see if there is any relevant information that we can include in our agenda.

Ms. Matsuyama: I am personally in contact with PMRF, so we will ensure that all "T's are crossed and I's are dotted."

Councilmember Cowden: This is brand new, and it is big. Thank you, Mayor.

DEREK S.K. KAWAKAMI, Mayor: PMRF constantly changes because the Commander changes every three (3) years. Based on our last discussion, there were no problems. We have a good relationship with the current Commander. We will revisit that discussion, but I will say that we, as a County, are extremely limited. I would like to bring us back to reality that there is a State law that requires buffer zones around the residential areas, schools, and so on and so forth, so we have said it time and time again, if anyone has an alternative location based on those restrictions, we are "all ears." We have an open mind. When we discussed the airport, the Hawai'i DOT had an issue with the proximity of the landfill to the commercial airport. The PMRF airport is for military missions and to our understanding, it does not rise to the same level of concern. I hear about the proximity of the current landfill and the proposed new landfill to PMRF's airport, but comparing that airport and the landing strip to the Līhu'e Airport is comparing apples to oranges, but we will verify with the Commander.

Councilmember Cowden: I had a little panic this weekend when I read it and did not see any reference on it, so I thought it was a big issue. It is just an opportunity to be able to say that we need to take a look at that and I fully appreciate it. In my mind, I am thinking of eminent domain, but I do not even know of a place where we can do something. That is just a very urgent issue, and this is my only time to speak with these consultants, so I am not trying to create any problems.

Mayor Kawakami: That was a good question, Councilmember Cowden. In regard to the best way to participate, I think you folks have done a wonderful job of being very active with the Administration to really focus on what your initiatives are. Many times, it aligns with big challenges...since we have two (2) senior citizen football players, football coaches and players review film and I think locally, no one reviews more film than Coach Tresler. My office will attest that I probably more Council Meetings than I try as much meetings of the State legislature because it is important for me to know which way the wind is blowing. SDA does a wonderful job monitoring which way the wind is blowing at a national level because priorities change. Depending on the Congress and who is President, there may be a lot of money for new infrastructure and very little money for ongoing maintenance, and sometimes that shifts to very little money for new infrastructure and more support for the ongoing repair maintenance of existing structure. We are going to "lobby hard" for what I think our most pressing needs are, and that has always been for housing and infrastructure in general, including wastewater systems. The big challenge is the entire nation and our infrastructure system over the years has fallen in critical disrepair. Most of our bridges are at a critical level where they need immediate repairs and maintenance. Sometimes, they need to be completely rebuilt. They tend to look at economy of scale, so these big wastewater dollars tend to go towards urban centers, big cities. Smaller communities like Kaua'i that have a rather small population, but in regards to land mass, we are pretty spread out. It becomes a challenge, but we will go and take a revisit and our partners in Washington, DC do a wonderful job as far as ensuring that our priorities are reasonable and within target of where they feel the federal wind is blowing in that particular point and time.

Councilmember Cowden: Thank you, Mayor. I appreciate that you came up because I try to find the right level to be asking these questions. I also read the recent report for Maui and thought about insurance. Insurance is so important. I want to acknowledge that we were at the HSAC. Thank you, Mayor, Managing Director, Director of Finance, for coming and sitting with us. That meant a lot to me. Insurance provision is going to be huge. Do consultants look at that as well? I know that it is national down to local.

Mayor Kawakami: Absolutely. No one wants to insure municipality in counties. It is increasingly more expensive and there are a number of reasons for this. Civil unrest is one, climate change...if climate change is not a thing that some people, we will just say really bad weather. I think everyone would agree that many areas across the nation have been hit with really bad weather and that makes insuring counties very challenging. Like Mr. Smith said, "elections have consequences." Right now, we hope and pray for national stability and an administration that will help bring people together and calm the people down. All of this discourse and decisiveness absolutely plays a role into insurance companies taking a look at their business model and whether or not they want to cover cities and counties. As far as insurance here in Hawai'i for property owners, the State legislature is really taking a look at what they can do to supplant the increase in premiums that homeowners and renters are tasked with figuring out how to pay for.

Councilmember Kualii: Thank you, Members. I want to do a time check. We are coming up on a caption break. I want to take the caption break no later than 10:45 a.m. We do have our next presenters coming up shortly. They are anticipated to be in at 11:00 a.m. or before that because they need to catch a flight back. If we could "wrap up" our questions here, we can take public testimony and final discussion. Councilmember Kagawa.

Councilmember Kagawa: I wanted to state my objection that I think the last question from Councilmember Cowden, regarding PMRF on this agenda item, is highly unrelated. The Administration does not represent the military. The military is not under the County. To ask our consultant a question about PMRF's plans is way off the Sunshine Law.

Councilmember Kualii: Thank you. That can be shared in discussion.

Councilmember Kagawa: Do you folks represent other counties and municipalities as well?

Mr. Smith: Yes, we do.

Councilmember Kagawa: I know that we said per capita, we receive more funding than other capitals, but it is also the most expensive place to build or fix anything, especially large construction projects, where it is double or even triple the price in Washington, D.C. or Montana. Have any factors been discussed regarding areas like Hawai'i, Kaua'i, where those smaller counties should receive more per capita than other counties and municipalities in these matching infrastructure programs?

Ms. Stradford-Patterson: I think we have had conversations on how Hawai'i is positioned as an island and how difficult it is for all of you to get resources, and some of the grants that are currently developed in current FAST Act and general programs that have been existing for awhile do not always support that. We have an opportunity. Ms. Beal and Mr. Smith are thinking of ways on how to make these programs a little more specific to Hawai'i and taking into account some of the concerns that the Council has raised. We have the opportunity to raise this with the delegation as we are looking at the next FAST Act. Statutory, some of these programs are written and this is what we have to follow. Municipalities are all over are experiencing an increase in cost on goods, just generally, so it is something that we are aware of.

Councilmember Kagawa: Municipalities are not affected by the Jones Act like Hawai'i is. The shipping cost is huge. That is our primary problem and being that we are affected by that, which protects the interest of the USA, maybe some discussion should take place as to why Hawai'i should not automatically have a higher ratio because the impacts of the shipping costs as it relates to our construction costs? All I want is fairness. We pay the same amount of taxes as those in D.C. and Montana. Let Hawai'i receive its fair share of unrealistic shipping costs that are a burden on Hawai'i in being a part of the USA.

Councilmember Kualii: Thank you for your presentation. Are there any registered testifiers? Is there anyone in the public wishing to testify?

LONNIE SYKOS: For the record, Lonnie Sykos. First, I would like to address Councilmember Kagawa. Your complaint regarding Councilmember Cowden being off-topic, but you going to the Jones Act was totally off-topic. The Jones Act is not here and these folks have nothing to do with the Jones Act. I had a career in Ameritime. Your allegation that the Jones Act causes some enormous...

Councilmember Kualii: Can you point your comments to the Chair of the Council and not make anything personal?

Mr. Sykos: ...the idea that the Council presents that the Jones Act causes significant cost increases in shipping. I would like the Council to produce evidence of that because I worked in the industry. If you eliminate all American shipping and ship ports, which are the shipyards, which is what would occur if you eliminated the Jones Act, we would have no internal shipping and thus, the Public Utilities Commission (PUC), which currently regulates the freight cost will have no impact on foreign carriers. The only people that will bring cargo to Hawai'i will be foreign carriers and we have no control over them whatsoever. That is a strong-end argument. I have a question for the consultants. Currently, do they have County of Kaua'i's needs in a list of priorities by what is most important? We receive all sorts of federal monies, we receive federal monies for the bicycle path in Kapa'a. How much time from our contractors go to projects like that and how much time goes to the top priority projects that we have? I do not even know what our top priority projects are even from my personal perspective because the lack of proper sized water mains creates an insurance problem for everyone on the substandard main. We have sewage programs. I live in Wailua Houselots. In theory, I could put six (6) or eight (8) bedrooms on my property, but I cannot even remodel my house because I have a

cesspool. What do the contractors currently operate on and what is our highest priority? They have limited time. There is probably about two thousand (2,000) plus people in a “rolodex” for legislators and their top administrative aids in Washington, DC. They cannot talk to all two thousand (2,000) people. What are our priorities? The public is very concerned. If you do not know what your priorities are, the “can gets kicked down the road.” We cannot “kick the cans” any longer. Thank you.

Councilmember Kualī‘i: We are just taking public testimony at this time. Is there anyone else in the audience wishing to give public testimony? Seeing none, I will call the meeting back to order. Members, if we have any additional questions, we will do that at this time. Before that, Mr. Smith, if you would like you to share anything further, now is the time.

Mr. Smith: In response to the other gentleman’s comments, SDA does work with the County and the Office of the Mayor in putting together a list of priorities on an annual basis. Something that the Mayor said earlier in his comments is absolutely true. What SDA does is try to access the best opportunities for success for Kaua‘i at the federal level. Often, what might be the highest priority at a local level, the Federal government does not fund. It does not make any sense to make a project or program a number one priority if it is not an area that the federal government addresses. SDA tries to take the highest priorities of the County and match it where there are federal opportunities for funding.

Councilmember Kualī‘i: Thank you. That makes it clear. Matching priorities to opportunities. As Councilmember Cowden mentioned earlier, I think it is clear that the Council works on the policy and the budget. The Office of the Mayor and Administration work on the “day-to-day.” They will establish the priorities because they are doing the work “day-in and day-out.” The Council can have an input on that, but we work directly with the Office of the Mayor. Mayor, was there anything else that you wanted to add?

Mayor Kawakami: My apologies, I know that you folks want to “wrap this up,” but I feel that I would be remiss if I did not acknowledge the County’s strong congressional delegation team up in Washington, DC. We are a small group represented by a very effective representation in Washington, DC under the leadership of Senator Schatz who is our Senior Senator and has worked his way up the ranks. Every year the Chamber of Commerce supports Senator Hirono through Hawai‘i on the Hill. In a way, Congress gives me renewed hope because they operate very much like Hawai‘i. Things are based on relationships and I want to thank our congressional delegation for “swinging above their weight.” They have been very effective as a small group to advocate, not only for Kaua‘i, but for that State of Hawai‘i. Their relationships up there are part of the key to our success, as well as our relationship with Washington, DC consultations, at SDA. Thank you so very much, Councilmembers.

Councilmember Kualī‘i: Thank you. Members, is there any final discussion?

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

Councilmember DeCosta: Thank you for that, Mayor. I have said it before. It is all about relationships. Things can be done if people like and respect you. The Council just returned from an HSAC conference. Councilmember Kagawa, Councilmember Carvalho, Councilmember Kualii, Council Chair Rapozo, and myself spoke to our Lieutenant Governor and our Governor who sat on the same table as us for lunch. We talked with our Managing Director. It is not just what you see here, but it is also what you do not see. It is relationships. People will vote in your favor, pass funding down in your favor if the relationship is "tight." If you have no relationships, then you will not get anything done. That is the message for the public. Sometimes, I am not all about Federal funding because it comes with a lot of mandates and restrictions. The County has a lot of nice properties right now. The County owns Waimea 400, two (2) nice properties in Kilauea, but when we have Federal funding, they put mandates. It comes with homeless housing, affordable housing. We do not address middle-class housing. The Mayor said it best. We do not have middle-class housing on this island. How great would it be to take a piece of property and design it to have middle-class housing for your bartender at the Grand Hyatt Kauai Resort & Spa, teacher at Elsie H. Wilcox Elementary School, and nurse at Kauai Veterans Memorial Hospital (KVMH). That is what we should be addressing right now. Yes, I appreciate the question relating to Federal funding and I appreciate Federal funding, but there is a time and place where we, as a County, need our own revenue stream and let us go make some big dreams happen. Big dreams where we can make middle-class housing a priority on this island. Thank you.

Councilmember Kualii: Members, is there any further discussion?
Councilmember Cowden.

Councilmember Cowden: I want very much to thank both of our members that are here right now and all three (3) from SDA who have done the work. Again, I want to acknowledge the Mayor and his Administration for the good work, and it is a learning process. It is always confusing for everyone how we bring all those pathways of money together. As I mentioned, we had an excellent HSAC conference last week. It was very good and now that I have this opportunity with our consultants that help with the NDAA money and everything else, and concern when I am not seeing our landfill where I am hoping to see the landfill, at least the potential for it. I just have to say that I only found out about this EA on Saturday. I had two (2) very busy days of skimming while I am doing many other things. Today is September 25th. The close of the EA period is September 30th. The County has four (4) more days to respond and it even authorizes foreign ground troops on the island. I do not know what all that means...I am just begging out there that we are looking at it. I know that it is above my pay grade, but it is still part of my job to be proactive and diligent. This is an opportunity. I have you all here just to say that I will send you a copy if you do not have it. Thank you for just being aware.

Councilmember Kualii: Councilmember Bulosan.

Councilmember Bulosan: Thank you, Ms. Stradford-Patterson, for flying all the way here. Thank you for being present via Zoom, Mr. Smith. The presentation was wonderful. I know normally you folks do this presentation right before the Council gets busy, but this allows us to get a quick update, so *mahalo* to the Administration for working closely with the consultants and thank you to you

folks for representing the County in Washington, D.C. It really makes a difference when we have “eyes, ears, and bodies on the floor,” especially being so far away. Thank you for always carrying our values and making sure we get what we need for our community.

Councilmember Kualii:

Councilmember Kagawa.

Councilmember Kagawa: Thank you, Vice Chair Kualii. I want to thank our consultants. When I got into Council in 2012, the County was far behind in infrastructure repairs, but recently, it looks like the County has been catching up with help through the General Exercise Tax (GET), but also through the work of the consultants and Administration in garnering whatever they can in Federal matching funds, which really helps. If we have the money, it is a lot easier to get these projects done. We have one hundred (100) year old bridges all over the place, so there are a lot more out there, but I am just glad that we are moving forward, maximizing our consultants and congressional delegations. To Mr. Sykos point, if shipping is not the primary problem or one (1) of the biggest issues to the problems that are facing Kauai with our monopoly houses and our highest inflation in the USA, then I do not know what is. If the PUC, Matson, and Young Brothers were all fairly charging us, would we be at this price? If everyone was doing their job, would we be paying these monopoly prices for sheets of plywood, two-by-fours (2x4s), that are driving up the costs to almost five hundred thousand dollars (\$500,000) for a simple three-bedroom? Is it not shipping? What is the problem? Why is it double or triple the price of cost than in Austin, Texas to build a house? I do not know.

Councilmember Kualii:

Councilmember Carvalho.

Councilmember Carvalho: I appreciate Mr. Smith and his team and having worked with SDA in the past and being prepared. Of course, thank you to the Mayor for coming forward with an explanation. That was a good thing, but we need to stand connected. We have resources that we need to reach out to and bring back home. I know that the Federal, State and County levels sometimes get a little complicated up there, but I think that we have a good solid base and foundation to secure the funding that we need. Obviously, a lot of the projects are moving forward, so we look forward to continuing to work closely and whatever resources that we can provide and ensure that you get, to secure the funding or the resources to bring back home. That is where I am at. *Mahalo*.

Councilmember Kualii: *Mahalo nui loa* to Mr. Smith and Ms. Stradford-Patterson for the presentation today and everyone at SDA that is helping to do the work for us in Washington, D.C., giving the County these opportunities, and working so closely with our Mayor and the Administration. I think it is very important that we be one County voice to our DC delegation working through you folks to continue the success and do even more. Our housing shorting crisis tells us that in order to get more housing, we need the infrastructure, water, and wastewater, so we need to continuously...it is never going to be enough. We need to continuously go after more funding primarily for those purposes, water and wastewater. Even here, in our General Plan, tells us that we should be doing infill development in this greater Lihu'e area, that there is a lot of land, and we want to bring people closer to the jobs, but we need wastewater and water infrastructure, so

we will continue pushing for that and supporting the Administration in any way that we can.

The motion to approve C 2024-182 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

There being no objections, the meeting recessed at 10:41 a.m., for a caption break.

The meeting reconvened at 10:53 a.m., and proceeded as follows:

Council Vice Chair Kualifi: This is where we are skipping ahead in our agenda, to C 2024-196. Clerk, could you read the item?

There being no objections, C 2024-196 was taken out of order.

C 2024-196 Communication (09/13/2024) from Council Chair Rapozo, requesting the presence of the County Engineer and the Department of Hawaiian Home Lands (DHHL), to provide a briefing regarding residential and wastewater development plans for the Lihu'e and Wailua areas.

Councilmember Carvalho moved to receive C 2024-196 for the record, seconded by Councilmember DeCosta.

Council Vice Chair Kualifi: This item was requested by Council Chair Rapozo. We have just been talking about the housing shortage crisis and the need for water and wastewater all over our island, but primarily...and also in the Lihu'e area...just two (2), so the County can better provide housing and people's quality of life. We want to learn from the Wastewater Division and Department of Hawaiian Home Lands (DHHL). We will start with DHHL. Basically, it is also how we can work together, how we can support you, and how you are working together or how you could work together. Thank you. Introduce yourselves.

There being no objections, the rules were suspended.

KALI WATSON, Director of DHHL: Good morning, Members of the Council. My name is Kali Watson. I am the Director of DHHL. With me is Ray Kanna who is with the Office of the Chair and is heading up our development team. I am here today to give you update of what we are doing on Kaua'i, especially as it relates to Lihu'e and Wailua. The idea is we would like to develop more residential and subsistence Agricultural (Ag) lots, which is sort of a new initiative in which we award smaller Ag lots. The recipient can put a house on it, so not only is it a little bigger than our seven thousand five hundred (7,500) square foot lots, they are bigger, so you can put a bigger house as well as bring more of your family on, but more importantly, especially with the cost of food nowadays, you can raise food as well as have some livestock.

In 2022, DHHL was very fortunate in that the Legislature passed Act 279, which provided about six hundred million dollars (\$600,000,000) for the use of the DHHL to reduce our waiting list. As a result of that, we sought out not only new

lands, because as we all know, a lot of the inventory that DHHL has...over two hundred thousand (200,000)...a very marginal, actually in isolated areas, very expensive regarding the cost of putting in infrastructure, so we looked throughout the State and we put out a couple of Request for Proposals (RFPs). In response to our RFP, Grove Farm approached us and suggested certain lands. In this case, Grove Farm and the DHHL arrived at this particular site, which involves close to three hundred (300) acres in Līhu'e. As we all know, Līhu'e, especially in this location is half ($\frac{1}{2}$) a mile from Wilcox Medical Center, one (1) mile from these facilities, downtown Līhu'e as well as Elsie H. Wilcox Elementary School, and a couple of miles from the airport. It is a great location, has a lot of amenities, and is a lot different from Kekaha, Moloa'a, and some of the isolated areas we have on the islands. With this, we are excited.

With the acquisition of the lands, we need to also look at what we can do with these new lands. What we are proposing to do is do about one thousand one hundred (1,100) homesteads. The light-colored area reflects the residential area. We plan to do about one thousand (1,000) residential units and in the mustard-colored area, we are going to do a subsistence Ag lots, as I mentioned. It is about half ($\frac{1}{2}$) an acre. On the initial plan, we are looking at perhaps doing a sewer treatment plant here. It will be a couple of packaged phased in sewer plants. Now, I will get to different approach that we may be able to use in this development in a little while. This is the plan. We are excited about this one. We have over four thousand (4,000) on our waitlist, so this would fit in well with trying to address the waitlist.

With respect to the development of this site, we have four (4) phases. The dark purple is the first phase, second phase is blue, and third and fourth phases are the green and then the light-colored pink. The idea, as we all know in development, is contingent upon funding, so by breaking it up, we can anticipate it will be more likely to get the funding. The other thing about this particular development is that we are relying on certain things that are going to be needed with the development, so the surface water treatment plant that is in existence owned by Grove Farm, we look to access that with at least respect to Phase I and Phase II. In the future, we anticipate that plant will need to be expanded in order to accommodate future needs with Phase III and Phase IV, including the needs of Grove Farm with the future development that they are looking at, so that particular cost as well as the development of the surface water treatment plant will probably be in two (2) phases. Again, based on funding, it will probably need to be funded that way. As I mentioned earlier, on the sewer treatment plant that we are looking at, we would probably also have to do that in phases. That is assuming we cannot approach this proposal I will talk about shortly.

In taking a look at the layout of where our lands are located, as you can see, our Wailua lands are close to the existing to the existing Wailua Wastewater Treatment Plant (WWTP), which is located here. That would be an area we are trying to explore the possibility of accessing the use of that to facilitate our developments. We also note there is the existing Līhu'e Wastewater Treatment Plant. One of the things we would like to do is figure out a way where...and we are aware of the fact that the County as well as the WWTP has certain issues, especially with the sea-level rise, so that needs to be relocated. It is my understanding that the usable capacity is insufficient for whatever access and needs we might have, including the fact that it

has to be relocated. I do not think it is a question; it is just a matter of when. In addressing that issue of the relocation of the plant, we also have to take into account the potential users of the relocated sewer treatment plant, so there are also the broader communities—Agribusiness Development Corporation (ADC), the County of Kaua‘i, and Grove Farm—that will need to use this relocated plant. One of the good things about the relocation of the plant and the benefit that would be made available to us is rather than trying to figure out where we get our water from, we can use the effluent that will be processed by the treatment plant, and hopefully to our one (1) level which we can irrigate our lands here.

Right now, under our existing island plan that was done in 2009, as you can see, we originally planned a lot of residential over here and some Ag here as well as some other subsistence as well as even commercial. We will move forward with the commercial, but with respect to the original 2009 plan regarding the residential development, we would prefer to keep the green belt in the area and convert that to agricultural use, but also do it in a way that is more suitable for our beneficiaries—do the half ($\frac{1}{2}$) acre subsistence Ag lots. That is sort of the game plan on that, converting from what our 2009 plan shows to something that is more reflective of the acquisition of the Lihu‘e land. We can migrate the residential to perhaps a better location with all the amenities associated with it.

One of the challenges is the relocation of the sewer treatment plant. It is located here. We are looking at a couple of sites. The first choice would be this location here. I think it would be conducive to not only the relocation, because it would be out of the tsunami inundation zone, but more importantly its position could benefit not only our lands here as well as the residential here, but possibly to other lands adjacent here, so if we can not only migrate and redirect some of the effluent to this new plant, that would serve to not only provide irrigation water for our lands, but also these lands here. The second thought in relocating the sewer treatment plant would be up here. It would be a little more costly, but it is also another area we are looking at, especially relative to our lands and how we can use it to irrigate and transition into this new site. Just a little bit of background, which I do not know if you want me to get into, but the capacity for the sewer treatment plant...what I will do is defer it and perhaps my lead developer talk about the analogy between the new sewer treatment plant as well as the transition of the old one into a better use.

RAYMOND KANNA, Developer: I would probably defer to engineer on this one, but nonetheless. The substance, from my understanding, the real problem is disposal. Let us face it, that is the challenge that Kaua‘i faces—how do we dispose of the effluent once it is processed. That is pretty much been the constraint in both Lihu‘e and Wailua. The only solution currently available is reuse. Several things need to happen. Number one, we need to maximize our opportunity for reuse in order for us to develop the sewer treatment plant. The magic number in my mind as I do the “back of a napkin” analysis is how can we increase the disposal to up to three million (3,000,000) gallons a day. This is a mathematical solution. First of all, you know you have the Wailua Golf Course, of which, to my understanding, the County irrigates half ($\frac{1}{2}$) of with the reuse. That needs to be expanded to the entire golf course. I do not know the exact numbers, but generally speaking, from past experience building a couple of golf courses, the amount of water it takes to maintain a golf course is somewhere between seven hundred thousand (700,000) to one million five hundred

thousand (1,500,000) gallons, depending on the irrigation method. Golf courses are a great source of reuse. For now, let us say we can increase the seven hundred thousand (700,000) gallons. You still have a working outfall...I do not have the number of that one. I am sure we have experts who will say that, but that is also a part of it...but if I have three hundred (300) acres from Wailua in Ag, I am hoping that we can at least match the one million five hundred thousand (1,500,000) gallons that a full golf course will give. Full sized golf courses are about one hundred eighty (180) to two hundred (300) acres. We are larger than that. Depending on the use of the Ag material, we should, hopefully, be able to work something out. That is for an Ag expert to determine who has to do a study. It will ask how much of the acreage can absorb this much water, and it really depends on what crops they have. One of the things the Chair has (inaudible) is one of the things we have to do for subsistence Ag is to actually them a turnkey proposal of how to do subsistence Ag. In other words, we need to plan it out for them—how many trees, how many plants, what vegetables—so we know the actual consumption of the reuse, because that is going to be required by the Department of Health. That is part of the effort, but if we do this right, we can dispose of three million (3,000,000) gallons, because we have also been working with the ADC who also wants to develop their Ag, and obviously, they will want to use reuse. There are a lot of complications to this one. I have been told, “We have to deal with what happens with the existing groundwater usage that we have? What are we going to do about the wells that are located there, because with reuse you are limited to a quarter ($\frac{1}{4}$) of a mile in terms of where you can use reuse to an existing well? Do we use that or not?” There are many problems, but as a developer, the one thing I learned is, “You can dwell on the problems, or you can dwell on the solutions, but it starts with the political imperative to want to solve the problem,” and from my viewpoint, I do not think Kaua‘i has a choice. We need to solve the wastewater problem, because that is the greatest constraint on growth or of smart growth, as is necessary. If Kaua‘i wants to grow it all, unless you want to be an (inaudible), you need to create the backbone infrastructure for the growth that you want to create. Remember, between water and wastewater, just by creating that backbone, you have automatically increased the value of lands throughout the Lihu‘e corridor. Once you increase that value, development will follow. It is obvious, because if you resolve that, it will come. Now the question it comes down to, as every county in Hawai‘i has recognized this, how do you want to direct that growth. It needs to be smart growth. It needs to benefit the people of Kaua‘i. Where do you want it that it does not interfere with the lifestyle of the existing community? My answer, and I think Kaua‘i has already made that decision, is that they want to focus growth in the Lihu‘e corridor. I am sure there are a lot of people who disagree, but that seems like the conclusion that is drawn, and it makes the most sense, because you can maximize the value for your dollars in terms of your infrastructure cost. If you spread it out too much, you do not really accomplish much, but if you focus it, it is very positive.

Mr. Watson: With respect to the cost involved in the relocation of the plant, we anticipate...and again, this would be subject to our experts and engineering studies...but we anticipate approximately eighty million dollars (\$80,000,000) for the plant itself, and with respect to the primary sewage and distribution of the R-1, it would approximately be between twenty million dollars (\$20,000,000) to forty million dollars (\$40,000,000), depending on the alignment of the lines as well as the pump station, should we need to put in a pump station, like maybe in this situation. That is a lot of money. We are obviously also

very aware of the opportunities that are out there right now with the Bipartisan Infrastructure Law that was passed by congress. There is significant funding available. We also have the Environment Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), and others as well as money that we can tap into to make this happen, but in the future operations we need to...the DHHL does not want to run it. We do not want to be responsible for managing it, collecting fees, and all of that. Obviously, that is not our business, so we would count on the County to step in and take over the operations, but I think we can, obviously, justify getting the funding for it based on the development we are looking at doing. We have about twenty-eight (28) projects that we are doing. We distributed the six hundred million dollars (\$600,000,000) throughout the projects, but we also have about six hundred forty million dollars (\$640,000,000) that we are short on in order to do the six thousand (6,000) homestead lots that we want to do, so what we have done is we have taken these different projects like this one, we have monetized the infrastructure costs, we have made at least one (1) phase using our six hundred million dollars (\$600,000,000), and in the second phase we can actually quantify...we have four hundred fifty (450) lots, like our Ka'ulukaha'i project in Kapolei of the seven hundred (700), so with our first phase we are using some of our six hundred million dollars (\$600,000,000), but we can tell the Federal agencies for the two hundred fifty (250) remaining units, we need sixty million dollars (\$60,000,000) to do the second phase. By going in with a quantified specific amount, a specific project...and also let me add that we are also going to make lease awards upfront, rather than how we have done historically where you need to prequalify for a loan and only then can you get a lot, and then a specific lot. We are not doing that. We are going to make the awards, which we are calling "Project Paper Homestead Leases," which is a lot different than in the past. The sad fact is history has shown that a lot of the beneficiaries have died on the waiting list, so we are trying to eliminate that not only by moving quickly on these projects, but also issuing leases whereby should they pass, their children or whoever can inherit or be the successor to that particular paper lease, which will have them as a vested interest in whatever project the decedent identified who was awarded a lease. In this particular case, we are going to do the same thing. In the Lihu'e site, we are going to have close to one thousand one hundred (1,100) new homestead lessees, both subsistence Ag as well as residential, so we are excited about that. In the sewer plant relocation as well as infrastructure and water, all of that will be resolved. It might not be resolved overnight, but it is going to be resolved. More importantly, we will have beneficiaries as well as these projects that we are putting in money, we are putting in part of the infrastructure upfront, so when we go in for funding, we will have a lot more viable application. What is key to that as well as it relates to the County is our partnership. Let us go in together. You can also add to your justification as to the bigger community. ADC can also join in as well as Grove Farm, so we collectively go in for this funding, it will be a lot more viable with us going in as a group rather than just DHHL. Part of the reason why I am here today is to ask for that commitment, ask for what site you folks are willing to back as well as come up with a cost, so we go in with an informed application regarding the money we are asking for. The timing is right, because there is money there, so we do not want to miss this opportunity. Just like with Grove Farm. We could have maybe bypassed, but I need to really thank and commend Grove Farm, Stephen Case, as well as Donald Horner and his crew in putting this offer together. One of the things that is nice about this project is we are acquiring Ag lands. They are not in title, so we are only paying sixty thousand dollars (\$60,000) per acre, which

is a lot cheaper than some of the more key located urban lands that they also have. Again, it is an opportunity to acquire, and because of our automatic entitlements, we can develop a lot quicker without going through the long process of rezoning, 21(H), etcetera. Now is the time and again, I think I have talked to several of you about the County's participation. Other than going in for funding for maybe the sewer treatment plant, as I mentioned, Maui County has not only been very supportive, but they actually stepped up and set aside some money that they get from the GET exemption. Thirty percent (30%) of that revenue, they have dedicated to infrastructure for DHHL, so with all this activity that we will be doing in Hanapēpē, we have the Waipouli project, there are other projects we are doing that are going to require infrastructure money. If the County can consider maybe following suit, like how Maui County has dedicated a portion of its revenue from the GET funds to infrastructure for DHHL projects, that would be very helpful.

Council Vice Chair Kualii: Thank you so much. That was a very thorough presentation. I am sure the Members have a lot of questions, but I am going to ask them to hold off on that, because we are going to hear from the Wastewater Division as well. You shared with the Council the residential and agricultural development plans, your infrastructure needs, and you have even suggested some possible solutions, and then also how you want to partner with the County and ADC also. You also talked at the end of your presentation about the County's participation potentially with funding. We appreciate that. I am sure there will be questions, you shared a lot of detail here with your maps, awesome. Can you step aside for a moment, we are going to have the Wastewater Division come up and just see what they have to share. You gave us your residential plans and they will give us their wastewater development plans, and we are hoping it can all align somehow.

TROY K. TANIGAWA, County Engineer: Good morning, Vice Chair Kualii.

Council Vice Chair Kualii: *Aloha.*

Mr. Tanigawa: *Aloha*, Councilmembers. The Wastewater Division has prepared a presentation, fairly comprehensive that addresses future plans, information, as well as current status of wastewater collection and treatment in the Wailua and Kapa'a areas. Donald Fujimoto will be narrating that presentation.

DONALD FUJIMOTO, Acting Chief of Wastewater: Thank you. Good morning, Honorable Councilmembers. Thank you for the opportunity to provide information on our residential and wastewater development plans for Lihue and Wailua sewer. I appreciate DHHL doing their presentation, and it is very refreshing to have progressive and responsible developers. I think we are aligned in the overall objective on reuse and the purpose of the effluent disposal.

This presentation will include: Wastewater Management Division current policy on new wastewater development, the significance of updating our facility plan, future sewer projections for Lihue and Wailua, projections of the financial impacts to prepare for the future, and the summary and next steps.

Wastewater Management Division's goals are to support our mission statement: to protect the public's health, safety, and the environment by developing and operating the County's wastewater infrastructure; support economic growth and stability for future development; support affordable housing; and support expansion of sewer service to address cesspool conversion expansion opportunities.

Wastewater Management Division Policy on Sewer Service is guided by our Kaua'i County Ordinance Chapter 25 Sewers. Section 25-1.0. Purpose of Chapter addresses public sewers owned and operated by the County; the connection of building sewers to public sewers; providing charges therefore; and regulating the discharge of water, sewage, and other wastes into the public sewer systems. Section 25-2.2 Subdivisions. Where public sewer service is accessible to any subdivision, the subdivider shall install all necessary sewage works. "Sewage works" means all facilities for connecting, pumping, treating, and disposing of sewage to serve all lots. Where public sewer service is not accessible, the requirements for proper disposal of sanitary sewage for the subdivision shall be determined by the State Department of Health and the County Engineer. Although the County Engineer is designated in the Code. The actual permitting, monitoring, and operation of all wastewater systems are regulated by the State Department of Health under Hawai'i Administrative Rules Chapter 11-62 Wastewater. All new sewer service requests within the County Wastewater service areas required engineering sewer report as per our Department of Public Works (DPW) sewer design standards by the developer. The engineering sewer report is a comprehensive document essential to the County for determining the adequacy and feasibility of the proposed new development under review.

A comprehensive engineering report of the sewage works to be constructed shall be prepared by the design engineer for the developer. The primary components of the engineering report include general, a brief description of the project and location, topography, population, field of survey data, and funding information. Proposed sewers, basis of designs, sewage pump station, if required, contributory areas like basis of design essential features, sewage treatment works, contributory area basis of design effluent discharge, and recommendations of future expansion use for development; construction plans, proposed sewer systems, sewer pump station, and sewer treatment plants, and design calculations. Wastewater Division reviews the engineering report for approval. The approval requires technical engineering review and without an updated facility plan review would be timely and delay projects.

The facility plan can greatly facilitate future wastewater developments by being able to provide valuable design information and reduce the time to approve engineering reports. The facility plans should include the following strategic information: current transmission (collection system), treatment and effluent disposal capacity; detailed condition assessment of the County wastewater treatment collection and effluent disposal system to address needed repairs to maintain Department of Health permitted capacity; future flow projects to keep up with development needs; assessment of the impacts of rising sea tides and global warming; tsunami zone requirements; future expansion recommendations; reuse/effluent requirements; emerging requirements for new regulations, such as UIC—NPDES, PFAs, etcetera; energy efficiency opportunities, solar, biogas, etcetera; and financial analysis and funding plans. The last facility plans for Lihu'e and Wailua was done in

2009. Historically, the facility plans only concentrated on the wastewater treatment condition assessment and future expansion needs. Since then, with the shift to provide housing, infilling, and urban renewal, as well as new development, just outside of our current service areas, comprehensive information is needed on our transmission and collection system. We need to determine the collection system capacity, establish our hydraulic modeling baseline. Furthermore, recent changes due to rising sea tides and global warming requires a comprehensive study on this impact on our wastewater systems. New emerging regulatory requirements such as (inaudible) functional equivalence impacting UIC wells, all serve new requirements to handle wastewater required focusing on effluent disposal needs and reuse options.

This slide is from our Council presentation in April 2024, earlier this year. The significance of this slide is to emphasize that without the facility plans, Wastewater Management will be limited to approving future development based on sewer service request based on first-come first-serve for available capacity, and due to limited financial resources and wastewater current focus on addressing needed repairs to meet compliance issue for private development, we would probably saturate the available capacity based on timing as private developer pays for most of their infrastructure requirements. County funding of new expansion projects to address projects such as cesspool conversion would compete for compliance funding needs.

This is another slide from our April presentation. The remaining storage capacity for Līhu'e and Wailua are: Līhu'e has fifty-two percent (52%) available or one million three hundred thousand (1,300,000) gallons per day, average flow permitted capacity. Wailua has fifty-four percent (54%) available or eight hundred thousand (800,000) gallons per day of the current permitted capacity. This information is qualified to treatment capacity and does not include limitations due to existing collection system capacity analysis and impact of effluent disposal capacity and future requirements.

We are proud to have two (2) prominent wastewater engineering firms that are working on our Līhu'e and Wailua facility plans—Brown and Caldwell for Līhu'e and Kennedy Jenks for Wailua. The Līhu'e Facility Plan was started in March of 2020. Brown and Caldwell was awarded the contract for three hundred seventy-two thousand four hundred thirty dollars (\$372,430). In January 2022, Amendment 1 was issued for forty-eight thousand four hundred thirty-seven dollars (\$48,437) to look at how the Honsador property could be leveraged for wastewater operations. Amendment 2 was issued on September 2023, for one hundred fifty-one thousand seven hundred sixty-five dollars (\$151,765) to expand the future growth to include Grove Farm, Hanamā'ulu, Līhu'e master plans, as well as other future developments. Additional funding will be required to complete the comprehensive collection system analysis which includes developing a hydraulic model, condition assessment, flow monitoring, cesspool conversion opportunities study, and provide cost estimates and finalizing the facility plan.

This is a map of the Grove Farm proposed Līhu'e – Hanamā'ulu development, which was not included in the 2009 facility plan, nor the initial contract with Brown and Caldwell. This project will easily require about a (inaudible) of gallons per day of sewer treatment and disposal.

This map shows all of the expansion areas that have been included in Amendment 2. Note that the one thousand (1,000) DHHL home development is included, so again, at the time, the information was one thousand (1,000) and not one thousand one hundred (1,100), but that can easily be adjusted. Hōkūala has already been accounted for, but the construction is only now being realized. Hōkūala is the big area southeast of the project.

This map shows the Līhu'e wastewater service area consisting of twenty (20) miles of sewer line, five hundred ninety-seven (597) sewer manholes, and nine (9) pump stations. The service area covers Hanamā'ulu to the north and the Līhu'e Town Core and Hōkūala development south of the airport. This service area also may include area west of Līhu'e. Brown and Caldwell were initially given the notice to proceed in 2022 and has already completed a lot of work. Recently a draft of the completed work was provided for review which has detailed technical and engineering analysis covering four hundred (400) pages, which is still being reviewed. Again, the critical collection system reuses effluent disposal piece has still not received funding. We are currently waiting for funding of Amendment 3 for forty-four million six hundred twenty-five thousand dollars (\$44,625,000) to complete the strategic report on the collection system.

This slide shows our collection system at peak capacity. The initiative for housing is allowed additional dwelling units (ADUs) and additional rental units (ARUs) on existing lots. The collection system capacity assessment and hydraulic modeling is essential to avoid future spills or overtopping for sewer manhole. Even though upstream has capacity, as you go down the gravity system to the trunk line, it gets saturated and as you can see some of that capacity is actually in the manhole that is called surcharged. Our collection capacity assessment and hydraulic modeling will determine if sections of our collection systems will need to be upsized or when we will need to defer ADU/ARU permit requests. This slide shows that although the beginning of the gravity sewer may have capacity, the trunk of the sewer main could easily be overwhelmed as flows enter the system.

This slide represents the timeline from notice to proceed to our projected completion, which is early 2029. Note that we will need another three (3) years to complete the study once funding is approved. The new treatment capacity targets one million two hundred thousand (1,200,000) gallons, which is our current flows averaging...or the target is for three million (3,000,000) gallons per day at mid-term, and long-term is five million (5,000,000) gallons per day.

This graph shows the future flow over time. The horizontal red dash line is the current two million five hundred thousand (2,500,000) gallons per day, average flow permitted capacity. The horizontal orange line at the top is the current six million (6,000,000) gallon peak flow, which has also been designed in the permit. It should be noted that the peak flow will be exceeded before the permitted average day flow. This means that we will need to have available expansion capacity before a projected average permitted capacity flows are exceeded.

This slide shows the available cesspools in the Līhu'e area. The County Līhu'e service area has very little cesspools as compared to the Puhi service area. Most of this red is in Puhi. There is a valley that separates the Līhu'e service area from the

Puhi service area. Most of this is in that area. The only area that you probably could expand the sewer service to address cesspool conversion is part of the Līhu'e Industrial.

This table identifies developments that will impact our future flows. The current permitted capacity of the plant is two million five hundred thousand (2,500,000) gallons per day, however, our actual capacity is limited to two million (2,000,000) gallons per day by the effluent disposal, we have a maximum capacity of our UIC at two million (2,000,000) gallons per day.

Councilmember Cowden: UIC?

Mr. Fujimoto: Underground Injection Capacity wells.

Councilmember Cowden: Okay.

Mr. Fujimoto: And I&I flows during rainy weather. The effluent disposal will need to be expanded to accommodate the midterm flow target of three million (3,000,000) gallons per day. One million three hundred thousand (1,300,000) gallons per day is our current daily flows. Ahukini Makai Industrial has already been permitted but still has not started construction, was approved with a projected flow of three hundred forty thousand (340,000) gallons per day. Two (2) affordable development projects in Līhu'e are the 66-unit Rice Street Apartments and 120-unit Molokoa Phase IV Lot 1 Habitat project is projected to close of thirty-two thousand five hundred fifty (32,550) gallons per day. The one thousand (1,000) DHHL homes will add about two hundred eighty thousand (280,000) gallons per day, and it will require design for expansion as per the Department of Health, seventy-five percent (75%) flow of permitted capacity requirement. The extent of the sewer collection system upgrades and the effluent disposal will need to be determined through a required engineering report. One million (1,000,000) gallons per day is projected for the Grove Farm Līhu'e–Hanamā'ulu Master Plan, this would require construction of the new expansion project, once ninety percent (90%) of the flow exceeds two million five hundred thousand (2,500,000) gallons per day. Our projection of the cesspool conversion option would be fifty thousand (50,000) gallons per day. This project could be implemented at any time without impacting the overall expansion requirements. It is important to note that these projections do not include the potential impact of ADU or ARU within Līhu'e. Obviously, this issue could significantly increase flow by potentially doubling the density requiring collection system upgrades and expansion planning sooner.

Kennedy Jenks is a national leader in wastewater engineering service and is our consultant responsible to complete the Wailua facility plan update. Kennedy Jenks was issued notice to proceed in July of last year, with an initial contract amount of eight hundred forty-nine thousand one hundred fifty-two dollars (\$849,152). This contract was phased based on the available funding. Their initial focus was on the future flow projections siting study feasibility plan, due to the current sea level rise and tsunami requirements. Amendment 1 was issued for three hundred sixty-seven thousand one hundred four dollars (\$367,104) to perform a detailed condition assessment of the existing treatment plant. Funding for Amendment 2, the County is spending nine hundred thirty-six thousand four hundred ninety-three

dollars (\$936,493) to perform the much-needed collection system capacity assessment, I&I, and hydraulic modeling cesspool conversion opportunities energy recovery and effluent disposal evaluation. We anticipate Amendment 3 to address in-depth reuse/effluent disposal option for six hundred twenty thousand dollars (\$620,000).

Once funding is secured, Kennedy Jenks projects that another 2.5 years will be needed to complete the project. This schedule assumes that that line inspection work, which is funded by the Environmental Protection Agency (EPA) community's grant will be completed and not delay the finalization of the facility's plan. We have one million five hundred thousand dollars (\$1,500,000) from EPA for the inspection work. Wailua wastewater service area includes Samuel Mahelona Memorial Hospital (SMMH) on the north to the prison and the golf course on the south. The system consists of five (5) miles of gravity sewer, two point seven (2.7) miles force main, one hundred twenty-six (126) sewer manholes, and seven (7)[sic] six (6) sewer pump stations.

The known future developments include, starting from the north, Keālia Mauka, SMMH expansion, Hokua Place, Waipouli Resorts, the vacant lots, DHHL Mauka, and the cesspool expansion areas are actually shown on this slide. The initial cesspool expansion areas were focused on high density areas that could serve the most people for the least amount of cost. These areas include six hundred fifty-eight (658) cesspools in Wailua Houselots, two hundred sixty-two (262) cesspools in the Fuji Beach area, and one thousand sixty[sic] two hundred sixty (1,260) cesspools in the Kawaihau area.

This table shows the future flow projections for Wailua. The permitted capacity for Wailua is one million five hundred thousand (1,500,000) gallons per day. The actual capacity is one million (1,000,000) gallons per day due to deferred maintenance and also capacity. We are currently working on restoring the permitted capacity. The current flow is six hundred thousand (600,000) gallons per day and then the projected future flows include the following projects: Fifty thousand (50,000) gallons per day for Coco Palms, two hundred twenty thousand (220,000) gallons per day for the DHHL project, this reflects the initial high-density development and not the recent proposal to downgrade to just Ag lots. I think this was just six hundred (600) residential and another one hundred (100) apartments. One hundred ninety thousand (190,000) gallons per day Wailua Houselots cesspool expansion. Seventy thousand (70,000) gallons per day SMMH expansion. Seventy thousand (70,000) gallons per day Fuji Beach, cesspool expansion. Three hundred sixty thousand (360,000) gallons per day Kawaihau cesspool expansion. One hundred ten thousand (110,000) gallons per day for the Waipouli Resorts area, and two hundred seventy thousand (270,000) gallons per day for the Hokua Place. That development was actually pulled from the plant.

Councilmember Cowden: Pardon me?

Mr. Fujimoto: Hokua Place. Which is, again, it just shows that there is a potential for housing and development in that area.

Councilmember Cowden: Okay.

Mr. Fujimoto: DOH requires the design for future expansion is required when flows reach seventy-five percent (75%) of permitted capacity, which is for Wailua, one million one hundred twenty-five thousand (1,125,000) gallons per day, and start construction when flows reach ninety percent (90%) of permitted capacity, one million three hundred fifty thousand (1,350,000) gallons per day, so the first line on the bottom at seventy-five percent (75%) flow (inaudible), when we are supposed to start design, and the ninety percent (90%) is when we are supposed to start construction. Based on our best guess, we could accommodate the affordable projects without the need to start design based on DOH requirements—Coco Palms, Wailua Houselots cesspool expansion, SMMH expansion, and the DHHL project. However, because the wastewater treatment plant is located in the tsunami zone and the time and challenges to site a new wastewater plant, we have started a design of a new plant location with the ability to expand and address the future needs of Wailua.

Currently the Wailua Wastewater Treatment Plant (WWTP) is permitted for one million five hundred thousand (1,500,000) gallons per day, but due to the deferred maintenance issues the treatment capacity is limited to one million (1,000,000) gallons per day. Two (2) projects that will restore most of the permitted capacity are: Phase 2a for sixteen million dollars (\$16,000,000) to address electrical, secondary clarifier filtration and chlorination upgrades. Phase 2b for forty million dollars (\$40,000,000) will address the headworks for the infiltration and buy solid treatment upgrades. Due to the challenges in siting a new wastewater treatment plant, we will need to start the permitting land acquisition and design of the new Wailua Treatment Plant. Right now, one million dollars (\$1,000,000) has initially been budgeted, I think, to start the study.

The primary focus when we started this facility plan for Wailua was the siting study, which started in July of 2023. Due to the high cost of relocating the wastewater facility, the study focused on determining if we could remain in the current site by hardening the existing facility or if it needed to relocate. The siting study looked at the following considerations: natural hazards, acts of God, sea level rise, cost, appropriate land size, continued access to the valuable existing ocean outfall, continued recycled water service to Wailua Golf Course, opportunities for additional recycled water consumers, and distance from the airport.

Sea level rise and tsunami maps dictated the need to relocate the facility once expansion beyond existing permitted capacity was reached. The colored area of this map are areas that are not impacted by tsunami and floods, so obviously these are the only areas that we should be relocating the plant. The green is DHHL land.

Based on consideration of the siting criteria and all options, the preferred alternative is to secure twenty (20) to thirty (30) acres in Hanamā'ulu will be included in this service area from DHHL to construct a single-regional facility for all Kapa'a and Wailua. The estimated cost is one hundred forty million dollars (\$140,000,000). The land cost is budgeted about six million dollars (\$6,000,000). We understand that the County does not have the ability of eminent domain on DHHL and this option would only be possible if threatened by DHHL. To invest in constructing and

upbringing the original plant on DHHL, we would need an easement for this purpose in perpetuity.

The second alternative was to have two (2) facilities, a smaller plant, still on DHHL lands to service the existing flows south of Wailua River, and a new regional plant north of Wailua River, possibly on Bette Midler's property area. This alternative would be much more than one hundred forty million dollars (\$140,000,000). We are currently seeking funding to perform the comprehensive collection system capacity assessment in hydraulic modeling. This request is for almost one million dollars (\$1,000,000) to complete the facility planned for Wailua. This information is essential in determining future development requirements.

This presentation would not be complete without addressing the financial requirements. Based on the completed portions of the facility plan, rough order of magnitude cost estimates are provided in this table. The completed portion of the financial plan is identified as having a total cost of six hundred twenty-five million two hundred thousand dollars (\$625,200,000). Of that, Līhu'e is about two hundred sixty million dollars (\$260,000,000) and Wailua is about three hundred sixty million dollars (\$360,000,000). Total compliance cost to address the deferred maintenance is one hundred sixty million dollars (\$160,000,000), total project plant expansion cost would be about two hundred ninety million dollars (\$290,000,000). Total collection system I&I cost infiltration cost is about thirty million dollars (\$30,000,000), total cesspool expansion project is about one hundred fifty million dollars (\$150,000,000), and total near term cost or within five (5) years, would be about sixty million dollars (\$60,000,000). Total mid-term, which is between five (5) to fifteen (15) years is five hundred million dollars (\$500,000,000). Long-term budget of almost seventy million dollars (\$70,000,000). As represented in the previous slides, substantial funds would be required to address sewer requirements. These projections are best guess estimates, but provide perspective of funding needs. The cesspool conversion estimates was based on sixty thousand dollars (\$60,000) per service from a recent project in O'ahu, Ewa, at sixty-two million dollars (\$62,000,000) that served one thousand (1,000) lots. Excluded cost are pending the completion of the facility plan study on collection systems, midterm and long-term costs, reuse projects, distribution main pump stations, emerging DOH compliance requirements, UIC expansion, and reuse requirements.

In summary, I would like to assure the Council that the facility plans for Līhu'e and Wailua are well underway. Līhu'e started in 2022 and Wailua started last year. A lot of work has been completed on the facility plans, but the strategic information is still required to properly address future sewer developments in Līhu'e and Wailua. The next step is to complete the facility plan by obtaining information on collection system capacity assessment and hydraulic modeling, future transmission system expansion requirements, future compliance requirements, and costs and financing plan. This concludes our presentation. Thank you for the opportunity to share wastewater residential development sewer plans for Līhu'e and Wailua. At this time, we welcome your questions.

Council Vice Chair Kualii: Thank you. Wow. That was the most comprehensive report I think this Council has ever seen from the Wastewater Division. A lot of really good work in there, I am sure there was an entire team that

worked on this. Thank you so much. I want to do one round of questions, then have DHHL come up in case you have questions for them, and then bring back the Wastewater Division for further questions. Councilmember Cowden.

Councilmember Cowden: There is so much information. Thank you to both organizations. You said, "An alternative to," if we had a small piece at Wailua and the bigger piece on the bypass, which I was excited about, here it says, "estimated capital cost," on page...

Mr. Fujimoto: Yes, one hundred forty million dollars (\$140,000,000).

Councilmember Cowden: You said one hundred forty million dollars (\$140,000,000), but then you were talking, you said it will be way more than that.

Mr. Fujimoto: Yes, actually, that number is under...it is a rough estimate. When we looked at it, it will be more expensive because we are going to end up having to pump backwards to a facility.

Councilmember Cowden: Because it has to go up the hill?

Mr. Fujimoto: Right.

Councilmember Cowden: And that is why...so, two hundred...you do not know, you just know that it is more than one hundred forty million dollars (\$140,000,000)?

Mr. Fujimoto: It should be. That is why the preferred alternative plus the operating cost will be higher, because now we are looking into two (2) facilities instead of one (1).

Councilmember Cowden: And then the Wailua Golf Course will be out of luck for water?

Mr. Fujimoto: We would want to keep sending the reuse water to the golf course, because the reuse is a big part of the permitting process.

Council Vice Chair Kualii: Councilmember Kagawa.

Councilmember Kagawa: Thank you for the lengthy presentation. I got bits and pieces of it during the budget request. You asked for a lot of money to fix up our existing and basically I heard a lot of these before, but my basic question to you folks is that DHHL has these plans they presented. They are asking for some coordination with you folks or do they stand alone and do their own. Now that you heard what their plans are, and this is a "big time" impact on DHHL leases, you are talking about six thousand (6,000) homes possible for people who are on the list, what are your plans to coordinate with them, given your long presentation on just fixing what is existing projects that are in here? How can you accommodate DHHL's request?

Mr. Fujimoto: In a nutshell, I believe the solution is a comprehensive facility plan. It would provide the information we need for not only DHHL, but for any development in Līhu‘e. If we had a hydraulic model baseline, we could easily determine what would be needed to accommodate that development. That is why we needed this facility plan completed. I think in their projection, they actually had accounted for a temporary individual treatment plant in Līhu‘e just to accommodate their development. If we had the hydraulic model, we could determine what areas of our trunk sewer line needed to be upgraded to facilitate their needs. Right now, based on our projection, we can handle their flows.

Councilmember Kagawa: For both?

Mr. Fujimoto: For the development—for one thousand (1,000) homes.

Councilmember Kagawa: Are you talking about Wailua or Līhu‘e?

Mr. Fujimoto: I am talking about Wailua and Līhu‘e.

Councilmember Kagawa: You can take all of their homes right now?

Mr. Fujimoto: The treatment capacity, we can handle, we know that, but we do not have the piece about the transmission made. I guess this would be a good slide, I think, to look at. They are on the tip, they are on the highest point of the gravity sewer line, their flows will definitely impact our trunk sewer. We need to find out where along the main trunk sewer that we would have to off size, so that we would prevent the surcharge and overflow situation.

Councilmember Kagawa: Do you need pump stations?

Mr. Fujimoto: It could be a pump station, or it could be just upsizing the mainline.

Councilmember Kagawa: If they are saying they want to hurry and do this, your suggestion to them is work with the County and the County would be able to do it or is the best solution, if they want to hurry, to just go out on their own and do it, because you are going to wait too long for the County to fix what we have?

Mr. Fujimoto: I think we got a head start because we got our consultants onboard. They obviously have good consultants, too, so in essence we are duplicating the effort because the developers are actually supposed to provide the information to us, if they wanted service. In this case, I think (inaudible) insurmountable and that is why they have a temporary facility in the interim. Again, this hydraulic modeling is important because of the fact that we do have ARUs and ADUs that we already have to start considering. The upgrade of our trunk system is going have to be done at some point anyway.

Councilmember Kagawa: Right. I think too much emphasis is being made on ARUs/ADUs, because a lot of times there are people already crowded in one

home and there are the same number of flushes. They are just crowded in one home and perhaps...

Mr. Fujimoto: But the potential is they are for a lot more density.

Councilmember Kagawa: Okay. Thank you.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: Working with DHHL, they are asking and putting on the table, can we work with them to make it happen?

Mr. Fujimoto: Definitely.

Councilmember Carvalho: Yes, I am saying we definitely can make it happen.

Mr. Fujimoto: Yes.

Councilmember Carvalho: Okay. Then the second part was to relocate the existing plant at Lydgate, there is a way to keep it there or...you talk about a hydraulic main model.

Mr. Fujimoto: Yes.

Councilmember Carvalho: Is that...

Mr. Fujimoto: Priority for us is to be cost-effective. Right now, the cheapest way is to keep our plant going where it is and look at ways of expanding the capacity. Two (2) things I see to accommodate DHHL, one is the transmission main to make sure we can handle it, and the second is effluent disposal and that is something that we currently need to address because we are limited by our UIC, underground injection well. At this time, maybe it is good to explain why, when we look at future sites, we are looking at twenty (20) or thirty (30) acres, is because the cheapest way to address the emerging DOH requirements is to build surge capacity reservoirs and to build storage facilities for the reuse systems. I think we are talking about the same thing; R-1 is what we want to do. We want to create useable reuse water, but Lihu'e rains too, and when it rains, you cannot irrigate, so we need to be able to store that water. When we have big surge events or storm events, we need to store the water so that over time, we can treat it and create R-1. The compliance issue is not only reuse, but also addressing situations when we cannot produce the permitted R-1, what do we do with that water?

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you. Hats off to you folks, very comprehensive, almost too comprehensive, I needed a cup coffee, because I was dozing off a little bit. I like what Councilmembers Kagawa and Carvalho said. Just give us a thumbs up, are we good to go with DHHL, let us do this project, we need housing

for our local families, *kanaka maoli* will live in these homes, we do not need to put any further restrictions, right? It will be all quantum blood people in homes. My question is, we did not mention the Wailua Golf Course, the R-2 water, are they ready to accept that water?

Mr. Fujimoto: Even Wailua will benefit with the R-1.

Councilmember DeCosta: Yes, but are they ready to accept? Can they accept it, or would they have to expand?

Mr. Fujimoto: The issue becomes...we do have an outfall that can accommodate up to two million (2,000,000) gallons per day. We do have means of getting rid of the water, but I think Wailua could probably take most of our water, up to one million five hundred thousand (1,500,000) gallons per day. It was refreshing to hear that DHHL is willing to take reuse water on their project.

Councilmember DeCosta: Out in Waimea, is it R-1 or R-2 water going to the park?

Mr. Fujimoto: R-1.

Councilmember DeCosta: Okay, but when we did the investigation on growing alfalfa with Hartung Brothers, Inc., we could not let them use that water because you cannot grow agricultural products that will be consumed by an animal or by humans.

Mr. Fujimoto: Well...

Councilmember DeCosta: It worries me a little bit. All of this wastewater on this new project behind Isenberg Park and basketball courts, we have agricultural lands, DHHL mentioned that, to put back into the farming product of half-acre lots, but can people eat the mangoes from the tree with the water or can they eat the cow that grazed on the grass from their property, because we are not doing that right now?

Mr. Fujimoto: I can tell you that about a month ago, I would say you probably could, but in one (1) month, the perfluoroalkyl and polyfluoroalkyl substances (PFAS) I am not sure if you know what that is, it is from the nonstick pots and pans, water proofing, etcetera, and that they found is carcinogenic, which accumulates over time. Now, even the Department of Water (DOW) is looking at requirements to treat PFAS, and they traced that to drinking water sources. Now, yes, even cows, you cannot irrigate pastures now because the cows will eat it and if you eat the cows, then you going end up with it. This is still being regulated. The federal government has not even come down with a standard. We are talking about some standards that is so (inaudible) and yet it is a concern, because it is being traced. These are emerging things that are happening now. That is why it is important to have lands so that if we need to, we can do infiltration lagoons and ponds rather than reuse, even. The best reuse actually now is landscaping where you do not ingest it.

Councilmember DeCosta: With the two hundred seventy-nine (279) acres, will we designate a certain spot so we can have those ponds, we can have the areas to store the water, if you cannot inject it in the wells and/or use it on the agricultural products?

Mr. Fujimoto: A few days ago, it was not an issue, and now it is actually becoming an issue. In the next year or so, I think they are actually going to have restrictions and regulations.

Councilmember DeCosta: This is just smart planning for the future. Thank you.

Council Vice Chair Kualifi: On one of your slides you said “near term projects” and at the bottom you talked about permitting and design for the new Wailua Treatment Plant, and you said one million dollars (\$1,000,000) to start. How much more money do you need to really accelerate these plans so we can get to the point of where we know what we need, and we know where we are going to put it?

Mr. Fujimoto: My rule of thumb is that the design cost is running around six percent (6%) to ten percent (10%) of construction cost, so if you are looking at construction cost of about one hundred forty million dollars (\$140,000,000), then you are looking at anywhere from ten million dollars (\$10,000,000) to fourteen million dollars (\$14,000,000).

Council Vice Chair Kualifi: Okay. Good to know. But then you did assure us that with the current capacity at Līhu‘e, we could get the one with that, too. I think the issue becomes, too, that if you are going to put in all the lines to connect, are you connecting to the existing Līhu‘e and then also to the new plant? I was encouraged by your opening statement when you said you really appreciated DHHL’s presentation and that they are responsible and a progressive developer that is thinking about the effluent disposal and all of that, so that is encouraging. When we heard from DOW, they were very excited and telling us they had ongoing, tight connection, working relationship with DHHL, because they see the big picture about how we can get a lot more housing when we do the infrastructure and that we should work together. Some of the Councilmembers always had concerns about the new housing, how many of it is going to outsiders moving here, but all DHHL housing is going to Native Hawaiians, so it is an even more enticing, important opportunity. The other thing I thought I saw on DHHL’s map and then on your map, a different location of where you are thinking of the alternatives for the new plant. I think you folks have to make sure you are, at least from today forward, work closely together and know that the Council is supporting you and the Council wants to see this happen.

Mr. Fujimoto: Thank you. I think the biggest disconnect is...I do not think they understand that our requirement is so big of a property, I think they are used to conventional treatment plants size and not something with storage reservoirs. The reason I am trying to do this is like “land banking.”

Council Vice Chair Kualifi: Yes.

Mr. Fujimoto: Because there is unknown about the future, but what we do know is that it is not going to be less, DOH requirements, the cheapest way to address it right now is to build surge capacity reservoirs, so that we can treat this over time and create compliant effluent. Without that capacity, then we really taxing our system. We may end up over designing our plans and then we still have problem with the effluent side. We will still need some storage for the effluent.

Council Vice Chair Kualii: Councilmember Bulosan.

Councilmember Bulosan: Fantastic presentation. You mentioned in your presentation, I think it was five million eight hundred thousand dollars (\$5,800,000) for Lihu'e, just the facility plans, is that correct?

Mr. Fujimoto: Yes.

Councilmember Bulosan: And that five million eight hundred thousand dollars (\$5,800,000) is not currently allocated by the County?

Mr. Fujimoto: Well, all we are asking for is about four million seven hundred thousand dollars (\$4,700,000)—we already budgeted or paid for the first one million one hundred thousand dollars (\$1,100,000).

Councilmember Bulosan: And considering, I guess for that facility plan, is it a linear process or can it stack, meaning...

Mr. Fujimoto: Well, we could phase it, but then again it just pushes out the end results. The longer we spread it out, we are still waiting for the information, so we cannot help the developers, because we do not have the information. The sooner we get the information, the faster we can facilitate development.

Councilmember Bulosan: Yes, that was my question. The four million seven hundred thousand dollars (\$4,700,000), is that something that next budget we can try to aim for, and we will have the capacity to do the study or is it more like we have to wait until part of the study is completed, then we have to...

Mr. Fujimoto: Again, I have to defer to the "powers to be," because for wastewater, I am selfish. I can tell you the wastewater's needs but there is more than wastewater that they have planned for. I can tell you that the longer we wait, the harder it is for us to determine what the projects are, but again, the developers, I have no doubt that DHHL will have their engineers looking at all of the requirements that they have to put in. It maybe cheaper to just build a package plant to accommodate their system, until we get up to speed and until we put in the system that needs to be done.

Councilmember Bulosan: Just to follow-up to that. Can both the Lihu'e facility plant and the Wailua facility plant run concurrent?

Mr. Fujimoto: Yes, definitely. Actually, this is focused on Lihu'e and Wailua, but we still have 'Ele'ele and Waimea.

Councilmember Bulosan: Thank you.

Council Vice Chair Kualii: Thank you for that first round of questions from the presentation. Can you step aside? We will have DHHL come back. Just to let everyone know, I am going to try to take our lunch break by 12:45 p.m./1:00 p.m. at the latest. With how this is going, I think after we finish with this item, I am going to try and squeeze in the Prosecutor, you have two (2) items and the Fire Chief, but the Department of Parks & Recreation and the Agency on Elderly Affairs, you have a lot of agenda items, you might want to just go to lunch already and come back later. We will probably take our lunch break at 12:45 p.m./1:00 p.m., and it is an hour long.

Councilmember Kagawa: I have a process question. Are you going to get Information Technology (IT) items as well?

Council Vice Chair Kualii: Does IT just have one (1) item?

Councilmember Kagawa: Yes.

Councilmember Cowden: Three (3).

Councilmember Kagawa: Oh, three (3).

Council Vice Chair Kualii: Prosecutor and Fire, hang around, and everyone else, go have lunch and come back later. Members, are there any questions for DHHL? Before we do the questioning, if there is anything you heard so far that you want to respond to or add to or enlighten us on.

Mr. Kanna: If I heard correctly, your questions, the capacity of the plant has enough capacity to deal with the (inaudible) environment, but what I heard previously is that they do not have the disposal, and that is going to be the crucial issue as we discussed before. In a way Lihu'e, it looks like, based on their presentation, they can accommodate our project in terms of the inflow subject to the transmission. That will be a crucial issue, and the reason why they are saying they need a hydraulic model to determine what has to be upgraded in order to accommodate us, but at the same time, I also heard the easiest thing in order to get us going is for us to do the package plants as we previously addressed. It is unclear as to "they have the capacity, but they cannot accommodate us now," and until they have a full study done, they cannot determine what has to be improved to accommodate any future growth, is what I heard. I am looking for a confirmation one way or another.

Councilmember Bulosan: I heard the same thing.

Mr. Kanna: The dilemma that puts us in is that that means we have to move forward with our package plant because in the near future there is no capacity available to deal with this until the upgrades occur. That is what I heard about Lihu'e. On Wailua, what I hear is that they are going to do an interim fix, the Wailua plant, which will continue to accommodate what they currently have, but the combination of deferred maintenance...okay, that they can cure, they can bring the plant up to what they are previously (inaudible) was, and what that tells

me is they maybe able to handle what we are trying to do in Wailua, but the disposal issue now becomes a big question again, because the same reason why they are saying they need twenty (20) acres for each one of these plants because they need storage capacity. Additional waste and human disposal, it often brings the issue about upcoming issues with regards to contamination of water, I do not know the exact term they use, but the plastics and various other chemicals, the forever chemicals, but again, those are rules that are not in place. We are kind of shooting into the dark trying to determine what the future regulations are. There seems to be some unknowns, but clearly, I have to say I do support their efforts to complete their hydraulic model because without the hydraulic model, we really do not know what the existing system can actually provide and what has to be fixed and improved. I support that. We need to kind of look at the size and the cost of what they are trying to propose because again, it is typically a long-term plan, something over a period of ten (10) years. Most of us are trying to get something built as soon as possible, so we are trying to figure out how we can possibly shorten the process. Those are the issues I would like to have the discussion with the Wastewater Division on, because maybe we do not need to do all of them and just certain things, but again, it comes down to what they are saying about the hydraulic model.

Council Vice Chair Kualii: Thank you. Councilmember Cowden.

Councilmember Cowden: On your third slide, the reservoir that is on there, it says, "sewer treatment plant," who owns and operates that now? Does Grove Farm own that?

Mr. Kanna: No, no, that plant does not exist yet.

Councilmember Cowden: Oh, okay, because I was going to say that I did not know about that one.

Mr. Kanna: That is if we have to do a package plant, and we may relocate it based on wherever it is the most popular solution, but we are just reserving property if we have to do a package plant.

Councilmember Cowden: Okay, because I thought I was not aware of that one.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I was running some numbers with my calculator. If the County is going to get involved, and the County will get involved, those are taxpayers' dollars, those are people across Kauai. I want to be physically responsible. Are you with DHHL or are you the developer?

Mr. Kanna: DHHL.

Councilmember DeCosta: Perfect. You folks came up with a sixty thousand dollar (\$60,000) amount per acre, is that correct?

Mr. Watson: That was to purchase from Grove Farm.

Councilmember DeCosta: Yes, simple question. Sixty thousand dollars (\$60,000) per acre.

Mr. Watson: Right.

Councilmember DeCosta: At two hundred seventy-nine (279) acres, it comes out to be about...

Mr. Watson: Two hundred ninety-five (295) acres.

Councilmember DeCosta: So, it came out to be about eighteen million dollars (\$18,000,000).

Mr. Watson: No, a little more than twenty-two million dollars (\$22,000,000).

Councilmember DeCosta: How was that price negotiated? When I look at my numbers, the inflation rate on land over the last ten (10) years, we are talking about fourteen percent (14%). Grove Farm sold some property back in 2014 and that price was about six thousand six hundred sixty-seven dollars (\$6,667) per acre, to a man named Brad (inaudible). The two thousand seven hundred (2,700) acres was sold for eight million dollars (\$8,000,000), but now you folks are going to buy two hundred ninety-five (295) acres for twenty-two million dollars (\$22,000,000).

Mr. Watson: Twenty million dollars (\$20,000,000).

Councilmember DeCosta: That price did not go up that much, so how did you folks negotiate that jump in acreage in over ten (10) years? It went up from six thousand dollars (\$6,000) to sixty thousand dollars (\$60,000).

Mr. Watson: Yes, I do not know...

Councilmember DeCosta: And this is ag land...no, no, I am trying to help you folks.

Mr. Watson: Yes, right.

Councilmember DeCosta: This is ag land that you folks...so, when they sell ag land, they sell ag land to a person, they cannot rezone it, they cannot restructure, they cannot put more...but you folks can.

Mr. Watson: Right.

Councilmember DeCosta: So, you folks bought that land. I am just trying to help you folks to look at the price value you paid for that land, you might be able to get that land cheaper and you can maximize more than what you are doing.

Mr. Watson: Well, we have a deal in place. I do not know how the valuation was previously, the location is key, because it is infrastructure, all amenity, and we can easily develop it pretty quickly, there is sufficient water. With

respect to sewer, I was very encouraged by the comment that the Līhu'e plant might be able to accommodate the thousand (1,000) homesteads, so we have to work on that. That is why I look forward to working with the Wastewater Division and Mr. Fujimoto, in trying to get a price on that and get that moving. We have the cost of the land...we are satisfied, we are not revisiting that.

Councilmember DeCosta: I understand that, but my job as a Councilmember is to be fiscally responsible. I am happy that Grove Farm is willing to do a development...

Council Vice Chair Kualii'i: But Councilmember, it is not our job to...that is his negotiation.

Mr. Kanna: Councilmember, just to share, by State law, we cannot buy land unless it is at or below appraisal. The appraisal came in above that price.

Council Vice Chair Kualii'i: Yes, thank you.

Mr. Kanna: That is number one. Number two...

Council Vice Chair Kualii'i: We should move on.

Councilmember DeCosta: You did not tell me that when you did your presentation.

Mr. Kanna: Yes, I know.

Council Vice Chair Kualii'i: We should move on. This is a negotiation between a State department and the landowner, not the County. Councilmember Bulosan.

Councilmember Bulosan: Fantastic presentation. I am really excited to hear the motivation on timing. Now that you heard the Wastewater Division's basic timeline from short-term, mid-term, to long-term, and it sounds like you are looking short-term, is that the next three (3) years, are you looking for the development in that Līhu'e area?

Mr. Watson: In two (2) years we should start construction.

Councilmember Bulosan: And based on the phases that were shared.

Mr. Watson: Again, we are going to make awards up front now, once we get the layout. Like I said, we have too many people on our waitlist; we need to go in and move quickly.

Councilmember Bulosan: Right. That is the second part of my question, knowing that you are moving that quick, I think that prompts our systems on our side to then follow with that same zest. It was mentioned in the other presentation

there maybe some duality happening in the research and the information gathering such as the hydraulic report.

Mr. Watson: Yes, we will work with them on that, so we do not duplicate and double pay for the work that we can share.

Councilmember Bulosan: Right.

Mr. Watson: Again, we would like to cooperate with them as well as us and work together.

Councilmember Bulosan: On the facility management side, you folks shared...

Mr. Watson: We are not interested in managing it.

Councilmember Bulosan: Right, okay, thank you.

Councilmember Carvalho: There is DHHL, Engineering, Public Works, and DOW...the water part, just to clarify, is all aligned, right?

Mr. Watson: Right.

Councilmember Carvalho: Then on the County side, of course, trying to make sure that we connect it, and Mr. Fujimoto said, "yes," we have the ability to work with them, right?

Mr. Watson: Yes.

Councilmember Carvalho: But I know there are different levels on what we need to do, so I just wanted to clarify that.

Mr. Watson: Sure.

Councilmember Carvalho: Everyone pulling in together and the timing...because you said two (2) years, and then we need to make sure we have the capacity on our side.

Mr. Watson: The timing, we call it the Bipartisan Infrastructure Act, that is good for another two (2) years, so the timing, we have to go in now...

Councilmember Carvalho: Go in now.

Mr. Watson: ...to grab that money.

Councilmember Carvalho: I just wanted to clarify that because that is what I understood from you.

Mr. Watson: We have an entire team of consultants onboard to help. It is easier to get it if you go in as a group, and that is why we are inviting all the different players, private sector to come in with us.

Councilmember Kagawa: Was the two (2) years statement about two (2) years starting, is that just in Līhu'e, or two (2) years...

Mr. Watson: Construction.

Councilmember Kagawa: Right.

Mr. Watson: I am also talking about the infrastructure build. The funds are there, we have to go and get them. It is not a matter of getting congressional approval, it has already been passed. The law is in place. That is why President Biden...to me that was his legacy, all the money is made available for infrastructure.

Councilmember Kagawa: The two (2) years are for both sites; Wailua and Līhu'e?

Mr. Watson: This is exploratory and see what we can do together. I recognize that we benefit by improvements of both sides, but again, if we have to go alone, then we are going to do a package plant in two (2) phases, I rather not do that, spending the money on that. If we can just improve the distribution system, connecting it to the Līhu'e Wastewater Plant, that is what we would like to go.

Councilmember Kagawa: Right.

Mr. Watson: That way we can do it a lot quicker. That is why we have to talk to Mr. Fujimoto.

Mr. Kanna: The two (2) years is very optimistic. For Wailua, I do not think I can answer that question until we know what the capacity of the Wailua plant will become, because they are not in the process to basically improve, to restore the capacity of Wailua, as my understanding from Mr. Fujimoto. That timing may not fit with Wailua, because until that occurs, capacity will not be there. The other portion is the entire concept of Wailua (inaudible) is subject on having the reuse as the source of irrigation and that is a question mark at this point. We need to resolve that first, before we can do the full conversion, because that is a critical part with that water issue.

Councilmember Kagawa: The strategy for DHHL on Kaua'i, with the two (2) sites, regarding sewer infrastructure, we are much more ready to proceed with Līhu'e, based on what Mr. Fujimoto has presented?

Mr. Kanna: Well, first of all, if I heard correctly, what you are saying for a first phase, we will need to go with package system, because I do not think Līhu'e is in a position to accept that sewer, with that time period.

Mr. Watson: We need to check that out.

Mr. Kanna: We need some more discussion in detail with the Wastewater Division.

Mr. Watson: The Wailua situation, the plan is to keep it there, well, if that is the plan and just improve it, then we would have to look at...and I think that would limit our development in a major way, but again we would work with that. We would want to do some subsistence ag, which includes residential; combination ag and residential, obviously there will be some waste generated, effluent from the residential portion of that subsistence ag. We will need to work with the Wastewater Division to see what type of...I would rather try to relocate that plant and assist the County Wastewater Division to do that, and we are making couple sites available for their consideration.

Councilmember Kagawa: I totally agree, is all I can say.

Council Vice Chair Kualii'i: When you move forward, you made the point in your slide, the slide where you show the Wailua lands and the old plant with all of these residential areas in there. You said you preferred to convert all to ag use. Obviously, you have to work with your Commission, but is it then your commitment to pursue all of these homes here, that than that would go...because keeping that space green is a value to all our island, and also to the traffic in the area. That is one of the worse areas on the island coming anywhere north trying to get into Līhu'e. Yes, I think it is definitely a benefit for us all.

Mr. Watson: I think so, too. It is very fertile and the green belt, maintenance that would make sense, and then relocating our residential development more in Līhu'e also makes sense. That is kind of a pivot on the part of the department. This would require Commission action, but again, if the sewer plant can facilitate effluent and the relocation rather than what is being discussed, again, it is all tentative, but we do need to get some direction quickly on which direction.

Council Vice Chair Kualii'i: I am a beneficiary myself, I have a homestead in Anahola and believe me if this was available, I would have chosen that, because to be able to walk to work would be amazing. Thank you. Are there any last final pressing questions? Okay, we will ask the Wastewater Division to come back up and then we can wrap up. Are there any final questions? Is there anything you would like to add after you heard their plans? We hope that when you leave here today, you go on and start having regular meetings and make this happen by working together closely. Is there anything else you would like to share?

Mr. Fujimoto: I guess, we are three (3) at the same place, and I think we are just hearing different things. What I was trying to impress is a couple things, for DHHL development, Wailua, we can accommodate the development today. If they wanted to build this plan today, we could handle that, because we are under one million (1,000,000) gallons per day. If you look at our...like I said, first-come first-served. If you folks want it, you folks got it. Our cumulative flow with that development is eight hundred seventy thousand (870,000) gallons per day, still under the million (1,000,000) that we have. We could do it today, if they wanted to.

But, over time, we definitely need to relocate the plant. It is refreshing that we can work together on this. The other thing about Līhu'e is, I wanted to also explain that we can accommodate the flows. The missing piece for Līhu'e is...the one thousand (1,000) homes, again, we are just under two million (2,000,000) gallons for this, so we can probably do it and would be maximizing our system, but we could do it. The key is how do we get the flow from their project to us, because the transmission main...and it might be more expensive to fix that main than to just put a package plant. The other issue is the effluent disposal, and how we address that. I just wanted to clarify that, is from the perspective of treatment, we can handle their flows, and we definitely want to work with them and help them move that project ahead. Hopefully I clarified that issue.

Councilmember Kagawa: You are saying that some of those lots are too troublesome to tie in or whatever to existing, in the area, so therefore they should create their own sewage system, which might be cheaper than you do not have to put all those pump stations, but a lot of it they picked because Grove Farm gave them lands that are adjacent to the existing, right? Are a lot of those serviced by sewer? You are talking about Isenberg and down here, on the side here, this round building is all tied in, correct?

Mr. Fujimoto: Right. The key is that we are on a gravity system, and they are on the tip of the system there.

Councilmember Cowden: Yes.

Councilmember Kagawa: The additional flows...we do not have systems in place to take on...

Mr. Fujimoto: The trunk sewer will be overwhelmed.

Councilmember Kagawa: Oh, okay.

Mr. Fujimoto: According to our consultants, one of the key issues is that they need to do the monitoring and the flow, which takes about a year for them to give good pictures on to determine what sections of pipe would have to be upgraded.

Councilmember Kagawa: I guess that is why it is difficult because we are saying, "Okay, Līhu'e, we can, but we no can."

Mr. Fujimoto: Yes.

Councilmember Kagawa: But then when you look at a map, it looks like these are prime lots that are adjacent that will fix so much of our housing crisis, how do we make it happen?

Mr. Fujimoto: This makes sense when you look at it from a planning perspective, this is part of Līhu'e, and this is perfect, actually, when you think about it, but unfortunately if we had this plan, if we had done this ten (10) years ago, I could tell them what lines they would have to upsize and then they could

easily say, "Well, it is still too expensive, let us do a package plant." But, at least we would have that information. Right now, we cannot even say that, because we do not know.

Councilmember Kagawa: Thank you.

Mr. Tanigawa: Because of the two (2) presentations, there have been a lot of questions that came up, and Vice Chair Kualii made an excellent point about DPW and DHHL continuing to communicate. I can make sure, as far as DPW administration, we will make sure that it continues to happen. We recognize that DHHL is serious about starting and completing their developments, and so it behooves us to continue to communicate knowing that if their developments will be impacting a system and what we have.

Councilmember Kagawa: I trust that, Troy, you are Hawaiian, you are local. We just need that...the points that we are "clouding," we have to help give them direction where we are at, we have fallen so far behind our sewer system, let us make sure we give them good advice, so they do not waste their time. We just need honest conversations and let us go forward.

Mr. Watson: It is very clear that our development, when you look at it, how it lines up with the Lihu'e Wastewater Treatment Plant, it makes sense to do it that way. Now, I do not know the comment about, "Maybe you should start with your own package plant, because it may be cheaper, the cost of putting in a new transmission line." For us, with the package plant, we got our own operator, etcetera, which I do not want to do, so even if it does cost more, we would be willing to do that. Now is the time we can go after the funds, so that is why I need to get the exact number of what it cost to put in the new transmission line or to supplement, or maybe possibly use your existing lines that maybe need to be sized right.

Mr. Fujimoto: Right, surcharged, or put a pump station in certain areas to help facilitate the movement.

Mr. Kanna: Actually, if I heard correctly, if we phase our project, you might be able to accommodate us now for the first phase with the existing lines, because even with your forced main reaching its limits, you are talking two hundred fifty (250) units, it is not going to create a huge problem. What I hear is the opposite, is that we can possibly start our first phase without anything, including our own package plan, but then meanwhile, if wastewater in doing their hydraulic modeling, they can start determining how they can increase their capacity, which they eventually eliminate the need for any package plan for us. The one thing I hear missing here is, there is also a capacity built-in for Grove Farm's production, so we need to incorporate that factor in also.

Mr. Fujimoto: Ultimately, our responsibility is to serve the public, and my goal is to accommodate that development because it really does not make sense for them to have a separate facility and to duplicate the cost. It is a lot more efficient if we have one central plan. To answer your point, the Grove Farm development is pushed out, it is one of the last projects that I put in my...

Mr. Kanna: We should develop a short-term, but then also start working for a long-term plan, which allows (inaudible).

Mr. Fujimoto: Right.

Mr. Kanna: And then we have two (2) different funding mechanisms for it. I think we need to have further discussions directly with the Wastewater Division.

Mr. Fujimoto: I need to apologize to DHHL, to Chair Watson, because I think we had some meetings before, about a year ago, and we came out real defensive, because at that time we did not have the studies or any information. Since then, we have some information, I feel a lot more comfortable in saying that we do have capacity. Hopefully, we can work together.

Council Vice Chair Kualii: Thank you. Members, we are trying to wrap this up.

Councilmember Cowden: I have a question on page 40, it is under the financial considerations on the County's presentation. Am I reading it correctly, there is an asterisk that says, "Sewer service cost estimate based on sixty thousand dollars (\$60,000) per service,"—the cost is sixty thousand dollars (\$60,000) for a household?

Mr. Fujimoto: Yes.

Councilmember Cowden: Wow. That is a lot. I am not criticizing; I am just shocked.

Mr. Fujimoto: What is more discouraging is that they did a more recent project and that came out to one hundred thousand dollars (\$100,000) per lot.

Councilmember Cowden: Per house.

Mr. Fujimoto: Per lot.

Councilmember Cowden: Would that include the cost of putting in a bigger trunk? I understand what you are saying on that drawing...

Mr. Fujimoto: I am not sure. Yes, probably a bigger trunk, too.

STEVEN ESAKI: My name is Steven Esaki; I am one of the consultants for WWTP. The sixty-two thousand dollar (\$62,000) number that Mr. Fujimoto shared is from O'ahu. They did a project similar to what we envisioning to eliminate cesspools in Ewa and Waimānalo.

Councilmember Cowden: I sure hope it will build into the trunk because we have all these other developments, whether it is Grove Farm or a guesthouse, so,

if we put a bigger trunk in, we just have to be prepared for that, which is a sixty-thousand-dollar (\$60,000) estimate.

Council Vice Chair Kualifi: Councilmember Carvalho.

Councilmember Carvalho: When was the Wailua and Lihu'e collection system study done?

Mr. Fujimoto: It is being done now.

Councilmember Carvalho: Now, right?

Mr. Fujimoto: Yes. That is what I am saying, we are missing one of the most important pieces and that is transmission assessment, the capacity of moving the flows into the plant. Primarily in the past most of the studies just looked at the treatment capacity and not how you get the flows to the plant, and now we are finding out that is our weak link, and that study needs to be done.

Councilmember Carvalho: So, that study is in process as we speak?

Mr. Fujimoto: Right.

Councilmember Carvalho: Okay.

Council Vice Chair Kualifi: Thank you. Councilmember DeCosta.

Councilmember DeCosta: Do you have an ending price of the acreage plus the infrastructure—one hundred fifty thousand dollars (\$150,000) is what we said, three hundred (300) square foot for the one thousand (1,000) homes...do you have an end price that will cost Hawaiian people on the half-acre lot?

Mr. Watson: If you are asking about that infrastructure...

Councilmember DeCosta: The overall price. What you folks intend to let Hawaiian turnkey to move into the house?

Mr. Watson: Well...

Councilmember DeCosta: That is important for me to know that number.

Mr. Watson: I guess it is important to understand that the Department typically, and in fact, all of our developments, the Department covers the infrastructure cost, and the homesteader covers the vertical construction, the cost of the house. Infrastructure cost varies dependent on...the Alii Project infrastructure per lot is three hundred seventy-six thousand dollars (\$376,000) versus some of the areas that are maybe like one hundred fifty thousand dollars (\$150,000), depends on the site, whether it is blue rock or in a flat level, existing utilities in place. It really varies.

Councilmember DeCosta: Is it safe to say if the square footage average cost is about three hundred fifty dollars (\$350) a square foot, that is the average cost...I was in contact with Conrad from Shioi, would that be the average cost, three hundred fifty dollars (\$350) to four hundred dollars (\$400) per square foot, and the house would be three-bedroom, one thousand (1,000) square foot. Our *kanaka maoli* can turnkey at around four hundred thousand dollars (\$400,000), safe to say?

Mr. Watson: Again, even that, that has been a big challenge for us regarding the vertical construction. It has gone through the roof with labor cost, etcetera. For example, our most recent at Pu'uhona Project, five-bedroom was close to seven hundred thousand dollars (\$700,000), but in doing the examination the way it was developed needs to be tweaked. We need to treat and approach it as, based on my kind of experience, which is an affordable housing developer, so we go after all these different subsidies, such as tax credits, bonds, rental housing revolving fund, etcetera, which brings that down. It is a real big challenge in trying to get the vertical construction and the cost per house down. One of the ways we are doing it is using tax credits where we access free funds from investors that are looking for sheltering of their income and we use that in some cases to finance maybe seventy percent (70%) of the total project cost. We are getting a little bit more creative. I cannot answer your first question regarding per square foot, it varies all over the place.

Councilmember DeCosta: It is very important; I want to finish.

Council Vice Chair Kualif'i: Please.

Councilmember DeCosta: You folks said you are not going to look at your members and do borrowing power of your members.

Mr. Watson: Right.

Councilmember DeCosta: You want to get that piece paper and get it built.

Mr. Watson: Right.

Councilmember DeCosta: I was worried that if you have those two hundred ninety-five (295) homes, do we have our families ready to borrow their borrowing power and ready to get that loan, instead of that home sitting there. I was just asking if you folks did your homework, based on the constituents you have on the list and who can qualify.

Mr. Watson: Like I was saying, right now up front, we just take the people off the waiting list— "Do you want this particular project? Here is the lease." We do not examine, "What is your income, how many in your family." We do not do that. This is a different approach because I do not want to be bypassing people anymore. So, what we do is we give them a lease, then after they are all leased out, we do an assessment of the collective group and we categorize them for whatever the income is, do they want to do an owner-builder, habitat for humanity, rental with a 15-year conversion to ownership, etcetera. In some cases, working with OHA, we can

subsidize that, or we can access other funding. By doing it that way we do not bypass anyone on the waiting list, but the capitol stack that is generated based on these different categories is different.

Councilmember DeCosta: I understand. Thank you.

Council Vice Chair Kualii: Thank you. Members, we need to move. Is there anyone from the public wishing to testify?

SHERRI CUMMINGS: For the record, Sherri Cummings, DHHL beneficiary. Councilmember DeCosta, thank you for the questions. I think what we should be doing is asking the first question, I believe his name is Mr. Kanna who came in a few months ago, and he talked about this piece of property that they are referencing in Wailua for us to have opportunities to be paper leaseholders, and then have our lots based on whenever these infrastructures whenever, because Mr. Kanna mentioned if you folks remembered, go back to the testimony, he said probably not for another twenty (20) years. That is what he said. Paper leases are dangerous. Paper leases make everyone think they awarded us a lot, but they have not. All they do is get us off the list and not do anything more, that happened during the administration when Micah Kane was chairman, and Linda Lingle, that happened a long time ago, DHHL beautiful because they took people off the list, but we never got into homes. It is not addressing us or putting us into homes. When they say they going to give us leases and we do not need qualifications, of course not, the first two hundred (200) people off the list can just have these paper leases, but do we belong being able to qualify afterwards is the question. We have not been in forever, for whatever reasons, we have not been. Regarding taking this wastewater treatment up to our lands, because of the climate change, because we are in an inundated zone and things of that nature, you are saving a wastewater treatment facility and bringing it up higher on our lands, but yet you continue to allow development all along the coastline and put hotels and put our own DHHL people in those eighty-two (82) units that we are fighting hard not to, because it changes how we live. The original trust intent was to give us land and not to give us in (inaudible) homes. As far as Lihu'e, I brought this to your attention, you had the prior housing director come and testify to you folks as well, those lands there are toxic lands that our County people could not build on those very lands that Grove Farm is so generously allowing other trust to buy. I call on the chairman to please look into this, because these lands are toxic lands that our County officials and the administration did not...do not use us because we have exemptions. The County could not build...

Council Vice Chair Kualii: That is your time. Thank you. Is there anyone else wishing to testify? No. Would you like to continue for a second time?

Ms. Cummings: Yes. That is us as beneficiaries of the trust to work with the commission if we feel that this decision was made between Grove Farm and the Commission and the chairman was not proper, we need to know if that was even a disclosure because that is our trust dollars. To think so quickly that what is writing as community and housing for all of Kaua'i is on the backs of us as beneficiaries of the trust, you folks just talked about relocating people from Wailua and bringing them into Lihu'e, but yet we have to, with our trust dollars figure out this wastewater treatment center in Wailua, and you are taking us off this land. You

are talking about the opportunities of giving us subsistence Ag lands. These subsistence ag land ideas happened way before. I sat in the *puwalu* when we talked about the idea of subsistence ag. If subsistence ag was amazing, we would have gotten Anahola a long time ago. Councilmember DeCosta you said it correct, chairman said it correct a little while ago, prior, when he spoke. When he was in Wailua, what did he say, (inaudible) and compost, we do not need this. Maybe we should be independently doing things because as we wait for everyone to have these sessions to wait to solve the island's problem, we are still being denied to get onto the land. We spoke about this before, 1985 was the last award. We asked the chairman, and I only ask because my Uncle Eddie Taniguchi, I live and die by him. He is the oldest person in the 1961, I believe, for the paper lease, not to make it be the salvation for DHHL to say, "You got me an award." You got me an award, but you never got me on the land. We still go back to the same thing. The final thing is, we are talking about all these homes, where is our landfill? You are talking about DHHL going ahead and being the person to solve the problem for wastewater treatment, try ask them if they can host the landfill, because we need a landfill in order to populate. It is not only Kaua'i going into these homes, we are going to get people from off island to come into these supposedly thousand (1,000) units. I call on the chairman to go and speak and find out about the Isenberg lands.

Councilmember Cowden: Is it possible for you or the last housing director to send us a link or documentation about this toxicity, because we have been hearing it, but I have not seen any proof? It would be very helpful to see it.

Ms. Cummings: Absolutely.

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

Council Vice Chair Kualii'i: Members, this is your meeting, and as Chair, I am merely trying to manage it on your behalf. We are trying to get the Fire and OPA in, and we are trying to get our staff to lunch. Where we are at now is final discussion. I think we had a lot of discussion; I think we know that State DHHL and the Wastewater Division will continue working together, very exciting, we are moving in the right direction. We maybe want them to come back from time to time and give us updates, but it is all good. We are going in the right direction. Do you need to say anything in the final discussion?

Councilmember Kagawa: No.

Council Vice Chair Kualii'i: If not, thank you.

The motion to receive C 2024-196 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii'i: Could you read the Fire item in?

There being no objections, C 2024-184 was taken out of order.

C 2024-184 Communication (08/29/2024) from the Fire Chief, requesting approval of the indemnification provision contained in the Newport Laminates Conditions of Sale for all Towers, to purchase two (2) prefabricated lifeguard towers from Newport Laminates, Inc., which will be used by the Ocean Safety Bureau.

(Councilmember Kagawa was noted as not present.)

Councilmember Carvalho moved to approve C 2024-184, seconded by Councilmember Cowden.

Council Vice Chair Kualii: I do not anticipate any questions, but he is present if you have.

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

The motion to approve C 2024-184 was then put, and carried by a vote of 5:0:2 *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Rapozo was excused).*

Council Vice Chair Kualii: Motion carried. Can you read the first OPA item, C 2024-183?

C 2024-183 Communication (08/26/2024) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$10,000.00, from the Hawai'i State Rural Health Association (HSRHA), to cover travel expenses and the production and distribution costs of an educational and informational video about the dangers of fentanyl and how to administer Naloxone.

Councilmember Carvalho moved to approve C 2024-183, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions for the Prosecuting Attorney? Is there anyone wishing to testify?

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

The motion to approve C 2024-183 was then put, and carried by a vote of 5:0:2 *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Rapozo was excused).*

Council Vice Chair Kualii: Motion carried.

There being no objections, C 2024-194 was taken out of order.

C 2024-194 Communication (09/11/2024) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of

\$100,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division (ADAD), Strategic Prevention Framework – Partnership for Success grant, which will support prevention programs and coordinate prevention coalitions in Kaua'i County and allow staff to attend off-island conferences.

Councilmember Bulosan moved to approve C 2024-194, seconded by Councilmember Cowden.

Council Vice Chair Kualii: Are there any questions for OPA? Is this something new, something reoccurring, is there anything you want to share about it?

There being no objections, the rules were suspended.

MICHAEL MIRANDA, Prevention Services Coordinator: Michael Miranda, with OPA. The grant is a modification of an existing grant where they are increasing the amount that they are giving us...

Council Vice Chair Kualii: Increasing.

Mr. Miranda: ...and allowing us to rollover unexpended funds to the next fiscal year.

Council Vice Chair Kualii: Wonderful. Is there anyone from the public wishing to testify? Is there any final discussion?

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

Councilmember Cowden: Thank you.

Council Vice Chair Kualii: Yes, thank you for your work and for continuing to going after additional funds whenever possible.

The motion to approve C 2024-194 was then put, and carried by a vote of 5:0:2 (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Rapozo was excused.*)

Council Vice Chair Kualii: We will take our lunch break.

There being no objections, the meeting recessed at 12:55 p.m.

The meeting reconvened at 2:00 p.m., and proceeded as follows:

Council Vice Chair Kualii: We will take the Kaua'i Police Department (KPD) agenda item out of order.

There being no objections, C 2024-195 was taken out of order.

C 2024-195 Communication (09/13/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, requesting Council approval to accept and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions, with a total anticipated amount for the Fiscal Year of \$805,224.00, Hawai'i Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contract period of July 1, 2024 to June 30, 2025.

Councilmember Kagawa moved to approve C 2024-195, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Members, do you have any questions for KPD?

Councilmember Cowden: Is this our usual continuing program?

ELLIOTT K. KE, Assistant Chief of Police, Police Operations Bureau: Yes, it is.

Councilmember Cowden: I have no further questions.

Council Vice Chair Kualii: Are there any further questions? Is there anyone in the public 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 Kualii: Is there any final discussion?

Councilmember Cowden: Just gratitude. Thank you, especially to our dispatchers and our emergency medical service.

The motion to approve C 2024-195 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

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

C 2024-197 Communication (09/13/2024) from Jason D. Overmyer, Lieutenant, Patrol Operations Bureau, requesting Council approval to receive and expend Federal funds, in the amount of \$591,576.26, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following four (4) primary traffic related functions: Traffic Records, Impaired Driving and Youth Deterrence, Selective Traffic Enforcement Program (STEP), and Occupant Protection, to include purchase of equipment, training, and overtime expense, for the period of October 1, 2024 through September 30, 2025.

Councilmember Kagawa moved to approve C 2024-197, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions?

Councilmember Cowden: This is a regular reoccurring element as well, correct?

VERNON J. SCRIBNER, Acting Lieutenant, Traffic Safety Unit: Jay Scribner, on behalf of Jason Overmyer, for the record. Yes, it is reoccurring grants.

Councilmember Cowden: This is going to the staffing costs and some of the overhead of the basic programs.

Mr. Scribner: Equipment and training.

Councilmember Cowden: And equipment and training. Okay.

Council Vice Chair Kualii: Are there further questions? Is there anyone in the public wishing to testify? Members, is there any final discussion?

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

Councilmember Cowden: I wanted to state my gratitude for all of it. Thank you.

The motion to approve C 2024-197 was the put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: The motion is carried. Next item, please. Can we go back to the top of the agenda?

C 2024-185 Communication (08/30/2024) from the Director of Parks & Recreation, requesting Council approval to receive and expend appropriations from the State Legislature of 2024, in the amount of \$1,650,000.00, of capital improvement funds, to be used for design and construction for resurfacing of the tennis and basketball courts at the Kekaha Faye Park, resurfacing of the basketball courts at the Waimea Athletic Field, and resurfacing of the tennis courts at the Hanapēpē Stadium Park.

Councilmember Kagawa moved to approve C 2024-185, seconded by Councilmember DeCosta.

Councilmember Cowden: Is the Department of Parks and Recreation here?

Council Vice Chair Kualii: They are not.

Councilmember Kagawa: I can provide information.

Council Vice Chair Kualii: Go ahead.

Councilmember Kagawa: I requested couple items in the Parks & Recreation / Transportation Committee about the condition of our tennis courts, and I am so grateful for Representative Morikawa and Senate President Kouchi because it looks like rather than using County funds to resurface these projects, I think we

are going to receive State funds to pay for it, and for the County, we believe they should pay for it because their high schools use it. They do not have a lot of their own facilities. It is a great partnership; in that they at least provide the funding for us to do it. I am in strong support.

Councilmember Cowden: I have a quick question. Thank you so much. I know in our budget, we had eight million dollars (\$8,000,000) set aside for resurfacing, so this is just a portion on the Westside, is that right?

Councilmember Kagawa: It sounds like it.

Councilmember Cowden: So, it would be just cutting away out of that eight million dollars (\$8,000,000), probably?

Councilmember Kagawa: Yes.

Councilmember Cowden: Well, that is great.

Council Vice Chair Kualii: Is there anyone in the audience wishing to testify? Is there any final discussion?

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

Councilmember Cowden: Gratitude to Representative Dee Morikawa.

Council Vice Chair Kualii: Absolutely.

The motion to approve C 2024-185 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Motion carried.

C 2024-186 Communication (08/30/2024) from the Director of Parks & Recreation, transmitting for Council consideration, a Bill For An Ordinance To Amend Ordinance No. B-2024-897, As Amended, Relating To The Capital Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2024 Through June 30, 2025, By Revising The Amounts Estimated In The General Fund CIP, reallocating funds the Islandwide Playcourt Resurfacing to Kekaha Faye Park, Waimea Athletic Field, and Hanapēpē Stadium Park Resurfacing.

Councilmember Cowden moved to receive C 2024-186 for the record, seconded by Councilmember Bulosan.

Council Vice Chair Kualii: Is this item related to the last one?

Councilmember Kagawa: Yes, the match.

Council Vice Chair Kualii: We will have the relating Bill come up later. Is there 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 2024-186 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 carried. Next item, please.

C 2024-187 Communication (09/03/2024) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$535,000.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, chores, homemaker services, Kūpuna care transportation, personal care, home-delivered meals, respite care, and caregiver support services for the period July 1, 2019 through June 30, 2025.

Councilmember Cowden moved to approve C 2024-187, seconded by Councilmember Carvalho.

Councilmember Cowden: I have a simple question for her.

Council Vice Chair Kualii: Kealoha, can you come up?

Councilmember Cowden: Is the amount listed a final payment or a back payment?

There being no objections, the rules were suspended.

LUDVINA K. TAKAHASHI, Executive on Aging: No, this is a new funding for the state year.

Councilmember Cowden: Do we get the same amount every year?

Ms. Takahashi: Yes.

Councilmember Cowden: A week or two (2) ago, we had about seven hundred thousand dollars (\$700,000) for *kūpuna* care as well. We recently approved something...

Ms. Takahashi: The seven hundred thousand dollars (\$700,000) was for the federal government dollars.

Councilmember Cowden: We have federal dollars and then we have State dollars.

Ms. Takahashi: Correct.

Councilmember Cowden: So, that is working out to about one million three hundred thousand dollars (\$1,300,000)? Something loosely like that.

Ms. Takahashi: It is just an estimate, so when the state allocates the contract, it is by quarters that they will “dish out” the funding.

Councilmember Cowden: I guess what I am asking or looking for is how we ended up with an increase of funding, or is it pretty flat?

Ms. Takahashi: It is pretty much the same.

Councilmember Cowden: The good news is that we are still getting it.

Ms. Takahashi: Yes.

Councilmember Cowden: What could be better news is that costs have increased.

Ms. Takahashi: Yes.

Councilmember Cowden: The last time I asked if we were going to be able pay all the way through next...June 2025, or are we likely to run out of money before then? It seems like we were up to just October, when I asked last summer.

Ms. Takahashi: Three (3) of our service provides, we have extended the contract to be end of March, so we are good until March, and hopefully we will get more funding coming in to be able to get through the rest of the year.

Councilmember Cowden: Okay, three (3) of the four (4)?

Ms. Takahashi: Three (3)...right now, four (4), including home-delivered meals.

Councilmember Cowden: I just wanted to make sure that when we go and do home healthcare, if we are losing that service or do we still have that service?

Ms. Takahashi: We still have the service with the funding. We have extended the contract, but we cannot take on any new clients, we are just maintaining the current service right now.

Councilmember Cowden: Do we have more clients waiting then we have serving?

Ms. Takahashi: About the same.

Councilmember Cowden: We are able to take care of about half (1/2) the people that need it. Is that correct? Alright, I will not force you on that. I wanted to see where we are at with this, I was hoping that all of a sudden, we had some new infusion of money, but it is just partnering of money, so we are at the same level.

Ms. Takahashi: Yes.

Councilmember Cowden: Okay. Thank you.

Council Vice Chair Kualifi: Are there any further questions? Is there anyone in the audience wishing to testify?

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

Council Vice Chair Kualifi: Is there any final discussion?

The motion to approve C 2024-187 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualifi: Motion carried. Next item, please.

C 2024-188 Communication (09/03/2024) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$37,000.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2024 through May 31, 2025.

Councilmember Kagawa moved to approve C 2024-188, seconded by Councilmember Cowden.

Council Vice Chair Kualifi: Are there any questions? Is there anyone in the audience wishing to testify?

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

Council Vice Chair Kualifi: Is there any final discussion?

The motion to approve C 2024-188 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualifi: Motion carried. Next item, please.

C 2024-189 Communication (09/04/2024) from the Executive on Aging, requesting Council approval to apply for, receive, and expend Year 2 of 3 Year grant funding awarded by the Corporation for National and Community Service to the County of Kaua'i, Agency on Elderly Affairs, Kaua'i Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2025 to March 31, 2026, in the amount of \$77,500.00 per year, combined with matching County funds in the amount of \$183,903.00, to assist Kaua'i RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).

Councilmember Kagawa moved to approve C 2024-189, seconded by Councilmember DeCosta.

Council Vice Chair Kualifi: Are there any questions for Kealoha? Is there anyone in the audience wishing to testify?

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

Councilmember Cowden: Just continued gratitude to the RSVP program, it is good for all of us, and for the participants, I appreciate the effort.

The motion to approve C 2024-189 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

C 2024-190 Communication (09/09/2024) from the County Engineer, requesting Council approval of the indemnification provisions contained in the Conservation District Use Permit (CDUP) KA-3926 for the Nāwiliwili-Ahukini Shared-Use Path Project made by and between the County of Kaua'i and the State of Hawai'i, Board of Land and Natural Resources (BLNR), which is required for the development of path segments within the Limited Subzone of the State Land Use (SLU) Conservation District.

Councilmember Kagawa moved to approve C 2024-190, seconded by Councilmember Bulosan.

Councilmember Cowden: I have a simple question.

Council Vice Chair Kualifi: Could DPW come up?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We have one (1) registered speaker.

Councilmember Cowden: I attended the video webinar meeting. This is an indemnification; can you just help me understand what really happened there? We got our Conservation District use permit, which means we have a permit, but we are not necessarily funded. What the indemnification is saying is we are not holding them liable, but this is not necessarily action yet on that strip of land, is that correct?

Mr. Tanigawa: We needed to get a Conservation District use permit because portions of the path that are *makai* of the airport runway, between Ahukini and Nāwiliwili are in the State Conservation zone limited use areas. Whatever actively happens over there, including the type of construction we are going to do, this type of permit is needed. This provision is pretty much the standard type of all CUPs, including the ones we had before. We are just asking for a similar type of indemnification.

Councilmember Cowden: Are we removing all those cars? Is that part of our immediate process or is that not related to this?

Mr. Tanigawa: That is correct.

Councilmember Cowden: We are going to remove the cars, or it has nothing to do with it?

Mr. Tanigawa: That activity has already started.

Councilmember Cowden: Okay.

Mr. Tanigawa: That started with informing the homeless that have been in that area, that they need to vacate the premise. That is well-underway. There were still a few people lingering in the area, but another visit by the KPD and DPW personnel, including the Housing Agency's homeless coordinator visited the area again. They delivered notices to the remaining people. The last understanding was about a dozen folks lived down there.

Councilmember Cowden: Is there a plan for the cars?

Mr. Tanigawa: There are automobiles, tires, a lot of mixed waste; all of that will be cleaned up as part of this effort, including fixing of the roads and installing some road improvements for KFD. As you probably already know there is lots of brush, a lot of it is dry and it poses fire hazard, so that effort is being done to make it easier to respond to fires.

Councilmember Cowden: Is there a timeline that you are expecting to pull out all those vehicles?

Mr. Tanigawa: It is a huge effort. It is going to take months to complete all the work.

Councilmember Cowden: Months, and not years?

Mr. Tanigawa: I would say within a year, it should be completed, but it is such a big project. We are looking to doing it in-house and so our crews cannot be pulled off of their regular duties very long, so they are going to go in, do some work, there are going to be some breaks in between, but I think projections are that they should be completing the work within a year.

Councilmember Cowden: Okay, thank you.

Councilmember Kagawa: I have a short question.

Council Vice Chair Kualii: Councilmember Kagawa.

Councilmember Kagawa: As we look at years down the line when the path is completed and there are actual users, are we thinking ahead about the homeless that may return and how that might impact the use. I know Honolulu has areas where there is a nice path, and users get bitten by dogs that are owned by these homeless individuals and even get attacked. Knowing it is a place where we have allowed homeless activity for years and years, as we go forward, are we worried that they are returning?

Mr. Tanigawa: That is a very good point. We are very early on in the process. After this clearing work and cleanup work is done, there will be surveying work to be done, etcetera. I am sure that will be a major part of the project, figuring out how we will have enough disincentives.

Councilmember Kagawa: My only point is that that is a mistake on our part that we knew there were plans down the line, but we let them stay there for so long. If you let anyone there for so long, they will have a sense that is theirs.

WADE LORD, CIP Manager: Wade Lord, for the record. I know that Hōkūala folks...we had fixed the gate there, they are closing and locking that gate at night. The long-range plans would be to possibly install one (1) or more security gates, so people cannot just drive in and go to camp sites.

Councilmember Kagawa: Thank you.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I want to make sure that if we do put any gates in, that the *ulu*a fishermen who enjoy fishing in those areas, can have an accessible liaison with the County, get the combination for the lock, so they can still fish. I think we should make sure to have the access open for our fishermen. You can lock the gate at night, but people still like to fish at night. Can you think about that?

Mr. Lord: Thank you for that point, Councilmember DeCosta. We did discuss that with the folks at Hōkūala and they have agreed to manage the gate and to allow the County to place a combination lock on it, so anyone who wants the combination can either call the County or Hōkūala.

Councilmember DeCosta: Good.

Mr. Lord: And they will give them the combination. It will be changed periodically, to keep it fresh.

Councilmember DeCosta: Thank you for that.

Council Vice Chair Kualii: Are there any further questions? If not, can we have the name of our testifier?

Ms. Fountain-Tanigawa: We have one (1) registered speaker, Thomas Noyes.

THOMAS A. NOYES, Executive Director, Kaua'i Path, Inc.: For the record, my name is Thomas Noyes. I am the Executive Director of Kaua'i Path, Inc., a 501(c)3, educational nonprofit organization. *Aloha* Vice Chair Kualii and Kaua'i County Councilmembers. I am supporting C 2024-190, referring to the Conservation District use permit KA-3926. "Thank you for the opportunity to voice support for moving forward on building the next major phase of Ke Ala Hele Makalae. It has been a few years since I last spoke to the Kaua'i County Council. I frequently provided testimony two (2) decades ago when the Council debated whether or not to build the path, and

later when the questions, 'Should dog walking on the path be allowed?' was passionately argued. I voiced Kaua'i Path's persistent message: the population will embrace a well-designed shared-use path system and it will be a huge benefit to all the communities the trail connects.

Kaua'i success in building a world-class trail system was recently highlighted when Kaua'i residents enthusiastically voted in a competition, leading to Ke Ala Hele Makalae's induction into the Rails to Trails Conservancy's national Hall of Fame.

Now I urge you to approve Public Works' request to comply with the Board of Land and Natural Resources' (BLNR) indemnification provision in CDUP CA-3926. BLNR noted in its permit that, with respect to the Ka Pa'akai analysis, this project will enhance access to traditional fishing areas, and the board found that this project ensures that fishermen may continue to have access to traditional fishing grounds.

Regards this path in the conservation district as 'low hanging fruit,' because this section is planned to be built in an undeveloped area. Construction of this portion of new path can be completed at a relatively low cost, and the completed section will provide benefits to the Lihu'e community.

The Council's approval of the indemnification provisions requested in Public Works' request moves us one critical step closer to a new section of beautiful coastal trail for public use, enhanced traditional fishing access, and reduced unpermitted camping in that sensitive area.

On Saturday morning, October 19, the Mayor's Office and several community support organizations will be celebrating Ke Ala Hele Makalae's induction into the Hall of Fame at Lydgate Beach Park. You are invited to participate in a guided bicycle tour of the path in the vicinity of Lydgate Park to experience first-hand how committed our residents are to seeing this ambitious infrastructure project through to completion: the connection of coastal communities on Kaua'i eastside. Please contact me with your interest in participating. Thank you."

Council Vice Chair Kualii: Thank you.

Mr. Noyes: Attached to my letter is a flyer for the event at Lydgate Beach Park.

Council Vice Chair Kualii: Is there anyone in the audience wishing to testify? Is there any final discussion? Councilmember Kagawa.

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

Councilmember Kagawa: I am in full support. In years past, I was not so strongly supportive of bike and walking paths, but you can look at the results; wherever we do it, there is use. Bike and walking paths are good exercise for young and old. I want to commend Tommy for being committed and stubborn about trying to do what you folks have done, and you folks have done a lot. Thanks to the cooperation with the Office of the Mayor and the Administration, we have come along way. This is a good

step. My questions about the homeless are real, but I think when you talk about the people that have interacted down there, they say there are some “rugged” folks down there. They are not the most pleasant when you approach them. At some point if you leave them alone, they are going to be more unapproachable and more unpleasant. It is about time for interaction with them, clean out some of the *‘ōpala*, so it does not end up in the ocean and injure people...I am glad that we are doing that. I want us to always think forward and backwards as well, to make sure that our residents, when it opens, making sure our residents are safe. If we get one (1) bad accident, it could jeopardize the entire project. Thank you.

Council Vice Chair Kuali‘i: Councilmember DeCosta, followed by Councilmember Carvalho.

Councilmember DeCosta: Council Chair Rapozo sent me a question for the Administration. When we spoke of the fishermen having access to the combination of the gate, this would be for a vehicular access, correct, not just by foot?

There being no objections, the rules were suspended.

Mr. Lord: Yes, for vehicles as well.

Councilmember DeCosta: Thank you.

Council Vice Chair Kuali‘i: Are there further questions for the Administration?

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

Council Vice Chair Kuali‘i: Councilmember Carvalho.

Councilmember Carvalho: I wanted to thank Tommy and the team. There have been long, long discussions on the Kaua‘i Path and now coming towards this part of the completion of the path, I look forward to this awesome day, everyone coming together, but the most important part is moving forward on the completion of path. The vision was there for a long time and you folks did a great job. *Mahalo* for keeping it going.

Council Vice Chair Kuali‘i: Councilmember Cowden.

Councilmember Cowden: I wanted to congratulate you on your Rails to Trails. I voted a handful of times, so congratulations to myself as well. I want to say that I think lateral access to the island is so important and that is one of the late former Mayor Bryan Baptiste’s important visions, and same with the late former Councilmember Tim Bynum. There were problems with erosion underneath the concrete, it has not been without some challenges, and I want to honor what Councilmember Kagawa said, that right now that is a rough cast of characters, but I do like what you said that maybe when there is regular interaction, it will make it gentler. I know that people who struggles often are along the path and then the other places as well. The difference there is that you have an airport between the person on the path

and getting to a point of safety, and even the ocean right there is pretty gnarly. Once this is actually happening, we have to make sure that there is real safety precautions put in there, but I think that is certainly something I would use. I commend your efforts.

The motion to approve C 2024-190 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

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

C 2024-191 Communication (09/10/2024) from the Director of Finance, requesting Council approval of the indemnification provisions contained in the Zoom Terms and Service, which provides video conferencing tools for users to connect online for meetings, webinars, and live chat.

Councilmember Cowden moved to approve C 2024-191, seconded by Councilmember Carvalho.

Councilmember Cowden: I have a question. When it says to be adding the indemnification for Zoom, does that mean we are leaving Teams, or are we going to be Zoom and Teams?

There being no objections, the rules were suspended.

DEL SHERMAN, Information Technology Manager: For the record, Del Sherman, IT Manager for the County. We will continue to use both Zoom and Teams. There are certain departments that make more use of Zoom because of their targeted audience are more familiar with that product and they are easier to reach through Zoom.

Councilmember Cowden: Okay, and Zoom is easier on the equipment. I know I had to replace both my phone and the laptop, when we started using Teams, it overheated my earlier equipment, but that is all I wanted to know—that we are using both. That was my question.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I had a question for Chelsie Sakai. Hi, Chelsie. Please, tell us your new title.

CHELSIE SAKAI, Director of Finance: Good afternoon, Chelsie Sakai, Director of Finance.

Councilmember Cowden: Yay.

Councilmember Kagawa: Congratulations.

Council Vice Chair Kualii: Are there any further questions? Is there anyone in the audience wishing to testify? Is there final discussion?

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

The motion to approve C 2024-191 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualifi: Motion carried. Next item, please.

C 2024-192 Communication (09/10/2024) from the Director of Finance, requesting Council approval of the Granicus LLC Subscription Agreement and Terms & Conditions associated with GovMeetings and LiveCast Encoder services, which provides streaming and captioning for the Kaua'i County Council and the Planning Commission meetings.

Councilmember Kagawa moved to approve C 2024-192, seconded by Councilmember DeCosta.

Council Vice Chair Kualifi: Are there any questions?

Councilmember Cowden: I have a simple question.

Council Vice Chair Kualifi: Go ahead, Councilmember Cowden.

Councilmember Cowden: Is this anything different, like Council uses Granicus and LiveCast Encoder, do we already use that?

There being no objections, the rules were suspended.

Mr. Sherman: We do use Granicus and the products referenced. This particular indemnification will be the opening to a new agreement with Granicus that will be a multi-term thing and allow us to continue use of the product for several years to come. There were new agreements, new terms, and so new indemnification that we had to bring before Council.

Councilmember Cowden: Is there anything significant to the new terms or it is pretty much fine, nothing big?

Mr. Sherman: Nothing big. It was already reviewed by the County Attorney and the agreement has been approved for form and legality, this is just a formality that the Charter requires.

Councilmember Cowden: Okay.

Council Vice Chair Kualifi: Are there further questions? Is there anyone from the public 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 Kualifi: Is there any discussion?

The motion to approve C 2024-192 was then put, and carried by a vote of 6:0:1
(*Council Chair Rapozo was excused*).

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

C 2024-193 Communication (09/10/2024) from the Director of Finance, requesting Council approval of the indemnification provision contained in the Adobe Software End User License Agreement, which provides the County with document management software.

Councilmember Kagawa moved to approve C 2024-193, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions for the Administration?

Councilmember Cowden: This is basically a continuation and I just wanted to use the opportunity to say thank you for providing all of this, and you are doing a good job.

There being no objections, the rules were suspended.

Mr. Sherman: Thank you for the comment, and yes, this is just a continuation, we will be entering into a new agreement with Adobe, which provides the product Acrobat, along with Adobe sign. Before we can proceed with that new agreement, this was required.

Councilmember Cowden: Thank you, both.

Council Vice Chair Kualii: Are there any further questions? Is there anyone in the public 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 Kualii: Is there any discussion? Councilmember Kagawa.

Councilmember Kagawa: I want to thank Del and his staff. Recently, I had a problem, and it was addressed and fixed quickly. I think they do a super job.

The motion to approve C 2024-193 was then put, and carried by a vote of 6:0:1
(*Council Chair Rapozo was excused*).

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

LEGAL DOCUMENTS:

C 2024-198 Communication (09/03/2024) from the Housing Director, recommending Council approval of a Right-of-Entry permit for development of Phase

II of the successful Kealaula Supportive Housing Project for Homeless Families and indemnification, between the County of Kaua'i and the State of Hawai'i Department of Land and Natural Resources (DLNR) of lands encumbered under Governor's Executive Order (EO) No. 4663 situated at Tax Map Key (TMK) No. (4) 3-8-005:002 (por.), Nāwiliwili, Kaua'i, Hawai'i, expanding the project by approximately twenty-four (24) units, completing a new sewer line and pump station, and constructing an eight-foot chain link fence between the new housing project and the DLNR Division of Forestry and Wildlife's baseyard, to maintain security for facilities and equipment.

- Issuance of Construction Right-of-Entry Permit

Councilmember Kagawa moved to approve C 2024-198, seconded by Councilmember Carvalho.

Council Vice Chair Kualii: Are there any questions?

There being no objections, the rules were suspended.

KOA DUNCAN, Assistant Housing Director: *Aloha*, Council. Koa Duncan, with the Housing Agency. Does anyone have any questions?

Council Vice Chair Kualii: Councilmember Cowden.

Councilmember Cowden: These are going to be twenty-four (24) new units, that means probably twelve (12) new buildings?

Mr. Duncan: Twelve (12) new buildings. I will back up. This is the Kealaula Phase II project, which will be adjacent to Phase I, which is over on Pua Loke Street, across the street from the Kaua'i Economic Opportunity (KEO). The expansion area is about an acre, and we are getting the Right-of-Entry from the Department of Land and Natural Resources (DLNR) to expand Phase II of Kealaula, which is development for homeless families.

Councilmember Cowden: Will the buildings be directly contiguous with the existing buildings?

Mr. Duncan: Yes.

Councilmember Cowden: I wish to extend gratitude to DOFA because I know it was not an easy give.

Council Vice Chair Kualii: Are there any further questions? Is there anyone in the public wishing to testify? Is there any final discussion? Councilmember DeCosta.

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

Councilmember DeCosta: Thank you for moving this project forward. I am impressed with the County. I see you all getting your hands wet, so we are excited seeing new staff helping out with the Housing Agency. Thank you for what you do for the homeless.

Councilmember Kagawa: Thank you.

Council Vice Chair Kualii: Please, express our gratitude to the Housing Director, who is not here today. I know this was awhile in the making, but it is exciting that it is getting done.

The motion to approve C 2024-198 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Next item, please.

C 2024-199 Communication (09/17/2024) from the County Engineer, recommending Council approval to enter into a Memorandum of Agreement (MOA) with the State of Hawai'i Department of Transportation (HDOT) Harbors Division, to obtain eleven (11) sections of the Superferry Ramp, which will be repurposed for constructing temporary bridges where necessary and appropriate, estimated value of \$135,000.00.

- Memorandum of Agreement for work to be performed by Department of Transportation, Harbors, as part of S70160 Removal of Superferry Ramp Nāwiliwili Harbor, Kaua'i, Hawai'i

Councilmember Kagawa moved to approve C 2024-199, seconded by Councilmember Cowden.

Councilmember Kagawa: I have a question.

Council Vice Chair Kualii: Go ahead.

Councilmember Kagawa: Thank you for being here. I love recycling. Using the Superferry ramp that will never be used again, it sounds like a great thing for the County and for the harbors. We are paying the State to do remove it and take it apart so the County can use it?

MICHAEL MOULE, Chief of Engineering Division: Good afternoon, Council. Michael Moule, Chief of Engineering Division, for the record. Yes, the State already had a contract to have the Superferry ramp removed and disposed of by a contractor.

Councilmember Kagawa: Okay.

Mr. Moule: They asked us, "Hey, we have this structure here, will you make use of it." We checked with our bridge consultants, and they said, "Yes, some of those pieces could be useful," as essentially bridge (inaudible) or even the full span, if it is short enough, for temporary bridges to increase the load limit on...well, it would actually open bridges that are currently closed. After some evaluation with our

consultants, we figured out what could be used and useful for the County, let the State know about that, it went back to the contractor, and effectively the additional payment we are making is just the cost of the change order for them to cut pieces that are specific sizes for us and then deliver them to our baseyard...part will go to our baseyard and part of it will be left on site, because it will be used at Niumalu Bridge, which is close by. Therefore, what we are paying the state for is the additional cost that they are incurring to do what we need to reuse those pieces.

Councilmember Kagawa: Would we hire contractors to use those materials to construct temporary bridges or would the County be doing it ourselves with the Roads Division?

Mr. Moule: For smaller bridges, they will probably have County staff to do it, but most likely, we will be hiring contractors to install this.

Councilmember Kagawa: Thank you.

Council Vice Chair Kualifi: Councilmember Cowden.

Councilmember Cowden: We are basically the recyclers, right?

Mr. Moule: Yes.

Councilmember Cowden: That is good. In one (1) contract, they will cut it up by the different pieces that we need, it is a one-time thing, and it will be no longer...it sits up there like this, right?

Mr. Moule: They are removing the entire thing.

Councilmember Cowden: They are removing the entire thing at one-time, break it up, and then how quickly do we get to take it...for example, will it fix that Niumalu Bridge that just broke?

Mr. Moule: Yes, the first place we are going to be using these pieces of the Superferry ramp as a bridge will be at Niumalu.

Councilmember Cowden: How about Pua Loke where the pipe is that...can you just go in and set it down?

Mr. Moule: For that particular application, this is not the right...but we are moving forward on that as well, but that is a separate thing, and recycling this would not be useful there.

Councilmember Cowden: The timeframe of taking those and fixing them, in the next six (6) months, we will be able to use those pieces?

Mr. Moule: As we speak, we are working...today, I received an email from the Office of the Mayor. We recently got a schedule from our consultant for the bridge. We are aware of the timing from the State on when they are going to have the Superferry ramp cut apart and so we are working with the Office of the Mayor

to put pressure on Niunalu Bridge reopening it again. We are looking at February timeframe. We have one (1) more thing to check on, because one change we are trying to make that we discussed yesterday is trying to figure out if we can put the temporary bridge not on top of the old bridge, but next to so that when we replace the old bridge in a couple years, which we are working on that design right now, we do not have to close the bridge again. It might take a little longer than February because of that, but we are looking at February or very soon thereafter to have Lima Ola bridge opening with these pieces.

Councilmember Cowden: That is exciting.

Mr. Moule: I agree.

Councilmember Cowden: Yes, I would love to see a list of which ones are going to be done.

Council Vice Chair Kualii: Are there any questions? Is there anyone in the audience wishing to testify? Members, is there any final discussion?

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

The motion to approve C 2024-199 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

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

CLAIM:

C 2024-200 Communication (09/16/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Automobile Insurance Company as subrogee for Michal Nakashima, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Cowden moved to refer C 2024-200 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

Council Vice Chair Kualii: Is there anyone from the public wishing to testify? Is there any discussion? Seeing none.

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

The motion to refer C 2024-200 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kualii: Next item.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2934) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2024-897, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kekaha Faye Park, Waimea Athletic Field, and Hanapēpē Stadium Park – \$1,650,000.00*)

Councilmember Cowden moved for passage of Proposed Draft Bill (No. 2934) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 23, 2024, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember Kagawa.

Council Vice Chair Kualii: Are there any questions?

Councilmember Kagawa: Yes. I did an explanation earlier, but I was wrong. I thanked the State for paying for the entire thing. Apparently, it is a fifty percent (50%) match, which is better than the County paying the entire thing. I want to thank you, Pat, for working on this and maximizing what the State can give us. Can you explain our portion?

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks and Recreation: Pat Porter, Director of Parks & Recreation. This is a fifty percent/fifty percent (50%/50%) match, one million six hundred fifty thousand dollars (\$1,650,000) from State and then in the last budget cycle, the Council approved the entire amount in our County CIP, which was seven million dollars (\$7,000,000). In total, with this match...the match for this State funds is coming out of that full amount from the County side, therefore the one million six hundred fifty thousand dollars (\$1,650,000) State is matched with the County funds, so total we have nine million eight thousand six hundred forty-seven dollars (\$9,008,647) for (inaudible .718 46:58) and that is a combination of County CIP and the State CIP.

Councilmember Kagawa: Are both basketball and tennis courts in Kekaha included?

Mr. Porter: Yes. This includes all the courts in these parks. Kekaha will be both, Hanapēpē will be the tennis courts, and Waimea Canyon will be the basketball courts.

Councilmember Kagawa: And at the Waimea Athletic Field tennis courts too? It says the Waimea Athletic Field, oh, that is the canyon park?

Mr. Porter: That is the canyon court.

Councilmember Kagawa: Oh, yes, the other park is called Captain Cook Field. Does it include the resurfacing and the installation of the chain link and netting, etcetera?

Mr. Porter: Yes, it will include all of that.

Councilmember Kagawa: Oh, thank you.

Mr. Porter: Everything will be included.

Council Vice Chair Kualif'i: Councilmember Cowden.

Councilmember Cowden: This is the Westside parks, is it possible we might be able to get matching funds for the middle and the eastern section, too?

Mr. Porter: With the funds that you folks approve, and with the State funds, we will be able to hit pretty much all the rest of the courts and have them done.

Councilmember Kagawa: Terrific.

Mr. Porter: Currently, I can give you a rundown real quick of what is going on right now, we have Wailua Homesteads, Wailua Houselots, Bryan J. Baptiste Sports Complex Tennis & Pickleball Courts (BJB), and Puhi—those are the ones that are currently going under construction now. The first one is Wailua Homesteads, which is currently under construction now, and the next three (3) will follow. Currently, under design, is the Hanapēpē Tennis Courts and the Waimea High School Field, those are in design right now and will go in construction after the design process is done. With the funds that you folks had approved, we are going to get Kaumakani, Hanapēpē Heights, Hanapēpē Cliffside, Hanapēpē Town Park, Pua Loke, Kapahi, and Anahola Village.

Councilmember Kagawa: That is awesome.

Mr. Porter: With the money you folks approved. Those will be within the next weeks.

Council Vice Chair Kualif'i: Are there any further questions? Is there anyone in the audience wishing to testify? Is there any final discussion?
Councilmember Kagawa.

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

Councilmember Kagawa: I want to thank Pat, Wally, the Planners, and everyone who has been working on the CIP. We have been pushing the CIP and when the taxpayers know this is the largest budget in the County, they want to see results and I am glad they are going to see some directives. When they see those things done, I do not think we are going to hear many complaints. Right now, with pickleball, it is crazy, with the use of the courts, it just blows me away. It is a big thing, and I am glad that we are going to be able to deliver a better product. Thank you.

Council Vice Chair Kualif'i: Councilmember Bulosan.

Councilmember Bulosan: I want to second Councilmember Kagawa’s comments and also second the support from our State Legislature. Thank you, Representative Dee Morikawa.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you Pat, Wally, and the rest of your team. You folks have a great comradery team. It is different than just paving of a park or a pickleball, with the grass situation at Kekaha Park, when we went there and spoke with Randall Cramer, amazing staff that you folks get on it and get it fixed. People want to see results. We appreciate you producing results, not “kicking the can down the road.” Thank you.

Council Vice Chair Kualii: Councilmember Carvalho.

Councilmember Carvalho: Just being consistent from all the different parks and you just lay it out that way and everyone is saying, “wow,” it is moving forward. Good job, you folks.

Council Vice Chair Kualii: I, too, want to say thank you. I am excited, I think I see pickleball in my not too near, but distance future. Representative Morikawa pretty much convinced me to try it, so I will be out on one of those courts some point in the future. Thank you so much.

Councilmember DeCosta: I want to challenge you on that court.

The motion for passage of Proposed Draft Bill (No. 2934) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 23, 2024, and that it thereafter be referred to the Committee of the Whole, was then put, and carried by the following vote:

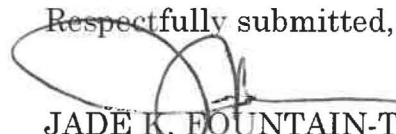
FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kualii: Thank you so much. With that, this meeting is adjourned. Thank you, everyone.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:51 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk