

MINUTES

PARKS & RECREATION COMMITTEE

June 18, 2008

A meeting of the Parks and Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, June 18, 2008, at 9:07 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Ron Kouchi
Honorable Jay Furfaro
Honorable Shaylene Iseri-Carvalho
Honorable Mel Rapozo, Ex-Officio Member

EXCUSED: Honorable JoAnn A. Yukimura
Honorable Bill "Kaipo" Asing, Ex-Officio Member

Minutes of the June 4, 2008, Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Furfaro, and unanimously carried, the Minutes of the June 4, 2008, Parks & Recreation Committee Meeting was approved.

The Committee proceeded on its agenda items as follows:

- Bill No. 2265 A BILL FOR AN ORDINANCE TO AMEND SECTION 19-1.3
AND SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987,
AS AMENDED RELATING TO PARKS AND RECREATION
[This item was deferred.]
- Bill No. 2266 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22,
ARTICLE 2, KAUAI COUNTY CODE 1987, RELATING TO
STRAY DOGS
[This item was deferred.]
- Bill No. 2267 A BILL FOR AN ORDINANCE TO ESTABLISH A NEW
ARTICLE 18, CHAPTER 22, KAUAI COUNTY CODE 1987, AS
AMENDED, RELATING TO THE CREATION OF DOG PARKS
[This item was deferred.]

TIM BYNUM, PARKS & RECREATION CHAIR: Good morning, everyone. We're gonna address three bills today and I wanted to talk about and get consensus from my colleagues about how to proceed with these. We have three bills related to

dogs in Kaua'i. What I would like to do and I intend to do today is to, I want to make an opening statement and give my Councilmembers any opportunity to make an opening statement. Then I'd like to take public testimony and then go through each bill one at a time for discussion among the Council and for introduction of any amendments. Because Councilmember Yukimura and Chairman Asing are not here today, I won't be seeking to have votes or decision making on these bills today. We also have some outstanding questions to the County Attorney and so if my colleagues agree, we'll have discussion, then introduce amendments, but then we'll defer decision making until the next Committee Meeting, at which time you'll have an opportunity to testify again if you like, okay?

So, we're here to hear three bills today related to dogs. Two of them I introduced and I want to talk some about the rationale for each bill and why I did that. Clearly dogs are pretty popular on this island. Ward Research indicates that dog ownership is up since 2000 and that close to half the people on Kaua'i own a dog. Owning a dog comes with some very specific responsibilities under the law and just as courtesy to other community members. Under our laws, all dogs are required to have a license that's current and to wear that license on a collar. Under our laws, dogs in any public place are required to be on a leash and under the immediate command and control of the person with that leash. So, it's not okay for dogs anywhere in public to run loose. It's not okay for dogs to, for owners to tie their dogs and leave them unattended. That law is a State law or is a County law and right in the middle of this we have technical difficulties and so we are going to recess until we resolve those technical difficulties.

There being no objections, the Committee was recessed at 9:09 a.m. The Committee was called back to order at 9:20 a.m., and proceeded as follows:

Mr. Bynum: I apologize for the delay and thank you for your patience. To get back on track with what I was saying, we clearly have a lot of dog owners on Kaua'i. I think we have more than 20,000 dogs and that's part of our society to have dogs. However, dog ownership is a very serious responsibility and it comes with expectations that are set out in ordinance and law and so, it's required that dogs be licensed, that the licenses be worn, and we have in every County of this State a leash law that requires dogs, when in public outside of the owner's property, be on a leash, and that they be, more importantly, under the control and command of the person handling them so they can have direct control of their animals when they're in public. We have problems on Kaua'i with dogs. We've been really too loose in enforcement and the compliance with those laws. Now I know that the vast majority of dog owners are responsible and take their responsibility seriously, but we, certainly from the testimony I received, have issues with loose dogs and a segment of the population that is uncomfortable in public places because of irresponsible dog owners who don't keep their dogs on leashes, don't keep them in command and control, and don't follow the laws that we currently have on the

books. I see this whole dialogue in our community as an opportunity to improve and to do better, and we need to improve and do better because our public places need to be available for everyone.

So, as I examined the current laws we have on the books, I was surprised to find that we didn't have a law that specifically made it illegal to leave dog waste in a public place. I believe that our laws need to be improved and so the first bill that I'm introducing addresses nuisances created by dogs and it requires that an owner of a dog in any public place be responsible for the waste that their dogs leave. It goes a step further and says that any person in public has to be able to demonstrate a capability of picking up that waste by having a device, a bag or an implement to pick up the waste. The reason that law is in there is because it's one of the stronger in the county and I think it's appropriate for us. In speaking with other communities who have that ordinance, the animal control people and the parks and recreation people feel that that ordinance really improved compliance and reduced the amount of dog litter that was left in public places. So what that would mean is that when any person is in public, they have to have a device and deal with the waste. So, I'm hopeful that dog owners on Kaua'i are gonna be more cognizant and from the testimony that you'll hear from people that have issues with dogs and it's a responsibility of owners to ameliorate those concerns to the best of their ability.

We also have what are reasonable and customary ways of dealing with animals all over our country and all over the world. And so things like leash laws are reasonable and customary. When it comes to public parks in cities and counties, there is a variety of different decisions that communities have made. As I pointed out last time we met, on the County of Maui dogs are allowed in the parks pretty much as long as they're on leashes and people pick up after the waste. On the County in the Big Island dogs are not allowed in County parks with the exception of two parks, one of which has a walking path. In the City and County in Honolulu, they have a real mixed bag with a list of parks where dogs are allowed and a list of parks where dogs are not. And they make provisions for dog walking. In fact, there's an article in today's paper in the Honolulu Advertiser about the dialogue dog owners are having with the City and County about dogs in the Kapi'olani area and establishing dog parks in areas where dogs are allowed to walk. And so it's not uncommon for communities to have regulations. And so County of Kaua'i's decision to not allow dog in parks is reasonable and customary in many places.

I believe the difficulty occurred as we created some new amenities for the County of Kaua'i. We are creating a shared use path system on Kaua'i. That is under the control and under the management of the Parks Department, and when the Parks Department picked up that management, the regulations of no dogs in parks applied. But this is a different kind of recreational facility than a community park, and around the country, it's reasonable and customary for these shared use paths to allow dog walking on leashes. I know some people are doing research. I've done some research. I've yet to find a shared use path in a country that doesn't allow dogs at least under some circumstances and very few that require any

restrictions other than the normal restrictions of on leash, pick up after yourself. So, we have a lot of citizens who are saying County of Kaua'i let's have our shared use path have the same kind of regulations as others.

I want to say something about shared use path because there's been a lot of dialogue for months about whether the path was intended for bikes only or was it transportation. And this is an issue that each segment of the bike path is regulated very closely by a whole bunch of people including Federal Highways, all of which have authorized this path to be what's termed, and that term has specific meaning in federal law and around the communities, a "shared use path" intended to be used by bicyclists, people in strollers, rollerblades, walkers, joggers, and people walking their dogs is what's reasonable and customary. And so I believe the second bill that I've introduced which allows an exception for the shared use path and immediately adjacent areas is an appropriate way to go. At the same time it's critical that dog owners respect people who do not have dogs and there are very serious incidents where those people's rights have been violated and been intrusive. I've been very moved by testimony of people from Baby Beach, Keālia Beach, Hanalei Beach who choose not, our citizens who have a right to go there, who choose not to because they feel intimidated by dogs that are not being controlled by responsible owners. We need to do better and I think that this whole dialogue is an opportunity to do that. Although I believe it's reasonable to allow dogs to walk on the shared use path, when in control, direct control by their owners.

A third bill today addresses and it sets up and allows the County to establish dog parks for off-leash use. We've had the experience of the Humane Society's off-leash dog park as being a positive one for dog owners and it's a movement around the country to create these facilities. They serve different purposes, however. Off-leash use, I think, is for dogs to socialize, for owners to play with their dogs in an off-leash area, but it's not necessarily an area to walk dogs. So, I support all three of these bills and I think that's a reasonable position to take.

Are there any other Councilmembers who would like to make a comment before we take public testimony? Hearing none, so just to repeat what I said earlier if you came in later, my intention today is for us to take public testimony, to address each of these three bills and have dialogue and discussion among Councilmembers to entertain any amendments that Councilmembers might want to introduce, but to delay decision making until the next meeting when hopefully we will have all seven of us here. That will give you an opportunity to hear the dialogue and comment again next time if you choose.

Okay, with that said, do we have a sign-up list for public testimony.

Peter Nakamura, County Clerk: We do have registered speakers, Mr. Committee Chair.

Mr. Bynum: Okay, so I'm going to suspend the rules.

There being no objections, the rules were suspended.

Larry Saito: Good morning, Councilmembers.

Councilmembers: Good morning.

Mr. Saito: My name is Larry Saito and I'm representing myself and those that are not able to attend. I'm not speaking here today without any canine background. During the early '70s I worked as a dog catcher for the Humane Society which at that time was under the County jurisdiction. I also grew up raising dogs for 49 years. I am against dogs using the bike path for the following reasons: All dogs are not compatible. Dogs have dogs they like and some they don't. Having any dog on a bike path 10 feet wide and on a leash of 6 feet, two dogs passing each other will have a 2-foot overlap on their leashes, not to mention dog owners who are using retractable leashes that may be over the recommended length. The resolution that Councilman Bynum is proposing is one that will be impossible to enforce for the simple fact that our dog leash law is very poorly enforced at present. The question is who will enforce the dog bike path resolution. The park rangers are busy doing park enforcement, so where will the manpower come from? The Humane Society created a dog park at their facility. They have different sections for dogs that visit their dog facility. It's not, all dogs, like I say, are not compatible. So some are in one section and others in another, okay? So, the whole thing about this, the locals grew up saying we don't want to cause any trouble so we don't come here. I'm not like that. I'll speak my peace. When everything is done, whatever happens happens. In closing, I want everyone to know that I'm a lifetime resident of Kaua'i and that many of my friends don't want any dogs on the bike path.

Before closing, I'm gonna throw you guys something that no one here can answer me for the last 15 years. Why do we pay a dog tax license? I know the answer. Because before the leash law came about, the dog tag identified the owner for any damages that it causes. It pays the wages of one animal warden, which was Frank Correia. I pay car tax, I pay land tax, I pay all kind of taxes, so why do anyone have the right to come on my property and tell me that I have to pay a dog tax when you people cannot even tell me why I have to pay the dog tax. So, if we cannot make a decision or find out why we cannot, you know, with your dog tax, why we can't, why we have to pay, then I feel that we should repeal this law. Just because it states in law that we have to pay a dog tax, it doesn't mean that it's right.

So, in closing, I'm against the dogs on the bike path and many of my friends don't want any dogs on the bike path, and one thing and last of all, we also vote, okay? We also vote out there. We own dogs. I own dogs. I made a runner for my dogs to run out everyday. But the bike path was created for the people to ride their bikes, to take their leisurely walks in the afternoon and enjoy the serenity and peacefulness of the path, but never at the beginning of the bike path construction was we told that dogs would be allowed, and I think our people on Kaua'i, especially

the elderly, that uses the bike path should be free of worrying about if they gonna get bitten because all dogs do bite. Even if it's on a 6-foot leash or on a 3-foot leash, they will bite. You know, I got gored three times, one in my hand which I almost lost and one in my face, all dogs was really good. They was house pets. So, no dogs on the bike path. Thank you.

Mr. Bynum: Thank you.

Mr. Rapozo: Can I ask a question?

Mr. Bynum: Sure.

Mr. Rapozo: And I'm an Ex-Officio, so I don't vote, but I get to ask. You work with Parks? You familiar with any issues right now on the bike path as it pertains to dogs as far as dog poop, your employees that maintain, is there is any issues currently?

Mr. Saito: Before I answer that question, let me inform you that I took time off from my work to come here as an individual to speak. So, you asking me this and I'll answer it. I seen people, many a times on the bike path because I do a lot of fishing, they all have leashes for their dogs, but it's not on the dogs. It's in their hands and the dogs are running loose. There's no one to enforce these laws at 6 o'clock or 5 o'clock in the afternoon. There's dog feces all over the place, on the beach, on the side of bike path and we're not blaming the responsible owners that do it, that pick up after their dogs. It's the one who don't. So the question is who is gonna enforce these laws that we put into place? Do we make one law to cover another law, like the leash law? The locals didn't ask for the leash law. So, we put our dogs on leashes and the other people let their dogs go. You know, it's some kind of substandard. So, it's what the locals out there want, but the local people have to come out and speak, speak up, not stay in their house and grumble because that don't get anything done. And yes, we have experienced a lot and you just gotta come out and see what's happening on that bike path in the evening. It's not during, you know, before 3 o'clock. It's all after 4 o'clock.

Mr. Rapozo: And I have done that.

Mr. Saito: I beg your pardon?

Mr. Rapozo: I have done that.

Mr. Saito: Yeah.

Mr. Rapozo: I have witnessed, so I just wanted to hear it from you. Thank you.

Mr. Saito: Okay, thank you.

Froilan Gagusan, Jr.: Aloha and good morning.

Mr. Bynum: Aloha.

Mr. Gagusan: My name is Froilan Gagusan, but you can call me Junior. I work for the County Parks, but I'm here on my own free time using my comp. time because I've been working for four years for the County Parks and we grumble a lot but nobody says nothing to stuff like this, so I took my own time to come and speak my own mind. I'm a dog owner and I own a dog for 11 years, but I not going say I really against no dogs in the County Parks but I just going give my opinion on why the County when enforce...This is because when we out there working as individuals, we not looking where we going and we on that weedeater and we hit one dog doo-doo and the thing spray us in the face or in the body, we not getting paid health hazard for getting sick or something or, you know, when we step in 'em. And like Larry was saying, we not blaming the responsible owners. It's the irresponsible owners that gotta be more responsible. So, these dog owners that grumbling about why they no can have dogs in the parks or on the bike path, they should hold one meeting with all dog owners and speak their mind to them, not to guys who doing their job because that's all we doing. We doing our job and that's what we're paid to do. And that's all I gotta say as far as why I think this issue came up.

Mr. Bynum: Thank you.

Mr. Gagusan: Thank you.

Robert Yotsuda: Thank you very much. Good morning.

Councilmembers: Good morning.

Mr. Yotsuda: I'd like to congratulate the two gentlemen that spoke here before me. They expressed themselves so eloquently, you know, there isn't too much for me to say. This is exactly what, you know, I've been trying to say. The issue of safety was addressed at the hearing and it disturbed me quite a bit when I listened to the rebroadcast on TV on what some of the dog owners were saying. One is that Dr. Rhoades mentioned that the County has no liability because the law has changed. Was the Tort Reform Bill ever passed? I don't know, I'm asking.

Mr. Rapozo: No.

Mr. Yotsuda: So, then the counties are liable.

Ms. Iseri-Carvalho: Yeah.

Mr. Yotsuda: Okay. Then, misinformation like that, you have from a responsible person who is a doctor to say that on the air and a lot of people is going to believe her. I think those things should be corrected.

The other thing is the Ward Survey or whatever. You know, some of the things that were stated in there, I think polls, you know, opinion polls, opinion polls don't hold any water after the day it was taken. If this, you know, these polls were that valid, we wouldn't have to hold elections. You know, Obama would be President today. Why waste all that money? Opinions change, attitudes change, depending on what people say or, you know, what they listen to. I have other things, but since you gonna be making a decision at another meeting, I will reserve my comments till then. Thank you very much. Oh, any questions?

Mr. Rapozo: I don't have a question, but I hope you're gonna stay around and I'm hoping the Committee Chair will allow me to do a PowerPoint that'll clarify that law that you talk about. I have a very short PowerPoint that would clarify that and I'm hoping I have the opportunity to do that.

Mr. Yotsuda: Thank you very much.

Mr. Bynum: Thank you, Mr. Yotsuda.

Ms. Iseri-Carvalho: I have questions.

Mr. Bynum: Oh, I'm sorry.

Ms. Iseri-Carvalho: Yes, thank you for being here. It was actually, for me, quite disturbing to hear that comments because Dr. Rhoades had been told many times that that is not the law and yet I heard it on TV. I also read it in the paper that there was absolutely no liability to the County, zero, and that is a total lie. It really is and it disturbs me that misinformation gets put out that way. I, as a lawyer, know what the laws are. I have been a practicing lawyer for over 18 years, and to hear that kind of misstatements being said by an executive director to sway public opinion is, in my opinion, very irresponsible. There were statements that you made that I was quite offended that she came up and basically called you a liar as well, that your statements were erroneous, despite the fact of you having all of that background, legislative background, as well as your own personal experience and in your job capacity. So, it's unfortunate that it has gotten to that point. I do want it to be published that what is being stated by Dr. Rhoades was absolutely, totally wrong.

We also have our County Attorney that I have sent over an opinion because my opinion as an attorney is simply my opinion. The County Attorney's Office is the legal advisor for the County. They will be getting back to us soon. I have been informed as well from the Administration and the Director of Parks that they will not take a position on this bill prior to receiving an opinion from the County

Attorney. They have also requested an opinion from the County Attorney regarding liability. It is clear liability is a major issue for this County, is a major issue across the country for many counties.

We sit on the National Association of, I'm a Board of Director, and there we discuss many issues of 3,000 plus counties. Dogs are a major issue across the country. It is not simply here. Dogs are a major liability across the country because of irresponsible owners and because dogs bite. That's the nature of dogs. I don't care how obedient, they always have that potential. So, I appreciate you coming, I appreciate you, you know, trying to get the record clear because I think out there is a lot of misinformation that is being spread.

You know, I own a dog. I've owned a dog for many years. We've always had dogs in our house. I've also seen, I don't think there's anybody here who has not seen a person almost get bitten by a dog or get bitten by a dog. So, I understand your concerns. There's many people that feel exactly the same way that you do that I have heard from and I believe Councilmember Rapozo will have a presentation. I will also be putting together something at the end at the Council Meeting when it comes up for the final vote, but thank you, I appreciate your concern.

Mr. Yotsuda: Thank you. I'd like to mention one other thing. The statement of Dr. Rhoades was also in the Garden Island and the newspaper printed that, you know, about the liability thing and made it a big issue.

Ms. Iseri-Carvalho: Mm-hm.

Mr. Yotsuda: I mean, I think the paper has some responsibility to do some research, you know, make sure that those statements are accurate. A lot of people read the paper. I mean, that's really irresponsible journalism. Thank you.

Ms. Iseri-Carvalho: Thank you.

Roberta McBride: Good morning, Councilmembers.

Councilmembers: Good morning.

Ms. McBride: My name is Roberta McBride. I'm from Kapahi. I'm in support of all the ordinances before us today, but in particular my testimony is directed towards the ordinance to allow leashed dogs on the Kealahalemakalae Path. I think it's reasonable to ask for the privilege of walking with our dogs on this pathway. Walking a domesticated dog on a leash is not an activity that is considered unduly dangerous unlike bicycling or roller skating at high speeds along a pathway shared with pedestrians, babies in strollers and other bikers and skaters. I like to bicycle. I love to skate. I broke my arm skating on a multi-use path. I am not saying that bicycle riding and skating should be prohibited because of the many accidents associated with those activities. Likewise, I do not think it is right to

prohibit walking our dogs on the path based on a much smaller number of negative incidents involving dogs. As safety and liability seem to be the paramount concerns expressed regarding this proposed ordinance, you must look at the whole picture. If the County is willing to accept the liability inherent to bicycling and skating on this parkway, then I don't see where the exclusion of dog walking is warranted. Another big concern is dog manure. No one likes to step in dog doo, myself included. I think it is well understood by most dog owners that the rules and regulations that go along with the privilege of walking dogs on the path will include picking up after their dog and disposing of the droppings. A lot of us have been doing this for quite some time and with education, I think it will become a standard of conduct. I believe that all of the concerns regarding passing this ordinance can be dealt with. I really hope that the wishes of many, many people are taken into consideration today. Please give your support to the proposed ordinance which will allow us to resume our daily walks with our dogs along the Keālia coastline. Thank you.

Sue Hansen: Good morning.

Councilmembers: Good morning.

Ms. Hansen: As you can see, I've been a little busy. I'm not even sure where to start because this whole thing is so confusing. There are a lot of people that are against having dogs on the path based on the fact that there's dog manure in parks where dogs are not currently allowed and there should not be any because there has not been enforcement, and I hate to see that issue get involved with letting someone take their dog for a walk on the path. They're two, they're similar things, but they're two different things. Because things have not been enforced in the past, a lot of people dis-, you know, disregard the laws that are on the books right now. The people that are working hard to get dogs allowed on the path are responsible dog owners. We do pick up after our dogs, and we're hoping to have the chance to educate those that don't pick up after their dogs and make sure that they become responsible dog owners. That's what we're asking for.

I did some research on Google and again I was confused as to really what it is that the Committee or the Council needs to see. The search I did, and that I have information on, and I'm gonna leave a copy with you, was "dogs not allowed in parks." Virtually all but less than 2% of the information that I have here that came up on the "dogs not allowed in parks" search, almost all of those parks did allow dogs in some way, shape or form. Some of them, dogs are only allowed on multi-use paths which is what we're asking for. Some of them allow dogs everywhere but not on the beach. Some of them allow dogs everywhere but not near the fountains. That type of thing. There are only like, like I said less than 2% of what I have here that don't allow dogs in any way, shape or form in parks. Now I did filter out the ones that were strictly about dog parks and I did filter out the ones that are in Nature Conservancies because I don't think that has anything to do with what we're looking at here.

Also, I have a picture in here on the front of what I'm leaving with you. That's Galveston that has a 20-mile seawall that is open to everybody, rollerbladers, skaters, dogs, and bicyclists, and bicyclists in Galveston are the tandem bikes that allow 6 people to ride, and their path isn't any wider than our 10-foot path. I was there for a week in March and I never saw an incident. So, it's working, it's working in other places in the country. It should be able to work here. I hope you will allow us the courtesy of letting us walk our dogs on the path and educate the people who are the irresponsible owners because that's what it's going to take. Because ordinances haven't been enforced, people have become sloppy about what they do and don't do with their dogs. Not everybody, hopefully it's a small minority of the people, give the people that really care about the dogs the chance to take their dogs on the path, walk them, and educate those that aren't picking up after their dogs.

So what I have for you is the search that I did on Google. So, it's all printed out in here. I didn't do just a search on paths because I was told this is a park situation, not a path situation. Had I done one on paths, we would need boxes to put the stuff in because virtually everything I looked at that had a multi-use path did allow dogs. So, I did it just on the parks. And then on the back of that, there is a, some articles and ordinances from different cities that do allow dogs, and then I also have the ordinances for the County of O'ahu, the County of Maui and the County of Hilo for your reference.

Thank you for your time.

Mr. Bynum: So, when you looked at multi-use paths, did you find many that allowed dogs?

Ms. Hansen: All of them allowed dogs. I didn't find any that didn't allow dogs.

Mr. Bynum: Okay and you understand that no one is proposing that we allow dogs in the parks on Kaua'i.

Ms. Hansen: Yes, exactly, but I was told and again, it's so confusing because every person that you talk to, whether it's on the Council or whether it's in the community, has a different idea of what you should be researching. And because this is parks and because I was told now because this path is in a park, it's considered a park, I felt that the "no dogs allowed in parks" would be the better search. And if you spend some time looking at the information that I've given, pretty much every single one of those places has a multi-use path and dogs are allowed. So, I'm just asking to be brought up to other community standards and, you know, I live on Kūhiō Highway. I can't get out of my driveway in the morning. You want me to walk my dog on the sidewalk, that's great, but I have no sidewalk. You're gonna put the path on Moana Kai and Kahalani and I won't be able to walk there anymore either. So, where is it I'm supposed to go? You

want me to walk on the highway and be hit by a car. Then I'm going to sue the County. You know, excuse me, but I just, this is such an emotional subject for me. It's something that I consider, you know, something that you should be able to do and I know people are laughing about it and think it's funny and we're wasting Council time, but, you know, it's something that the people want and I think it's something that the people should get.

Mr. Bynum: Thank you.

Mr. Kouchi: I mean, I, it's not wasting time. We were commenting that a month ago we passed a \$156 million budget and had Glenn and Joe here for the final vote, but, you know, once we were going to talk about the dogs, we knew the passion that would be invoked and we'd have a lot more people here, and then I read that the Administration was considering raising green fees at Wailua and said well, between dogs and green fees at Wailua Golf Course, talk about people coming to the Council and a \$156 million budget goes quietly. So, I understand the passion.

I guess, the only part that's confusing to me is based on what Tim said of the bills that are being proposed currently, if you don't responsibly deal with your dog waste, you're not violating any law.

Ms. Hansen: At the present time, exactly.

Mr. Kouchi: You are, you are really asking people to be more socially responsible and considerate to other people by choice, not by law. But what is a law and has been widely publicized as a law that is in effect is currently no dogs are allowed on the path. And so, responsible (I made a little note here to myself) means following the law. And so, really the people who aren't being responsible today, until any legislation passes, is anybody who is consciously walking the dog on the path because they are actually in violation of the law.

Ms. Hansen: Exactly.

Mr. Kouchi: And so, and I know that it's still extensive as far as the amount of dogs that continue to go down the path in spite of all of the information about what the current law actually says.

Ms. Hansen: I think some people are so, I mean people, obviously, people have been walking their dogs there for years, and years, and years, and years. It isn't like you put the path in and nobody ever walked their dog there before. You're taking away something that people have been doing for 20, 30, 40, 50 years. It's a huge impact on somebody's life. The budget is a big thing to people, but it doesn't impact their daily life. Taking their right away to walk their

dog someplace where they've been walking forever and ever, is a huge thing. It's impacting their daily life and you're seeing people in this Council Chambers that you've never seen before. Am I correct?

Mr. Kouchi: Yes.

Ms. Hansen: Well, you know, again, it's something that people feel like, you know, we're tired of being told what to do and what not to do. We want a voice. We want the Council to listen to us good, bad or otherwise, and that's why you're seeing people out here that haven't been here before and you will continue to see that because this is like, it's a personal thing to everybody, whether they're for it or against it.

Mr. Kouchi: I don't think most people thought they were violating the law.

Ms. Hansen: I talk to people every day that still do not understand that they cannot walk dogs...

Mr. Kouchi: Until it, until it got the publicity.

Ms. Hansen: Exactly. Well, no, even now. I ran into a couple people this week that I said you understand it's a \$500 fine and they're like for what and I said for walking your dog. "I can't walk my dog here?" No. I mean I walk the path every day; I live right by it, and, you know, there are still people out there that honestly don't know, and I know there are people that do know that still walk, you know. But nobody does, you know, again, they, it's the enforcement thing. And I totally understand the beach thing. I don't like going to the beach where the dogs pooped either, but I can't tell somebody now you need to pick up your dog poop.

Mr. Kouchi: Right.

Ms. Hansen: I can, but there's no law behind it. So, the fact that we need to pass that ordinance is of tremendous importance.

Ms. Iseri-Carvalho: I wanted to comment Sue that the fact that people don't know is because they choose to not know because there are numerous signs along the path that say no dogs allowed. I mean at every juncture there is and the reason why they were put up that way was in consultation with the County Attorney's Office...

Ms. Hansen: Right and that was after I was here in the meeting in January and I told you it was no place on the website, I'd spent months searching. Boom, the next day you guys had it up on the website. But not everybody reads that and not everybody looks at those signs, unfortunately.

Ms. Iseri-Carvalho: Well...

Ms. Hansen: I know they're obvious.

Ms. Iseri-Carvalho: They're obvious.

Ms. Hansen: I see them.

Ms. Iseri-Carvalho: And so...

Ms. Hansen: Not everybody, not everybody looks at signs.

Ms. Iseri-Carvalho: I think that's outrageous to say they don't look at it. I mean, especially, it's probably the same people that are walking them, you know, every day. I am sure it's not those isolated persons that go one time and so, I mean, they are everywhere. The signs are everywhere...

Ms. Hansen: Right.

Ms. Iseri-Carvalho: ...and then they were done in consultation with the County Attorney's Office regarding liability. So, for people to choose to ignore, I think in court they're gonna have a hard time...

Ms. Hansen: Right.

Ms. Iseri-Carvalho: ...defending their case in saying I don't know.

Ms. Hansen: It's the same thing with people speeding or drinking in the parks and driving home drunk. I mean, you know, those are laws too, but...

Ms. Iseri-Carvalho: I think they know the law. They just choose to ignore it.

Ms. Hansen: Right and I think...

Ms. Iseri-Carvalho: There's a difference between ignorance and purposely violating the law.

Ms. Hansen: Right and there's a certain percentage of the population that's always going to do that. Hopefully, it's not the majority of the population because we would really like to walk our dogs and we would like to be able to say to the people that are doing things that aren't supposed to be done, "Hey, that's a law now, you need to not do that." It's one thing for me to say you're not

supposed to do that to somebody and it's not a law. Big deal, you know, who are you? Now, I can say, "Hey, it's a law. You need to," you know, "you need to pick up your dog poop. It's now a law to pick up dog poop when it hasn't been before."

Mr. Rapozo: One real quick question.

Mr. Bynum: Sure, Councilmember Rapozo.

Mr. Rapozo: I guess, for me, what assurances do I have that should this law pass the responsible dog owners are gonna follow the law because as has been stated by a couple of my colleagues, right now it's illegal and the responsible dog owners are violating the law.

Ms. Hansen: I don't know if those are responsible dog owners that are on the path, they're not. To be honest with you, I'm on that path almost every single day and very seldom do I see the same dogs.

Mr. Rapozo: Right. So those, the amount of dogs on the path today, and believe me, I know you submitted the research and, you know, I was accused of looking at porn on my website by some spineless person that refused to leave their name, but I do my own research as well. I go out and I view the bike path. I take photos. Maybe you don't see me. I see you folks. So, I know that that path right now is heavily used by dog owners. So, just using those, and if you're calling them irresponsible dog owners and the rest of them or the responsible ones have decided not to use the path, that's still a lot of irresponsible dog owners that we gotta deal with and how am I to be assured that once this law passes, those irresponsible dog owners are gonna pick up their poop.

Ms. Hansen: Because the responsible dog owners will then be allowed on the path and will be on the path and will be on those people like flies on you-know-what.

Mr. Rapozo: Ma'am...

Ms. Hansen: Because we've had to fight to get this done.

Mr. Rapozo: What, what are you gonna do?

Ms. Hansen: We want to be able to continue to walk our dogs.

Mr. Rapozo: What assurance? What I'm saying is how do I know that, what you going do, you tell them pick up the poop?

Ms. Hansen: How do I know the sun's gonna come up tomorrow? I mean, you know, I can't give you a 100% assurance that...

Mr. Rapozo: And that's, I'm asking, I'm asking you to help me.

Ms. Hansen: I'm just telling you the people that are involved in this and the people that can't come because of the times that this is at, there's a huge number of people that really are in favor of this and a huge number of people that will use that path on a regular basis and will approach the people that are not doing it. People will pick up after the people that don't, the doggie pot dispensers will be on the path. I mean, is anything gonna be 100%? I don't know.

Mr. Rapozo: Exactly.

Ms. Hansen: Is it gonna be a good, a lot better than it is? Yes.

Mr. Rapozo: Thank you.

Mr. Bynum: Thank you.

Laura Wiley: Aloha, good morning.

Councilmembers: Aloha.

Ms. Wiley: Thank you very much for having us back and please forgive my ignorance. The reason I came today was to listen to the Committee discussion and the possible amendments, and then I had hoped to testify after that. Now I understand that the opportunity for that will be at the next meeting and I'm grateful for that. Since I have already submitted emails and since I testified at the public hearing, I'll just keep my comments very brief. Everyone knows I'm a huge animal advocate. I've been very blessed to have lived on Kaua'i for the past 19 years and walk my dogs on the haul cane road up until last November when he have stopped using it once it became a County park and I very much would like the opportunity to walk my dogs again. Again, my dogs are certified pet therapy dogs. They visit patients at Mahelona and Association of Retarded Citizens twice a month. They would have us come every day; if we had the time we would. I understand concerns about irresponsible dog owners. I still again feel that most of us are reasonable, responsible, that's how we build the laws around our society with good guidelines and I feel that the guidelines that have been submitted are good and reasonable. And I really look forward to some formal report from the County Attorney's Office regarding liability and like I said, I'll keep it short, so I'll shut up and thank you very much, everyone.

Mr. Bynum: Thank you.

Sandra Day: Good morning, Councilmembers. For the record, my name is Sandra Day. I am not currently a dog owner. I have been in the past, but because my house doesn't have a fence to keep the dog in the yard, I choose not

to have one at this point in time. But I support all three bills and I feel that the County of Kaua'i would be making a big mistake by not allowing dogs on the multi-use path. That's all.

Kelly Morgan: Hello. My name is Kelly Morgan and I am also here on my own free time. I am from Kapahi and I have grown up in Kaua'i my whole life. I have always had dogs. For the last few years, I have been going to school in California and I have lived in multiple places and have always had the freedom of having my dogs accompany me on my walks to dog parks, beaches or just around the block. These dog-friendly sidewalks, parks and beaches are a very important part of my everyday life being that I have three dogs and a very little backyard. As everyone knows, fitting in exercise can be very challenging and sometimes just getting out seems less inviting than others. If it was not for my dogs' need to get out and walk, I may not have much motivation or dedication to an active lifestyle as I do. My dogs help me stay active, healthy and positive when things aren't looking so great. These paths and parks should be serving the very ones who have been serving us. My husband serves this country fighting for the freedoms we all have every day. I am familiar with the feelings of sacrifice. Living on a military base and having to abide by many regulations, I know what it feels like to be restricted. Yet, I'm still at liberty to walk my dogs on all of these base facilities. To come home and be told that you cannot walk with your dog along the same trail that you grew up on feels like a freedom that is being taken away. I have brought my dogs home when my husband has gone on deployment and have paid a lot of money to get them here. I have never had so much difficulty finding a place welcoming for us just to go out and walk together. There is almost nowhere else left it seems. I know from experience and witness that when dog poop dispensaries (sic) are out for dog walkers, they are used and the parks and sidewalks are clean. It is an important aspect of living here to have the freedom, to have the right and to have the availability. To live in a happy, healthy environment, we have to socialize, we have to trust, and we eventually integrate to work together to create a strong community. I want to come here and I want to raise my children here. I want our County to want a full-rounded, welcoming environment for its island people to call home. I would like to finalize by saying that through experience I have seen multiple dog-friendly parks, sidewalks and beaches, some having different rules than others but all allowing the relationship between person and dog. I have witnessed people work together, socialize, pick up after themselves and learn responsibility. Without these opportunities, how else can a community reach the standards expected? Please give all of Kaua'i's residents, people and their dogs, the same opportunities to reach optimal health and happiness. We are all fortunate to live in this place. We should embrace every chance to be together and enjoy our surroundings. It is a freedom that we all should have. Can I also add one more thing that I've absorbed?

Our County is really fortunate in that it does not need to even pay or budget in the cost of these poop dispensaries. The Humane Society, as what I have absorbed, has raised all the funds needed for all the dispensaries and baggies for

the next two years and have even strategically planned them throughout the path. Our County is free of this cost because its people have already took in the responsibility and the initiative of this cost. Thank you very much.

Mr. Bynum: Thank you.

Mr. Rapozo: Just a real quick, Kelly.

Mr. Bynum: Kelly.

Ms. Morgan: Yes.

Mr. Rapozo: You're aware that this County funds the Humane Society, right? And you're aware that this year we gave them a 10% increase.

Ms. Morgan: No, I was not.

Mr. Rapozo: Okay. I just want to let you know and the public know that it's, you pay for that.

Ms. Morgan: Okay.

Mr. Rapozo: The County taxpayers...

Ms. Morgan: So, then the County and the taxpayers also pay for the poop dispensaries then.

Mr. Rapozo: Well, they pay for the Humane Society budget.

Ms. Morgan: Okay.

Mr. Rapozo: And they budget how they see fit.

Ms. Morgan: And they fundraise for the dispensaries...

Mr. Rapozo: Correct.

Ms. Morgan: ...which would benefit us and the dispensaries, so therefore, we also paid for these dispensaries.

Mr. Rapozo: Correct.

Ms. Morgan: Okay, thank you.

Mr. Rapozo: Mm-hm.

Eric Shamblen: Good morning, Councilmembers.

Councilmembers: Good morning.

Mr. Shamblen: I've heard a lot of people speak today about why it is important to them that they be allowed to walk dogs on the path and I would like to take a few seconds about why it's important to the community to allow it. For one thing, we've spent a lot of money to build this path. If we don't allow as many people to use it as is reasonable, then it's going to fall into disrepair. It's going to become an unsavory kind of place. You need a community behind it to be involved. Also, it's important to the dogs on this island. It's important to be treated as companions, to be given a place, not just a dog park where you're allowed to run free, but to be walking next to your owner, to form that kind of a bond. I've heard a lot about fear, not so much today but in newspaper articles in previous meetings, and I would hope that we base our policy on the facts, not just on people's random fear. Finally, I'd like to say, I was going to say that irresponsible dog owners aren't going to be using the path because it's a path. There's nothing to do there other than walk. It's not like a park or a beach where you take your dogs, you let them run free and ignore them. People shouldn't do that, but they do. But a path, those people aren't going to be there. That's what I was going to say. Then I heard from the Parks people that there are already people who are irresponsible dog owners, that there's already plenty of poop on the path. And Mr. Rapozo asked an excellent question, I thought. What assurances do I have that responsible dog owners will pick up after their dogs, will make it a safe place? My response to that is right now, no responsible dog owners are on the path. Responsible dog owners follow the law. They have their dogs on leashes; they pick up after them; they are responsible people. They are not currently on the path because it's illegal. If we make it legal, people will bring their dogs. Responsible dog owners will bring their dogs and they will monitor the other irresponsible dog owners. Why? Because nobody likes stepping in dog poop. Irresponsible dog owners don't care. They'll let someone else deal with it. Responsible dog owners care. That's what makes them responsible dog owners. That's all I have to say.

Mr. Bynum: Thank you. Ray Holmes? Roy? If Roy's not here, Kathleen?

Ms. Iseri-Carvalho: How much more people do you have registered?

Mr. Bynum: There are two more after Kathleen.

Ms. Iseri-Carvalho: Okay, when was the caption break? 11.

Kathleen Henderson: Hi, Kathleen Henderson, Wailua Homesteads.

Councilmembers: Good morning.

Ms. Henderson: Before my husband and I moved here, I spent three years working as a volunteer path patrol on the multi-use path in our home, which allows cyclists, roller bladers, walkers, dogs and any other sport you could possibly think of. And our volunteer path patrol worked really well. We also have the doggie poop dispensers and in the three years that I was on the patrol with the team that was working it at that time, we didn't see any incidents of dog bites or any dogs getting entangled in cyclists or clashes between two dogs on a leash, etc. It worked really well and it was pretty pain free and totally enjoyable for everyone who experienced our great path and I think the Kaua'i path could be exactly the same kind of place. I've seen it work.

Ms. Iseri-Carvalho: Question.

Mr. Bynum: Councilmember.

Ms. Iseri-Carvalho: Yes, these paths, how wide were they where you came from?

Ms. Henderson: 10 feet.

Ms. Iseri-Carvalho: And were they along a cliff?

Ms. Henderson: They go alongside 5 lakes and include beachfront, cliff and forest and also sections go through urban area.

Ms. Iseri-Carvalho: And you're saying in your experience...how long were you there?

Ms. Henderson: Three years.

Ms. Iseri-Carvalho: Three years. I can tell you just since the path has opened, we've had three KPD cases of dog bites already, I mean, documented cases that people have filed reports on. So, maybe we have more vicious dogs here than where you come from. I don't know. All I'm saying is that the record speaks for itself that we've actually had law enforcement involved in at least three dog bite cases since the path has opened while it has not been legal to have dogs on it. So, there's a definite concern about dog bites because, again, it's not what people are perceiving that could potentially happen, it has already happened.

Ms. Henderson: I think that one of the things that might assist in that since the path is in its infancy and hasn't functioned as a multi-use with dogs included, maybe when it gets to that point when the ordinances do pass and it legally works as the multi-use including dogs, then things like a volunteer patrol or the majority of the dog walkers being from the responsible dog walker group. The problems will sort themselves out once the use of the path begins to mature.

Ms. Iseri-Carvalho: And I guess for me, you know, taking a risk of a child getting bitten, just one child, to me is unacceptable. I can't foresee and like I said I don't think there's anybody in this room who hasn't seen a dog attempt to bite another person or actually bite another person in their lifetime. I mean, that seems to be a normal experience, especially here growing up. I've been born and raised here on this island. It's something that happens quite a lot here and, you know, it's trying to achieve some sort of balance knowing that there is this risk to people that are most vulnerable. So, I appreciate your comments.

Ms. Henderson: Thank you.

Leilani Sim-Godbehere: Good morning.

Councilmembers: Good morning.

Ms. Sim-Godbehere: Leilani Sim-Godbehere. Dr. Rhoades isn't here today and I'm gonna read something that she wrote for the Kaua'i Humane Society on their behalf. So where it says I, it's actually either Dr. Rhoades or the Kaua'i Humane Society.

I'm submitting this testimony on behalf of the Kaua'i Humane Society and our members to express our strong support of the current language and draft ordinances 2265 and 2266 which would allow walking with your leashed dog on the new coastal pathway. I apologize if I gave the impression in my testimony on June 12 that there is a State law which exempts government from being sued with respect to a dog bite. There is no such law. The government, a private business or a homeowner can be sued for just about anything including a dog bite that occurred on their property. In my experience, however, the dog owner/handler is held responsible with regard to dog bites here in Hawai'i due to the law below (which she has written here) and our dangerous dog ordinances in each County. I am not aware of any dog bite case where the County or the State was successfully sued and paid damages. In addition, with less than 1% of our dog populations on each island being involved with a reported bite, the risk is extremely low. Hawai'i Revised Statutes, the ones that I have presented here, are 663-9(a) and (b).

663-9 Liability of Animal Owners:

- (a) The owner or harbinger of an animal, if the animal proximately causes either personal or property damage to any person, shall be liable in damages to the person injured regardless of the animal owner's or harbinger's lack of scienter of the vicious or dangerous propensities of the animal.

- (b) The owner or harbinger of an animal which is known by its species or nature to be dangerous, wild or vicious, if the animal proximately causes either personal or property damage to any person, shall be absolutely liable for such damage.

I understand that many path users are afraid of dogs and have expressed the wish to keep dogs off the path so they can enjoy their walk peacefully without fear. These folks are suggesting amendments to the bills such as to shorten the leashes to 2 feet and requiring muzzles on all dogs or require dogs to pass a temperament test. I am against all of these suggested changes to the current language of the ordinance. The standard practice of controlling dogs in public is on a leash and it works very well in preventing dog bites. Yes, we have had dog bites occur here on Hawai'i with dogs on leash, but it is rare. To go against what is considered the norm in controlling dogs in public places just doesn't make good policy. Requiring leashed dogs, requiring dog waste removal and enforcing these rules are key to public safety in creating models of dog stewardship on Kaua'i. You heard testimony in the last hearing about a woman's fear of walking her dog for protection. Sexual assault is a sad reality here on Kaua'i and I suspect there are more of these cases reported than dog bites and they also occur in our parks. Providing a safe park is important to all of us, dog owners and non-dog owners. Safety issues with dogs will be prevented with the language in these bills. Surely it must appear simpler to ban all dogs from this beautiful taxpayer funded County path rather than deal with the occasional complaint. I think we need to listen to the majority of our community in helping us make this difficult decision. An independent market research poll has found that an overwhelming majority of residents believe that it's wrong to deny one-third of Kaua'i's population (that's how many have dogs) from path access and that this public pathway should be open to responsible dog walking. We're asking leadership to create policy based on the facts, the latest data and the constituent majority. On behalf of Kaua'i's 21,000 dog companions and thousands of dog owners who pay their County license tax, please support responsible dog walking on the Lihu'e-Anahola path. Respectfully yours, signed Dr. Becky Rhoades, Executive Director.

Mr. Bynum: Thank you. Any questions?

Ms. Iseri-Carvalho: Oh, Jay raised his hand.

Mr. Bynum: Jay, Councilmember Furfaro.

Mr. Furfaro: Yes, thank you for reading the doctor's testimony. I believe all of us wanted to make certain from the June 12 testimony that certain HRS that she quoted and so forth were either active or not repealed and I think we've gotten clarification. I do also want to say that although I've seen a few amendments circulating, I, as one Councilmember, have not seen one that deals

with shortening a leash or muzzling the dogs to date. So, I just wanted to make sure that it is clear on that. And also, 663 deals with, you know, prior to this rule, if your dog bit someone on your property and so forth, you were liable or if in fact someone was teasing your animal and your animal reacted, you were liable, just so that we all know 663 deals with the non-liability issues individually for people trespassing on your property and/or if someone actually acted in a way that they teased your animal or invoked a bite. I just want to make sure that we're clear on what 663 does. And I appreciate you reading testimony from the Humane Society and Dr. Becky. Thank you.

Ms. Sim-Godbehere: You're welcome.

Ms. Iseri-Carvalho: I've got a...

Ms. Sim-Godbehere: Yeah.

Mr. Bynum: Yes.

Ms. Iseri-Carvalho: And I know you had mentioned about the majority of people on Kaua'i favor this. It's yet to be known. I mean, you know...

Ms. Sim-Godbehere: That's based on the two polls that were done. One on Mel Rapozo's blog and then the other one from Ward Research.

Ms. Iseri-Carvalho: And on both of those polls I don't find them particularly ones that would indicate a certain position or not because as a Ward Research, they are a research company, but it's how you...

Ms. Sim-Godbehere: What do you mean...

Ms. Iseri-Carvalho: ...draft the questions.

Ms. Sim-Godbehere: ...they didn't...

Mr. Bynum: W-w-wait, let her finish.

Ms. Iseri-Carvalho: Excuse me, I'm not finished. It's how you draft the questions in order to generate a response. And I can tell you polls, depending upon how you write, we've gone through Ward Research to do our affordable housing policy poll. One of the questions that they had asked was you needed to be a household member in order to answer that poll. Well, of course, the people who were household members already, the head of household, didn't need a home and it didn't reflect the need that was warranted when everybody else knew what the need was. So, it really has to do with what kinds of questions and I would have hoped that the County would have been involved in that process as they would have wanted to so that those questions could be objective, number one. But number two,

I guess I wanted to say that we just received testimony from the United Public Workers, an organization of 800 people just on Kaua'i, that are stating that they strongly oppose and are asking us to vote no on Bill No. 2265 and Bill No. 2266. So, I think that, you know, there are on both sides a majority of people can claim majority or not, it's really not clear what the majority is but what is right for the community clearly is what the Council will do. But I know time and time again, we hear this, about this being the majority and this being the majority. We get stopped all the time, and they're people for dogs on the path and they're people against dogs on the path, and it's not people who show up here and has never showed up here but it's people that, you know, I speak to at the baseball games, at the soccer games, at the basketball games, at Wal-Mart or Safeway, you know, throughout the community, and so, the heartbeat and pulse of the community, I think, is expressed in many different ways and not necessarily all what we saw here. We saw that when we reviewed the Big Box Bill as well. I think in the Big Box Bill clearly the people that showed up outnumbered the people who were against the Big Box and yet we voted against the Big Box. So, you know, it just, because we hear a lot of information. All the information we get doesn't necessarily depend on what the community (inaudible) is because we, as the Councilmembers who have a fiscal responsibility of taking care of your taxpayers' money to assure that it is spent wisely, need to look at the security issues, need to look at the enforcement issues, need to look at whether or not we need to hire more personnel in times of economic woes that we will be facing in the next couple of years. So, there's a variety of concerns that this Council has to address and of course, the community input is always an important leg of that, but it's the entire community, not necessarily just the ones that show up here. That's just what I wanted to say. Thank you.

Ms. Sim-Godbehere: Okay. Well, in response to that, part of it is that there were two different polls that were done. One of them was from Mel Rapozo, Councilman Rapozo's website and so he is a Councilman and so that is Council input and that's a completely separate poll and it was within 5% of the Ward Research poll.

Ms. Iseri-Carvalho: Well, again, when we look at the elderly and the children, who I'm sure are not the persons who are looking at Mel Rapozo's poll or not the persons who are answering the telephone from Ward Research, they are also constituents here too. I care about their welfare. I could not live with myself if a child got bitten on that bike path. Especially when you look at a cliff that in certain areas there is only 4-foot leeway and there's no fence. So that child will drop straight to the bottom, especially by the scenic route. I mean, that's the kind of concerns I deal with. So, there's a lot more issues surrounding this than just allowing dogs on the bike path and not allowing dogs on the bike path that the Council has to consider.

Mr. Rapozo: I just want to make a disclaimer that that poll on my blog and I appreciate the plugs because I do welcome people and it is Kaua'i politics.blogs...blog.com, but it is not a scientific poll, but you're right, it is, it's a

poll. You know, one would argue, I think Mr. Yotsuda talked about it, it's only good on the day that it was done because, and mine is a running poll. It's still going. I don't know how many days left, but, you know, a poll is a poll. Use it, I think Mr. Kouchi called it it's a push poll. You know, you're trying to get some information on a poll. You know, many would argue on my blog there's also, it was, I took it off, there's a Superferry poll. It was overwhelmingly against the Superferry, but then if you look at the Chamber of Commerce poll, it was overwhelmingly in support of the Superferry. So, it's, the poll is, depending on where it's done and when it's done and one of the concerns, I think, I have is after what you just read from Dr. Rhoades and I think some of the comments that were made earlier, when they took the poll, what assumption were they under? Were they under that the County was protected, zero liability as it was told when they clicked the bubble on Mel Rapozo's blog? So, you know, in fact I'm probably gonna reset the poll just because of the new information that came out. I'm not sure, but we'll see what happens. I may just take it off completely. I think the numbers are overwhelming enough.

Ms. Sim-Godbehere: The numbers came in before because her statement was not made until June 12.

Mr. Rapozo: Well, the public statement. But I don't know what the message from the Humane Society was prior and I'm not talking about the Ward Research poll, I'm talking about the Internet poll. The Ward Research poll, I think it's as Shay talked about, you know, even our polls that we run in the County, you know, we take it for what it's worth and we analyze the data as well as the other data that we get. I know many of the supporters of the bill will say that they're in the majority, and I think you heard from a couple of the people that came up today that he spoke for many other local people on Kaua'i that can't come or don't want to come, refuse to come up and testify. So, it's, I, we get the emails, we get the phone calls and we get the approaches in the public places, and so we gotta put all of that together, and it's not always easy, you know, and these issues are tough because it's emotional, passionate. But, you know, that's why we have seven people here and at the end of the day, you know, the majority will prevail. And, you know, is there a right or a wrong? I think I heard someone earlier say, you know, I think it was a gentleman that said that more people would use the path or won't use the path. Well, either way you cut this thing, if the bill passes, you'll have usage, if it doesn't, you'll have usage. You'll deny people the opportunity to walk with their dogs if it doesn't pass, but then you'll deny people that refuse to walk on the path with dogs if it does pass. So, it's a tough issue and, you know, again, and I've stated this many times. There's no right or wrong. And, you know, because somebody supports your position or opposes your position doesn't make him a good or a bad guy or a good lady or a bad lady. It's, that's why this process is here. You have an opportunity to educate us and I appreciate your testimony. I appreciate everybody's testimony, but just because I may disagree doesn't mean I don't like you personally. It doesn't mean that I think you're a rotten person. It's just we disagree and that's how it falls on this table. And that's why we have that seven members of the Council and at the end of the day, and I've stated this in my blog, of course, you

know, some people regardless of what I put they just bash. The right decision will be made because it had gone through the process that was democratically done and if it comes out in your favor, then you're happy. If not, then you're sad, but one way or the other this thing has got to be resolved. And, you know, I just, I hope we can do this in the least divisive manner and that it's not about you're wrong, I'm right. You know, it's just not that way. So, thank you.

Ms. Sim-Godbehere: You're welcome. At the end of the day I hope you will look at the facts and the numbers and what the norm is and then you'll see clearly that to favor these bills is the norm and would go with improving and bringing up to speed our ordinances which we desperately need and to making Kaua'i a better place for the dogs and the dog owners and the people who maybe are afraid of dogs. So, I hope you'll take that into consideration too and listen to what we have to say. Thank you.

Mr. Bynum: Leilani, just one, regarding polls, any poll on the Internet is not scientific, it's not controlled, it's not using research methodology and so its use is limited, pretty limited. It really says what the people who visited or Mel mentioned...

Ms. Sim-Godbehere: I understand. It's just a reflection.

Mr. Bynum: Mel mentioned the Chamber of Commerce poll where they polled their membership and so that is an effective way to find out what their membership feels about an issue. However, the Ward Research poll does use scientific methods, does control statistically their analysis, in my view is objective and is done by a reputable firm that uses measures to try to, as best possible, accurately gauge the sentiment regarding the questions that are answered. This, I think, is available to anyone to see to determine if they feel like the questions were objective. So, you know, I think it's a misunderstanding in the general public that any poll on the Internet, whether it's on MSNBC or Mel's blog, is not really controlled with scientific methods. So.

Ms. Sim-Godbehere: Thank you.

Mr. Bynum: Thank you.

Thomas Noyes: Aloha, Committee Chair Bynum and Councilmembers.

Councilmembers: Aloha.

Mr. Noyes: My name is Thomas Noyes and I would like to express my support for the original text of the proposed amendments to KCC Sections 19-1.3 and 19-1.4 and to Chapter 22 Article 2. I enjoy recreational bicycling and my family does not own a dog. None of the other Hawaiian Island

counties impose a blanket ban prohibiting dogs from all their county parks as Kaua'i currently does. These proposed amendments are necessary to bring the Kaua'i County Code up to date to improve Kaua'i's animal control measures in general and to restore the health and recreational benefits that residents owning dogs lost when the Department of Parks and Recreation assumed management of the new section of Kealahalemakalae from Lihi Boat Ramp to Keālia Beach. Under the current law, anyone may legally walk a dog on an urban sidewalk or in the public right-of-way along the roadside. That liberty should similarly benefit citizens who wish to enjoy Kealahalemakalae with their leashed dogs. The amendments as originally drafted making dog walkers legally responsible for controlling their dogs on a 6-foot maximum length leash and removing their dog's waste are not irresponsible or reckless revisions. This amendment as originally drafted would merely allow Kaua'i's law abiding dog owners to enjoy all the paths in designated portions of our parks just as people around our State may legally do now. I have heard that a few unorthodox restrictions on dog owners and their pets may be proposed as additional amendments to Bill 2266. These additional restrictions could require muzzles, forbid walking two or more dogs or eliminate Lydgate Park's path system from the areas where dogs would be allowed. These additional restrictions are not in common use in other communities and are not reflective of the widespread popular support for bringing Kaua'i's presently inadequate, yet overly restrictive dog control measures into parity with our neighboring communities. Nor should these bills, if passed, be subject to a sunset clause. The prevailing public sentiment on this issue is clear and will not be altered over the coming months, so it is not prudent to go through this process all over again in just a few months. Kealahalemakalae benefits our island home in several ways as a transportation alternative by strengthening the social fabric of our community and as an attractive place to exercise to name just a few. Restoring legal dog walking on Kealahalemakalae and for future shared use pathways will serve the best interest of that large segment of Kaua'i's population who wish to continue exercising with their dogs responsibly and legally on the coastal path. Thank you.

Mr. Bynum: Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Yes, Tom, you use the path quite often. Is that accurate?

Mr. Noyes: That is.

Ms. Iseri-Carvalho: Have you seen dogs on the path?

Mr. Noyes: I have at times seen them, yes.

Ms. Iseri-Carvalho: And knowing that they were illegal and knowing that there was a proposal by Kaua'i Path Org. to do volunteer work for enforcement, have you approached those owners to let them know that it was illegal for them to have their dogs on the path.

Mr. Noyes: On Saturday, the Friends of the Path conducted their 4th second Saturday sweep of the path, a volunteer activity. At that time, I did encounter a dog owner who I informed was violating the current statutes, yes.

Ms. Iseri-Carvalho: And so did you approach them? Or did you call the park ranger or did you call the Police Department so enforcement could occur?

Mr. Noyes: I approached the dog owner directly.

Ms. Iseri-Carvalho: Okay and did they remove the dog at that point?

Mr. Noyes: They were in the process of leaving the pathway.

Ms. Iseri-Carvalho: At the time that you told them to leave.

Mr. Noyes: That's correct.

Mr. Bynum: Any other questions?

Mr. Rapozo: Tom, how long have you been part of the Bike Path discussion?

Mr. Noyes: Since 1993.

Mr. Rapozo: So that would be about 11 years. Oh, I'm sorry, no it's 2008 already, 15 years.

Mr. Noyes: 15 years.

Mr. Rapozo: And, you know, I can only speak for the last 6 years that I've been here because I was not involved at all. But at what point in the discussion did dogs become a part of the bike path...as an intended user and I'm talking in discussions with the County, not with the Humane Society or the Dog Lovers of America or whatever the groups are, with the County with the specific use of this path, at what point did dogs become a user?

Mr. Noyes: I think the most appropriate response to that question would be the point at which I assumed the Chair of the Kealahalemakalae Committee, which was in March of 2005. As Chair of that Committee, I was responsible for preparing agendas and at that time it was a recurring agenda item.

Mr. Rapozo: And does the County participate in that, in those meetings?

Mr. Noyes: Typically there are representatives from one branch or another of the County. Public Works and the Offices of Community Assistance were the most frequently attending, although Councilmembers have attended those meetings.

Mr. Rapozo: Councilmembers, you mean County Councilmembers?

Mr. Noyes: Yes, sir.

Mr. Rapozo: And at that point you're saying that dogs were going to be a legal user of the path, and that was in agreement with the County and the reason I ask this is much testimony we've received, I have, much testimony from the public saying that it's always been a discussion and it hasn't, I can tell you. In fact, when we had the last update here by Mr. Doug Haigh, he clarified that the dogs were never a discussion in the planning and the construction of the path. It was a bicycle/pedestrian path. But the perception out in the community, again, is that no, it was always, why you guys trying to take that right away from us today. Well, the reality is and that's what I'm trying to get from you. At what point did dogs become a legal user and not just with the community, but with the County who actually had to build and maintain the path?

Mr. Noyes: It was brought to the County's attention early on in the process.

Mr. Rapozo: Okay, but the County, when did the County all of a sudden decide that it was gonna be okay to have dogs on the path to your recollection as far as you know?

Mr. Noyes: Would you repeat the question, please?

Mr. Rapozo: I'm just trying to find out at what point were dogs going to be considered for the path, for this bike and pedestrian path?

Mr. Noyes: I think it would be more beneficial to turn the question around and say at what point was the existing use of that corridor as a recreational facility being typically used on a regular basis for dog walking going to be altered as an area that prohibited that use.

Mr. Rapozo: Okay and when was that?

Mr. Noyes: Again, as Kealahalemakalae Committee Chair, it was an agenda item starting in March of 2005.

Mr. Rapozo: So, when you began discussions with the County and the community regarding this path before it was designed and built, dogs were not considered.

Mr. Noyes: I don't think that's accurate.

Mr. Rapozo: That's what you just said.

Mr. Noyes: In 2005, the path was designed. It was under construction between Lihi Boat Ramp and Kuna Bay.

Mr. Rapozo: Okay, the EA doesn't reflect dogs on the path.

Mr. Noyes: It doesn't ban them.

Mr. Rapozo: That's not what I asked. It doesn't, when the EA is done you gotta, it doesn't ban pigs and anything else, it doesn't. It specifically states bicycle/pedestrian, so forth. So, and the reason I'm asking you is because you probably got the longest history with this path, you and Doug. And Doug made it clear that it was never a discussion. So, what I'm trying to do is let the public know facts. You just, many of you have stated your decision has to be made based on facts and I want the public to understand the facts before we make our decision here, that the reality, as long as I've been here 6 years, dogs were never allowed on the path. They were never discussed as they were going to be allowed on the path until dogs started showing up on the path and the County had to take some action because it was illegal. And that's when the movement to get dogs legal started. It was relatively recently.

Mr. Bynum: Councilmember Rapozo. I'm just anxious to address this concern because, is that okay with you?

Mr. Rapozo: That's fine and I'm trying to figure out...

Mr. Bynum: I think Mr. Noyes is trying to make sure he's accurate in whatever he says...

Mr. Rapozo: Mm-hm

Mr. Bynum: You know, and so for myself I've been involved in the path also since 1993.

Mr. Rapozo: Okay.

Mr. Bynum: It's a shared use path. It always has been a shared use path. Federal Government and the County relied on something called AASHTO Guidelines (American Society of Transportation Engineers), and the AASHTO

Guidelines anticipate dog use on the multi-use paths. So, it's been an issue for a long time. It's been a discussion for a long time, at least for myself, that we were creating a shared use path in an area which had historically been used by people walking dogs and that we needed to address this issue about the conflict between the current County law and that's a dialogue I've had with Parks since before I was a Councilmember. There was a lot of consideration and discussion about should there be guidelines. I encouraged, before I was a Councilmember, that there be public hearings, that the Administration be proactive to address this issue before we arrive at the situation we're at today. Unfortunately, that didn't occur and, you know, I think you're accurate.

Mr. Rapozo: I know I'm accurate.

Mr. Bynum: But this being an issue...

Mr. Rapozo: I've been here 6 years.

Mr. Bynum: I've been out there for some time and...

Mr. Rapozo: And millions of dollars have come through this Council.

Mr. Bynum: ...unfortunately, the County has not acted proactively.

Mr. Rapozo: Exactly and my point is the public was sold on a path that was going to be used for bicycle/pedestrians. They were not sold on a path, and I see the nodding of the head, but I'm talking about the Council. We were the ones that approved the funds, and when the project was sold to this Council, dogs were never a part of it. It's called bait and switch. Now the people that had waged their support behind the project that didn't approve of dogs on the path may not have put their support behind the multi-million dollar project had they known it was going to be a wide open path for dogs and everything else. So, that is my concern. I only know what occurred here. I don't know what happened at you guys meetings outside, Mr. Bynum, I don't know, before you were on this Council. I don't know if you would appreciate this kind of bait and switch where now all of a sudden, oh no, we talked about it before but we forgot to tell you guys when we asked for the money because the EA didn't ban it. Well, the EA didn't ban a lot of things, but it's not allowed. So, that's just my concern and I want to clarify for the public, the viewing public that not so much the advocates one side or the other, the strong proponents, but for the people out there that are watching this and saying, "What's really going on? That's interesting dialogue." I don't even know which way I would vote, but it's interesting dialogue, but those people deserve to have the facts placed and not all of these assumptions. Thank you.

Mr. Noyes: May I respond?

Mr. Bynum:

Mr. Noyes, please.

Mr. Noyes: I think that the pertinent consideration here is that the facility would be administered and bound and used in accord with the County ordinances, and it was something that the group of people that I worked with were aware of that the intent was the path would be administered by the Parks Department, the Parks Division. Prior to the recent separation of the Department, excuse me, the Division of Parks from Public Works into its own department, it was clear that that was the way that we were heading. It was clear to us that the current ordinance prohibited animals in parks and it was our intent to take steps to bring our County's ordinance into closer parity with the other counties in the State of Hawai'i and in fact the other municipalities around the country that have resolved this issue.

Mr. Bynum:

Anything else? Thank you very much.

Mr. Kouchi:

I just was curious. Is Bernard testifying today?

Ms. Iseri-Carvalho:

Yup.

Mr. Bynum:

I...Bernard's here. If we have questions for Bernard, I think we will have questions.

Mr. Kouchi:

I mean not right now. We still have people who are signed up. I saw some people come up, so I don't want to go out of the order, but I think while we're on the subject, I mean, you know, in saying that they didn't act proactively, I guess means that they weren't doing something that you agreed with, but, you know, we have a bill introduced by a Councilmember and not a bill introduced by the Administration, and you have an Administration enforcing the ordinance and not attempting to amend rules, which is also a potential way to try and deal with regulating what happens on the path, and I think possibly through rule making some of the dog walking may have been possible, so I can only gather, until I hear differently, that not to allow dogs on the path is the current position of the Administration and continues to be their position. And, you know, they certainly have the right to, whether it's today or two weeks from now when it comes back to committee, give us their input as well, but, you know, until I hear something differently, I would just state publicly that I don't see it as not acting proactively. I'm dealing with it loud and clearly what their current position is and if I'm mistaken, somebody needs to come up from the Administration on that microphone and publicly declare something different than what has presently occurred till today.

Mr. Bynum:

Well, we'll probably get to that. In the meantime I think we have one more registered speaker.

Ms. Iseri-Carvalho:

Ten minutes before caption break.

Mr. Bynum: And we will need to do a caption break in 10 minutes.

Ms. Iseri-Carvalho: So hopefully we can finish up in the next...

Eric Henderson: I've just been observing what's going on.

Ms. Iseri-Carvalho: Just state your name before you start.

Mr. Henderson: Eric Henderson and I agree that dog walking is probably a very good thing for Kaua'i. It's good for the community. It's good for social and health benefits. That's a plus that should be thought about. And I have some suggestions after listening to all the comments. One is I think you should get your liabilities under control, which is what you're trying to do. It sounds like you have a dog problem on Kaua'i if you have dogs running around biting people, but that's a separate issue. I know it's a concern, but you should get that addressed one way or another. And you've got dogs on the trail now. That's, those dogs are not supposed to be there now. If you have cliffs that drop off 4 feet away, you should have a railing. It has nothing to do with dogs biting people...

Ms. Iseri-Carvalho: Well, we have...

Mr. Henderson: That's an issue...

Ms. Iseri-Carvalho: We have addressed those issues and there's signage and we've discussed those, but having the dogs on it will increase our liability because...

Mr. Henderson: Slightly,

Ms. Iseri-Carvalho: ...we have certain signs...

Mr. Henderson: Slightly.

Ms. Iseri-Carvalho: One person, million dollars. We pay million-dollar suits a lot here.

Mr. Henderson: Okay. So, I have three good suggestions you might want to consider in maturing the trail because this is a new thing in Kaua'i. And one is I would suggest a center line which would help the flow of traffic and dogs not getting tangled in ropes and bicycles not running into dogs would be helpful, and benches for people to sit down and take a break. And the third one is perhaps a solution for this dog issue is odd or even days for walking, and then the people that

don't want dogs on the trail have a day and the people that want to walk have a day—my suggestion. Good luck with this. I'm (inaudible) not going to be here for the vote I don't think, but we'll be back this fall to see how it all turned out.

Mr. Bynum: Thank you, Mr. Henderson. Anyone else who would like to testify for the first time? Glenn?

Mr. Furfaro: Mr. Rosa.

Mr. Bynum: Mr. Mickens.

Glenn Mickens: Good morning, Councilmembers. For the record, Glenn Mickens. Thank you, Tim. You have a copy of my testimony. I'll read it for the record. Yes, there were a lot of people at the public hearing in favor of these bills, but the majority, as today, if not all of them were from the east side of the island. So, I'm not sure how skewed whatever people that are talking here are as Shaylene said she's got a list here of 800 union workers that are opposed to the thing. So, you take a poll of this whole island again, I would make the case that people aren't gonna drive from all over this island to walk their dog on a 2 ½ mile path. Whether it's Ron Wiley's poll or any other poll, let us ask the relevant question. Will this 2 ½ mile path or 20 mile path, if it's ever completed, be worth the millions of dollars needed to build it and benefit all the people on Kaua'i, whether it's for people, dogs, horses or any other animals? Without looking at the big picture and doing a use study, we asked the Federal Government to fund 80% of this path, the exact length and location still unknown. Federal guidelines for using Transportation Enhancement Funds stipulate that this path will be used for transportation, not for recreation unless the Secretary of Transportation says otherwise. I know of no documentation from her giving permission for any use other than transportation. So, not only was this regulation ignored, but now we're intent on making it more of a recreational path by allowing dogs on it. And if dogs are allowed on it, will it not be discriminatory to keep all other animals from using it, particularly horses? These animal owners pay taxes the same as dog owners, so how could you legally stop them from using it? When we talk about dogs on this path, we must again look at the total picture. Every step of this path has been utter turmoil from the threatened lawsuit by condo owners above Wailua Beach, illegal pavilions, the rock fall area at Keālia, the equestrian users, which, you know, you people sat here and listened to 20 equestrian riders talk about this and it's never been resolved, the vetoed area of the path going into the house lots, the proposed wall in front of the golf course as well as other routes going through the course, maintenance, security and much more.

Automobiles are regularly, and I don't know if you guys paid attention, Mel may have, he said he's been down there, automobiles are regularly driving across this path by the Kapa'a swimming pool, as well as driving on the path going north by the swimming pool. This is a huge red flag and an accident waiting to happen. Plus the ordinance says no motor vehicles will be permitted on the path, all

mismanaged plans from the get-go. We haven't even gotten from Lydgate Park to Lihi Boat Ramp yet, nor has the erosion problem by Fujii Beach, Pono Kai and Kapa'a Beach, which has been on the agenda over and over, it hasn't even been solved, which will impact the path. The logistics of getting in and out of the Foodland/Safeway Shopping Centers with this path haven't been addressed yet, nor has getting from mauka back to makai. The EA that was supposedly done for this segment must be produced as there will obviously be a huge impact on the cars, the people and the path users. That goes for the dogs that are gonna be walking on that thing too. They're gonna be walking in and out of that parking lot. Try and picture bikers, joggers and dog walkers using the new Safeway bridge, getting in and out of those parking lots. It will be utter bedlam.

And finally, what benefit will this white elephant that is costing millions of dollars to plan, build, maintain and control for security ever give to the 65,000 people who live on Kaua'i, not to just those who live on the east side? Why are we spending hours of the Council's time trying to get dogs on this path when so many important issues are facing us? Traffic, affordable housing, over-development of our island, the homeless, the vacation rental problem, and on and on, these are the problems that affect everyone on Kaua'i and need addressing. This is like a forest burning and all we're looking at is after one tree. Kaipo's bill 2267 solves the problem of dog exercise, people exercise, and has the possibility of putting dogs parks all over the island, will be an asset to every dog owner without the worry of path security and the problems that go with it. Let's pass this bill and move on with the real problems that need addressing. When I keep on hearing the people talk about exercising their dogs, are they worried about themselves or the dogs? Which needs the exercise, the people or the dogs? If the people are worried about their own exercising, nobody is prohibiting them from going down and walking any time they feel like. We're just talking about dogs. So, I'm not sure why this great need for the dogs to be in with the people.

Mr. Furfaro: Six minutes, Mr. Chair.

Mr. Bynum: Okay, Glenn.

Mr. Mickens: I hear you Jay, thank you.

Joe Rosa: Good morning, members of the Council.

Councilmembers: Good morning.

Mr. Bynum: Please state your name.

Mr. Rosa: For the record, my name's Joe Rosa.

Mr. Bynum: Thank you.

Mr. Rosa: Don't worry, Mr. Bynum...

Mr. Bynum: You know how to do this.

Mr. Rosa: I know the procedure. I'm not afraid of a mike. I'm not afraid to speak up. The reason I'm here...

Mr. Furfaro: Excuse me, Mr. Rosa, we may only limit you to three minutes.

Mr. Rosa: Okay.

Mr. Furfaro: Simply because by law we're scheduled for a caption break.

Mr. Rosa: Yeah, but I know previously had 10-20 minutes, but I can take my few minutes. I'm going to hit on the highlights then. Basically, like Mr. Tim Bynum here, him and Mrs. Becky Rhoades say there's 20,000 dog owners on this island. I have a count from the Finance Department as of last week there are 3,900 dog licensed owners on Kaua'i. Where's the rest of the 16,100? The \$2 plus per dog tax that generates \$32,000 plus, you could hire a dog catcher like we previously had.

The second thing I hear people mention about the dogs, walking their dogs. They don't specify they're walking their dogs for their health. I'm pretty sure the doctor never tell them walk your dog for the dog's health. If you walk, you walk for your health. Previous speakers last week Wednesday, oh, I don't walk the path anymore because I can't walk with my dog. The path's there. You use it even regardless if you can't take your dog. That's what the taxpayers put that money in the first place. Right now whatever is constructed, why can't they just use it? Is this gonna be another white elephant? Like Mr. Noyes says here that volunteer services. Look at the airport beautification. Where's the volunteer service? Over here, it's just a fad with everything. When something's new, the broom sweeps good. When it gets old, the straws fall apart. Those are the things; think about it. I'm speaking here, not for myself. I speak for a lot of the local people that see me on TV and they say "I seen you on Hō'iike, keep it up because we can't go and I'm afraid to speak in front the mike," they tell me. They all against it. Why spoil something? Like Becky Rhoades she comes here, she used survey from the 2001 year with this National survey. Eh, get something updated. Like I said, 20,000 dog owners, Mr. Bynum, you mentioned 20,000 again. Where's the 16,000 plus? At \$2 plus per dog tag, it generates \$32,000 plus. Simple mathematics; common sense. That's what I'm here for, try to save people money. So, that's all I can say, but I got a whole lot more that I could rock the boat.

Mr. Furfaro: Tell him he's welcome to come back.

Mr. Bynum: Okay, you're welcome to come back, Mr. Rosa. We're gonna need to take a break for the...

Mr. Rosa: Yeah, I know. Everybody, here take a break. You kind of looking kind of drowsy already, so. But as I said, I have some figures that, like as I say, go check it. 2000 calendar year, 3,900 licensed dogs. They can't give me this year's figure so far.

Mr. Bynum: Okay.

Mr. Rosa: 3,900. Bicycle taxpayers only 405 also.

Mr. Bynum: We need to take a 10-minute caption break...

Mr. Rosa: and bicycle taxpayers...

Mr. Bynum: ...and we'll return in 10 minutes to finish the public testimony.

Mr. Rosa: Yeah, bicycle taxpayers only 405 also.

Mr. Bynum: Okay, thank you, Mr. Rosa.

There being no objections, the Committee was recessed at 11 o'clock. The Committee reconvened at 11:12 a.m., and proceeded as follows:

Mr. Bynum: Okay, I call this meeting back to order. Next person that signed up is Lilly Dowling.

Lilly Dowling: Thank you.

Councilmembers: Good morning.

Ms. Dowling: Good morning. I'm Lilly Dowling. I live in Kapahi. I actually was not going to speak, but after hearing everybody talk, I felt compelled to speak. I was at numerous meetings of the Kaua'i path when we were just starting to build the path and I actually remember Councilmembers there and Mr. Haigh, and I remember the reason why I went was because of my dog and I remember also hearing discussions about dogs on the path in addition to the horses, but I was there for the dogs. So, I just wanted to say that and as far as assurances go, I don't think you can assure anything. The main thing about having these bills pass is to improve safety for everybody on Kaua'i and I think just, we just need to improve things on Kaua'i so. And Mel, this is for you. I actually shared your blog with a lot of my friends and colleagues, and there was about like a week where it didn't move. Was it down?

Mr. Rapozo: You mean which, the poll?

Ms. Dowling: When you went to vote, yeah.

Mr. Rapozo: Oh, that I don't know.

Ms. Dowling: One of my friends said that it was just like stuck on the same 166.

Mr. Rapozo: Yeah, that I don't know. I don't control that part. I just...

Ms. Dowling: Yeah, so I just wanted to say that.

Mr. Rapozo: Google, Google, it's a Google thing.

Ms. Dowling: Oh, well.

Mr. Rapozo: So, it's free.

Ms. Dowling: It's a good thing, though, you know. It's great that you did it. Yeah, it's wonderful.

Mr. Rapozo: Yeah, I didn't manipulate it, though, obviously.

Ms. Dowling: It's okay.

Mr. Rapozo: I'm not afraid to see what people have to say and it is what it is.

Ms. Dowling: Yeah.

Mr. Rapozo: I'm just saying that the polls are, you know, it's like...

Ms. Dowling: I understand.

Mr. Rapozo: Thanks.

Ms. Dowling: It's good that you did it.

Mr. Rapozo: Thank you.

Ms. Dowling: And the other concern about liability walking your dogs. If that be the case, then it seems that we shouldn't allow dogs to walk on our

sidewalks or no sidewalks, you know, just...You know, because that's such a small little space. It's not 10 feet. It's probably 3-5 feet, and that's about all I have to say.

Mr. Bynum: Okay. Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: I guess for me, walking on the sidewalk is very different than walking on the path. If we allow dogs on the path with the congestion, we're inviting people to utilize that. I don't foresee, you know, hundreds of people on the sidewalk at one time, really, with a dog and with a person. I don't and I don't see that happening. I mean, I've been born and raised in Kapa'a Town all my life. I've walked that sidewalk all the time. You rarely see people walking with dogs on the sidewalk. Whereas on the bike path, should we allow it with the 10-foot, again the sidewalks are not ones that are on a cliff, like how that scenic route is and there'll be some pictures to actually show that, you know, right now, there's no fence there and for me, that's a problem. I don't want a fence either there because I enjoy the natural scenic beauty. I mean, that was one of the things that I wanted. I wanted to have the entire panoramic view for the people to enjoy. So, you know, there's definite differences between allowing ones on the sidewalk versus ones on a path and, you know, again, you know, striking a balance is something that we need to look at.

Ms. Dowling: And I have walked the sidewalks and I will not walk it again with my dog because it's frightening.

Ms. Iseri-Carvalho: Well, there's cars on the side. I can tell you and you know...

Ms. Dowling: Yeah, cars and people and you know, all of that, and then the issue about walking for exercise. Unfortunately dogs who are well-balanced need exercise too.

Ms. Iseri-Carvalho: Oh, I agree.

Ms. Dowling: Yeah, so I know that you agree with that because you answered my email, but anyway, thank you.

Mr. Bynum: Thank you. Is there anyone else who wants to testify that has not for the first time?

Gordon Oswald: Good morning.

Councilmembers: Good morning.

Mr. Bynum: Please state your name.

Mr. Oswald: My name's Gordon Oswald and I'm gonna make this very short. I am opposed to dogs on the bike path for many, many reasons, Shaylene's mentioned many of them. I believe that having a dog on a bike path or having a dog or an animal anywhere is not a right. It's a privilege that needs to be thought out, discussed as you're doing, and I think it has to be earned, and I look at this island and I look at the people who own dogs on this island and quite frankly they have not earned the right to have dogs on dog paths or where people are congregating. I think, I live over a beach; I watch the beach all day long. I did a little study the other day where I just decided to sit there and watch for awhile and I counted 22 dogs on the beach over about a 3- or 4-hour period. I saw one dog on a leash out of 22. I think dog owners on this island have proven that they do not have respect for the law and I think just by putting them on the bike path is not gonna change them. I think that, of course, they'll be watched more closely, but I just don't believe that we have the resources available nor do we want to go out and start having to get into verbal discussions and arguments with people because they have dogs on the bike path. I was walking on the bike path the other day, somebody was riding a motorcycle down the path. I said, "Get off the path," they flipped the bird and kept on, could care less what I said. So, I just don't believe that it's in the best interest of the majority of the population to have dogs on the path.

Mr. Bynum: Okay, thank you.

Ms. Iseri-Carvalho: Thank you.

Mr. Oswald: Thank you.

Marcia McPhail: Aloha, County Council.

Councilmembers: Aloha.

Ms. McPhail: My name is Marcia McPhail. I've been on the island, blessed to be on the island of Kaua'i for 18 years, and for over a decade I've walked that pathway, and let me start out by saying I really miss the potholes. I miss the way it used to be and a lot of things here on Kaua'i. At one time there was horses, motorcycles, joggers, bikers, everything went and we all got along. I'd hear a motorcycle coming and I'd go over the side with my dog. I think it was great. They were having great fun, horses, we all got along. Now, we've got these improvements and we've got problems. We've got liability. We've got safety. We've got enforcement. How do we deal with all of this? And that's what I wanted to address. The big issue seems to be about the bottom line of safety and who's going to be suing who. As far as liability, what about a sign, a simple sign that says "use at your own risk, dog bites, rocks falling, people tripping, falling over the cliffs." I mean, you talk about numerous reasons to be sued, there's a whole bunch and more probably that I'm not even thinking of at the moment. What about a signed agreement between all users of the path that deals with information about safety, responsibility and liability. As far as enforcement, fellow dog owners. If I saw

another dog owner letting their dog do their doo-doo and walk away, I would approach them, and if they didn't respond, I'd pick up after that dog. Sounds like there might be an animal warden position, I'll go apply for it. How about a trial basis for us folks who want to walk our dog. Let's give it so many months and see how it works. I'm also in support of maybe time restrictions. Maybe after a certain period of time, after 4 o'clock we can walk our dogs because too that's when I don't feel safe on that pathway. I've already had a confrontation north of Keālia where a man approached me and approached my dog and asked if it was okay to pet my dog and if he was safe and didn't bite. I said, "No, this is a very nice, well-behaved animal," and before I could even say anything, he extended his hand and I shook his and as soon as he had my hand, he wouldn't let it go. And he started to pull himself towards me and I felt very uncomfortable and then my dog growled very softly. He let go, and he said, "Wow, man, have a nice day" and just walked off. But there was nobody around and I want my dog for safety and it is truly a privilege, not a right to be on that pathway and I want to go walk the path because like Glenn was saying, we've got so many issues here that we need to be concerned about, Superferrys, GMOs. It's all attacking us, our lifestyle, gas prices and for me to get out at the end of the day and just walk and look at that path and look at that view and say thank you, Lord, that I live here on Kaua'i. Amen.

Mr. Rapozo: I have a question real quick.

Ms. McPhail: Mm-hm.

Mr. Rapozo: And I just want to know if you filed a police report regarding that incident with that person that tried to or pulled himself closer to you. And did you file that with the police?

Ms. McPhail: No, I didn't. I just, you know, sometimes, this happened like 3 months ago, and I'm just, until recently because of people's encouragement do I want to even talk about it. Because as a woman, this isn't the first time I've been in a creepy situation in my life and it's hard. And, you know, at a certain age you think that you're safe to be able to walk around. I'm not a teenager, but, you know, I really feel that I need my dog with me.

Mr. Rapozo: Yeah, okay, thank you. And the reason I ask is one of my concerns prior to the cement being laid was that. That it was gonna bring more people down in those areas that cannot be policed and you would have incidents like that.

Ms. McPhail: And you're right.

Mr. Rapozo: No, no, no, we're gonna police, we're gonna volunteer, we're gonna be, we're gonna have ambassadors, we're gonna have all of that, and if you don't report it, it's really hard for us to understand what's really

happening on the path. I can tell you that a lot goes on on the path that's not reported and that is always my concern. It's how do we gauge what's happening on the path if we don't know the correct information? So, I appreciate you.

Ms. McPhail: Well, please allow me back on the path to show you that I'm a responsible dog owner...

Mr. Rapozo: You're allowed to go on the path at any time.

Ms. McPhail: ...as well as my friends. What's that?

Mr. Rapozo: You're allowed to go on the path at any time.

Ms. McPhail: With my dog.

Mr. Rapozo: Oh, okay.

Ms. McPhail: Mahalo.

Mr. Bynum: Mahalo. Anyone else, who has not yet testified?
Mr. Pleas.

Ms. Iseri-Carvalho: Pleas.

Mr. Bynum: Mr. Pleas, I know that.

Bruce Pleas: Bruce Pleas for the record. I just went and got a copy of the bills, so I'm gonna go over them. 2265, our new addition is the shared use path system. Is this the same as the federal dollars for the transportation corridor? Are we talking about the same little puppy, you know? Also, I noticed that No. 20, "possess or consume any intoxicating liquor between the hours of 11 p.m. and 6 a.m., providing that this section shall not apply to campers with valid permits" has expired. That was something interesting in that one. That was the only comment I had on that was whether our shared path is the same as the transportation and whether that's been cleared with the Transportation Board.

No. 2266, definitions. Here's another new little puppy. Definitions: "When used in this article, the following words and phrases shall have the meaning given in this section unless it shall be apparent from the context that a different meaning is intended." I saw this on a real estate one too. This is like the dictionary is here and this is the definition, but it really doesn't matter unless used a different way and then we'll just make up something for it. This needs to be checked. I think it's just off a section. We (inaudible) need to go back to 2265 definitions. This is what it means. If you're gonna have a different context, you better put a new definition in there to cover it. This is just waiting for problems to happen. And that was all on the stray dogs one. That's fine.

On No. 2267, this is the dog parks. Good idea. And regulations on dogs 22-18.3(a) "The director shall post appropriate signs to notify the public of such designation which shall consist of a map that delineates the dog park area." Well, dogs can't read signs. So, if you have a dog that gets a little bent and wants to get out of the area and you have it off of a leash, we have a problem. I think that basically these parks are a great idea, but they need to be fenced so that we don't have just ambiguous places because the dog can't read and problems can happen. I think these dog parks are a great idea, but let's get them fenced and that's it. Thank you.

Mr. Bynum: Bruce, just any dog park I've ever seen is fenced and has two sides for different size dogs, and it's like, the entrance has a double fence so you go into like a receiving area. So...

Mr. Pleas: Well, I didn't read it in here and so it needs to be put in the legislation.

Mr. Bynum: Well, I, okay, I hear that.

Mr. Pleas: Or something along the lines because the way it is now, it's just...

Mr. Bynum: But there's kind of standard ways to do it.

Mr. Pleas: Yeah, then it should be according to standard dog park procedures, federal, whatever law says as such. So we have a definition.

Mr. Bynum: Understood.

Mr. Pleas: Thank you.

Mr. Rapozo: And the signage will be in English and dog-lish. It'll cover 'em all.

Mr. Pleas: Yeah.

Mr. Rapozo: So the dogs can read.

Mr. Pleas: Okay.

Mr. Bynum: Okay, anyone else who wants to testify for the first time? Anyone that would like to testify and add to their comments previously. Mr. Yotsuda.

Mr. Yotsuda: For the record, my name is Robert Yotsuda testifying again. There's two things, you know, I kinda forgot to say the first time.

One is that the cavalier attitude we have toward the victims of these dog bites. Unfortunately we don't have people coming up here speaking for themselves about what you're gonna do about the victim. I thought that would come up with the liability issue. We're all concerned about money and all this kind of stuff, but how about the victim? You know, what you gonna do about that guy? He might be crippled, lame, or what. You could even have a wrongful death, you know, if you have infants in baby carriages. The other thing is that, you know, people come up here and say I've been here for 18 years, I've been here for 13 years, and they say, you know, in the mainland, yeah, we're doing this. You know, Kaua'i should be doing the same thing. I resent that attitude that we are retarded over here, you know, that we don't know any better, so we have to go to the mainland. Let me tell you something. We never had any Ku Klux Klan over here. We didn't have any civil rights marches. We didn't have a Watts incident over here. I mean, so why should we emulate the mainland? Maybe they should emulate us. I think, you know, why are we going to go someplace else? We're not stupid. Thank you.

Mr. Bynum: Thank you, Mr. Yotsuda.

Ms. Iseri-Carvalho: By the way, you have a beautiful shirt on.

Mr. Bynum: Anyone else? Mr. Rosa.

Mr. Rosa: Well, I'm gonna say good morning, yet, because it's still morning. For the record, my name's Joe Rosa. Getting back to more details since I got the time, Mr. Furfaro don't worry about it, I got the time now.

Mr. Furfaro: Mr. Rosa, I never worry about your testimony.

Mr. Rosa: Yes, thank you.

Mr. Furfaro: It's historical and that's information we all need.

Mr. Rosa: Thank you. As I always say, (inaudible) you people, it's something to think about. Thank you. Getting back to Becky Rhoades' statement. She said she's been on this island for 9 years and she actually came about only 2 dog bite incidents in County parks. The reason to that is because the animals weren't allowed from way back in the '60s. So, what is she trying to do? Let the dogs be allowed in the parks, then something happens, and then it be an after-the-fact affair that the County repays with liabilities? She has to get foresight. We are here to prevent something from happening. Not let it happen and after the fact we do something or make amendments to the law. Shaylene, she's an attorney. She's gonna be a County Attorney, not County, but Prosecutor.

Ms. Iseri-Carvalho: Thank you.

Mr. Rosa: You know, she will be probably faced with those things later on. What I'm here is trying to prevent those things. I have a foresight on those things that can happen. These people they just thinking of themselves individually. My constituents out there, they compliment me, "Eh, we give you credit, you local boy, go out there speak in front the Council." I told them, "Well, I'm not afraid to speak in front the mike." I used to sit in front the microphone when I was a little young boy in high school helping with the Little League and T-ball and all that. So, I'm not afraid. This thing doesn't bite. I haven't seen it bite me yet. But that's why I'm here to speak. And they say some of these local people they're a minority. They cry about everything and they the ones that always say "Where's the Aloha Spirit?" Who is trying to kill the Aloha Spirit? It's the kind of people, like Mr. Yotsuda said, that they try to come in, try to implement things that happen in the mainland which they ran away from to come here. We want to keep Kaua'i, Kaua'i, with the Aloha Spirit the way it is. Because, like as I say, the locals are humble. They quiet. They don't come around here to attend the meeting. I'm retired now for 20 years and I'm trying to pay back what government supported me when I worked with the State DOT. I'm trying to give back to the people in ways like this here, doing something for the island here, to preserve and keep Kaua'i, Kaua'i, the old ways. Okay?

The next thing...

Mr. Bynum: One minute, Mr. Rosa.

Mr. Rosa: What you say? Everybody had chance to speak. Now is the second round around. Am I going to be, go till 3 minutes again?

Mr. Bynum: Well, you've had 3 minutes in your second round here. Can you sum up?

Mr. Rosa: Well, I get some more yet, that's why. I'll be back, if nobody else.

Mr. Bynum: Anyone else?

Ms. Wiley: Aloha. Thank you for your patience. I'm Laura Wiley and this time I would like to speak as the treasurer of the Kaua'i Humane Society. Earlier there was a reference made to the offer of the Humane Society to station doggie pots along the path. There's been other talk about volunteer stewardship type programs, but I would like to say that we are very fortunate to have the contract for Animal Management Services with the County of Kaua'i. The County of Kaua'i does have a contract amount that they pay us to do those animal-related functions and that we run that contract at a huge deficit, roughly \$350,000 deficit, and our personal donors at the Humane Society make donations and make up that deficit so that we can run the program for the County and we very much appreciate the 10% increase that we got in our budget this year. We're very

grateful. Everyone's operating costs are going through the roof. However, the contract is still run at a significant deficit and I just wanted to state that for the record.

Mr. Bynum: Thank you.

Ms. Wiley: You're welcome. The original statement that the Humane Society would be willing to participate in the dog path is true. That would come from private money. It would not come from County money.

Mr. Bynum: Thank you.

Mr. Rapozo: And you guys do it better and cheaper than this County could ever do.

Ms. Wiley: Thanks. We like to think so. Any other questions?

Mr. Kouchi: I don't have a question. I was going to wait until we came back in order for comments, but since you took the mike, you know, you'll be able to correct anything that I say that wouldn't be accurate...

Ms. Wiley: I don't know about that.

Mr. Kouchi: ...because obviously...No, I guess everybody here is from their own paradigm, so you know, what you think you said or what you think you heard isn't necessarily what everybody may have heard and all I wanted to say is that I did have an opportunity to meet with Laura, with Dr. Rhoades and Laurel Loo, who's an active member of the Humane Society, with two of our staff members here in the chambers prior to any bill being drafted. And not having had any position one way or another on whether we should permit dogs on the path, part of my discussion, as far as I recollected it and I put 5 points down, I said for me to consider supporting the use or having dogs on the path, I did not support horses because I did have an issue with two animals that may, through barking, spook a horse and with the size of the horse, I saw some great concern with having those two particular animals there at the same time. And there had, in prior discussions, you know, been talk about whether horses should be permitted or not.

The second thing was that initially apparently they'd sent police officers out to do some of the enforcement and I said, you know, we have a hard time in recruiting police officers and staffing our Police Department and so, you know, the enforcement could not be by police officers, and whether they were by park rangers or some other duly designated employee of the County, you know, if it was specific for that path as long as they weren't police officers that would allow me to consider dogs on the path.

And then I know Kathleen talked about doing volunteer work and that came up in the conversation and so, you know, I felt that if we could have the volunteers and hopefully we didn't put any volunteer who doesn't have any legal status on the path other than to politely request somebody to behave in a particular way but couldn't issue a citation, couldn't arrest anybody or anything like that, nor would we want a volunteer to be too aggressive and see them get hurt by somebody who's angry, you know, I'd like to see that.

I did not know we didn't have clean up your waste laws, so obviously that was being suggested by the Humane Society and I said clearly that would need to be in there.

But because of all of the talk of responsible dog owners, you know, it was at that point that I said I believe a 6-12 month sunset on the bill would be appropriate so that we can revisit. You know, would the testimony be accurate as to a preponderance of responsible dog owners and volunteers, and having those sites for the receptacles posted along the pathway wind up with an effective means?

And I said, you know, those are five elements that I thought needed to be contained in a bill for me to consider being able to support it and so I'm now left in a quandary, but I need to make my mind up because I heard Thomas saying, you know, no sunset provision; it shouldn't be in there. I'd like to go review what was read on behalf of Dr. Rhoades because it seems I'm not quite sure if my 5 points have some conflict with what she feels is standard and needs to be there and you know, I was on the mainland with my younger son last week and missed the hearing. I just returned this morning to be here today, so I am supporting the deferral because I've not had a chance to watch the public hearing on television. So I'll watch that. But I will say this, since we've last talked, nothing has changed from my perspective. So, if there is no sunset provision, I cannot support the bill. You know, if there is enforcement but it includes our police officers, I cannot support the bill. I fully support the bill no matter what happens with the path because we should have dog owners responsible for cleaning up their messes and, you know, the no horses currently exist, so that's not a problem. But, you know, Tim was asking earlier should we share or did we want to share and I was going to bring that up at the end, but since you're part of this discussion, I just wanted to say that's what I remembered telling you and you know, you can tell me if, you know, that's fairly accurate or, you know, there was something else that was said that I may have forgotten because I know it's been more than a month since we had a chance to talk.

Ms. Wiley: Right, right and thank you for your thoughts and again, I apologize for my ignorance because I'm not really sure how the process works and if we, if all sides are coming to some kind of consensus and there's some things that need to be changed or ironed out or tweaked, I would certainly feel like, you know, we should be able, hopefully we'd all be able to do something like that so that if it's not perfect now, we could get it to something that's more acceptable. I

remember a lot of what you said and I guess now that you sum it up, it is more clear for me. I thought we were just talking about things in general. So, I appreciate that...

Mr. Kouchi: You were actually trying to get me to co-introduce the bill and seeing what elements that might be in the bill...

Ms. Wiley: Right.

Mr. Kouchi: ...and while I never got to the point of saying I would be willing to co-introduce it, I did outline elements that I thought needed to be in a basic bill...

Ms. Wiley: Right.

Mr. Kouchi: ...for me to begin to think about being able to vote yes. Again, it was a private meeting that you had asked for.

Ms. Wiley: Sure.

Mr. Kouchi: But I have nothing to hide in the comments that I shared with you and wanted all the people who have taken time out of their busy schedules to come here at an inconvenient time to testify,...

Ms. Wiley: Right.

Mr. Kouchi: I felt they deserve to hear some of my thoughts. I wasn't here last week as well, so I hope that because we do have 2 weeks, people who came last week will either see the comments in the paper, talk to some people who are here today, or see the meeting on television. But again, you know, at least they'd have a better understanding of some of the thoughts or concerns that I have as I'm listening to the testimony and reviewing the bills that are before us.

Mr. Bynum: Okay, thank you very much.

Ms. Wiley: Thank you.

Mr. Furfaro: I had a question.

Mr. Bynum: Oh, I'm sorry.

Ms. Wiley: Sorry.

Mr. Bynum: Councilmember Furfaro.

Mr. Furfaro: Yes, thank you for coming up. Laura, I have similar feelings as Councilman Kouchi and possibly will be offering an amendment with maybe an 18-month period, trial period with a sunset. Two of my concerns there will be hearing from the Administration on what Mr. Kouchi clearly stated are concerns about how will the park staff/park rangers be able to manage this, as well as, you know, what kind of training would be available for volunteers, and the kind of testimony we really would need over a period of time to, you know, see where the shortcomings are, see how responsible individuals are being, as well as, you know, really recognizing this opportunity as a privilege.

Ms. Wiley: Right.

Mr. Furfaro: I have met with two of the victims in recent times, two of the three that I think have been reported. I might be suggesting also in that amendment, and we have a couple weeks to think about it, that south of Wailua River might be excluded in a proposed amendment simply because there's so much activity in Lydgate. You know, soon to be soccer fields, camping...

Ms. Wiley: Mm-hm.

Mr. Furfaro: ...baby lū'aus...

Ms. Wiley: Sure.

Mr. Furfaro: ...swimming, barbecues, you know, all of those particular things and yet, I have a daughter on the Big Island who is an urban planner and I've been watching the activities at Lili'uokalani Park where they are allowed the use of the pathway, but they are not allowed the use in the park in the barbecue areas within the park, simply for those issues about volume and, you know, different issues with pet temperament.

Ms. Wiley: Mm-hm.

Mr. Furfaro: Has the Humane Society indicated how or have they charted out any criteria for what kind of training they might do for volunteers.

Ms. Wiley: Well, actually we are in the beginning stages of that and we have many successful volunteer programs now, and we have a name of the group together. We have T-shirts ordered and we will be developing a volunteer program which I feel confident is gonna be a terrific program, of course, because I'm part of the Humane Society. I said I was going to testify as the treasurer of the Humane Society, so I don't want to muddy the waters.

You know, personally I feel like nothing is set in stone and you should never say it's my way or the highway. And I'm very confident that the Humane Society says the same way. You can't ever say that about anything. And so, we're very

open to further discussions, further research, further testimony, and believe me, we do consider this a great privilege, and personally I think a sunset provision is a huge motivation for the responsible crowd to...

Mr. Furfaro: Perform.

Ms. Wiley: ...teach the irresponsible crowd...

Mr. Furfaro: To perform.

Ms. Wiley: ...to perform. So...

Mr. Furfaro: Well, I know as Councilman Kouchi indicated, I think we might be, we will be deferring this as the Chair indicated as well.

Ms. Wiley: Yes.

Mr. Furfaro: So, it'll give us some time to, you know, really talk about those particular items that are on the table, but has the Humane Society recently made any recommendations when it comes to funding issues? I mean, \$2 for a dog tag. You know, I mean, if we get into areas that enforcement is driven by cost...

Ms. Wiley: Yes. And you know what? I apologize. My hard drive is searching and scanning my database. I believe several years ago, we thought that the fees should be increased and I don't remember quite frankly what the recommendations were, but they were somewhat in the area of, currently if you have a dog that is neutered that cannot reproduce, the license fee is \$2.10. I believe the recommendation at the time, which was several years ago, was to raise that fee to \$15 and I don't remember what the recommendation was for the pets that are not fixed. And I remembered something else. I apologize. I know Dr. Becky has met recently with KPD and DLNR. Times are changing, things are changing and everybody's trying to figure out really what is their area of responsibility and how they're going to perform. So, those talks are in the works.

Mr. Furfaro: Well, maybe we can take these 2 weeks to, you know, as you stated, you know, the Animal Management Services do have a shortfall.

Ms. Wiley: Yes.

Mr. Furfaro: Maybe, maybe a little more generation of funds from tagging and clearly, as Councilman Kouchi said, my concern also would be with the short staffing issues we have with the Kaua'i Police Department and their need to be more visible in the total public areas, it doesn't make sense if we can't manage this through park rangers and some additional funding...

Ms. Wiley: Right.

Mr. Furfaro: ...that might generate some Animal Management Services.

Ms. Wiley: I know at one hearing Dr. Becky did offer to put one of our Humane Officers on the path on a bike. Obviously not 24/7, but we are anticipating devoting some of our animal control/animal humane officer time to enforcement on the Coastal Path should we get that privilege.

Mr. Furfaro: Well, I'm glad to hear that item being considered and you wouldn't want to schedule them because then people know when not to do...

Ms. Wiley: No, that's true, but what I meant was that we wouldn't have a fulltime position or things of that nature.

Mr. Furfaro: But that is being given some consideration.

Ms. Wiley: Yeah, absolutely.

Mr. Furfaro: Thank you very much.

Ms. Wiley: Thank you.

Mr. Furfaro: Thank you, Mr. Chair.

Mr. Bynum: Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Yes, Laura, you're aware of the Kahalemakalae (sic) Administrative Task Force. Have you discussed these kinds of things that you're discussing here about your volunteer program on the path with that committee at all?

Ms. Wiley: You know, that's a very good question and I'm gonna have to say I'm sorry I don't know, but I can follow through with that.

Ms. Iseri-Carvalho: And I think, you know, for me, I can tell you that, you know, I've really been bothered by the process because this is a County-owned path. There is a task force that was created, specifically made up of all of the administrative departments. In fact, we have the list that comprises the parties that would be ones that would be responsible for the entire path. It's spearheaded by Bernard Carvalho which is the Parks & Rec. Director. But, basically it's comprised of Bernard Carvalho; Cathy Simao of the Department of Parks & Recreation; Donald Fujimoto, who is the County Engineer; Edmond Renaud, the Deputy County Engineer; Doug Haigh, which is the Building's Division Chief; Ian

Costa, who is the Director of Planning; Wally Rezentes, which is the Director of Finance; Matt Pyun, which is the County Attorney; Mona Clark, another Deputy County Attorney; the Mayor's ADA Coordinator, Christina Pilkington; and the Mayor's PIO, Mary Daubert. So, they've created, I believe, a fine group of individuals from the Administration that are there to address all of the concerns across the County with respect to use of the path. And they hold, I believe, monthly meetings at a minimum to discuss these kinds of issues that come up. And so, you know, it was very discouraging when I found out that the Kaua'i Humane Society had gone and done a study or a poll without contacting the County. Or there was this article that was put out and really, you know, for me anyway, I don't like to operate by threat and intimidation, and it appears that that was what the Kaua'i Humane Society was doing. And in fact, there was an article that came out in the newsletter second quarter 2008 April edition that "Kaua'i County Kicks Dogs Off Path," which we never did. The dogs weren't allowed on the path to begin with. And so it's very offensive when this County which pays taxes, I mean, operates by taxpayers money of people who want dogs and people who don't read these kinds of things and we get the letters and the emails and it also goes on to say, again, erroneously from the last meeting that we had that "some councilmembers and County Administrators have voiced their opposition to allow you and your dog access to this 16-mile walkway that you paid for. Most fear liability despite the fact that State law limits civil liability to the pet owner in dog bite cases." Totally erroneous statement and, in fact, we received an apology, in essence, from the Executive Director, Dr. Rhoades, saying that she was wrong, that she did not intend to imply that when we have an article that clearly says absolutely zero liability, none, there's no liability to the County, which is totally erroneous I can tell you based on my 18 years of experience as an attorney and based on the County Attorney's opinion. So, I'm really bothered by misinformation that is being spread. I also am really bothered by the last meeting because I was able to watch the meeting while I was in the breakroom because I was upset about all of the misinformation that was being told here, especially by your Executive Director. And basically the message and tone that I got, which was stated here by Tom Noyes, is basically it's my way or the highway. And so it's refreshing that you have now come with an idea of collaboration and trying to work with people who own dogs and don't want dogs on the path or are afraid of dogs on the path or being considerate of the elderly or being considerate of children. You know, the sign that you guys have, I have a dog and I vote, and that the emails that we received basically saying that if you do not vote for these bills, we will not vote for you, those seem to have been spearheaded by the Humane Society or others that were affiliated because of statements that were made like this. And you know, our family volunteers at the Humane Society all the time. They were very offended to read misinformation like this in newsletters and in newspaper articles. So, I'm really upset that those kinds of things had to come out of this. I mean, you're getting local people here very divisive. I mean, they're really upset. I mean, the gentleman here, that sat here this morning, that was here the last time, he was also a legislator before, a highly respected member in the community and to be called basically a liar at the last meeting. It's so unfortunate that those kinds of incidences are

happening. So, you know, I think that this is not the way that we as Hawaiians, I'm born and raised here, I'm of Hawaiian ancestry, that we have our Hawaiian values and I don't see that being portrayed across the community on an issue that we should be. I mean, we talk about pono, I know what pono is. I was born and raised with pono. We talk about alu like, about working together, and yet we get these kinds of messages, you know, from your organization basically telling us to not vote, you know, for the Councilmembers instead of coming to us to see what the concerns are, and I am, again, refreshed that today it appears that you are taking a different stance or the Humane Society is taking a different stance in trying to work with Councilmembers who are trying to work with the community to get the best result that we can.

Ms. Wiley:

Right.

Ms. Iseri-Carvalho: And I would expect, at this point, that anything that the Humane Society does that they would get some consultation with this committee because this is the official committee of the Administration's position on anything that happens with the bike path and they've done an excellent job. They've produced quarterly reports every quarter on what's happening on the bike path from construction, design, planning to community input to EAs to, you know, usage of the path. I mean, it's an excellent, I mean, manuals of it. Bernard Carvalho has done an excellent job in doing all of that. I mean, it's here, it's available for everyone's review. We get this quarterly on the extent of how much work and effort he puts in. So when I read this kind of stuff that he is not being proactive or his committee, the Administrative Committee is not being proactive, it's totally a lie because we know very well that they've been extremely proactive in trying to address the community's interests, and I hope that is something you can take positively and that you can publish in your next article positive things that work to the benefit of the entire community and are not so one-sided that they fail to see the bigger picture for the rest of the taxpayers. Thank you.

Ms. Wiley: First of all, I want to sincerely apologize for any hurt feelings. I know a true apology is just an apology and there's not a but at the end of it. I truly apologize for any hurt feelings. Councilmember Furfaro mentioned a letter that was written, an ugly letter that was written to the Garden Island and, you know, unfortunately, a lot of these people don't have anything to do with the Kaua'i Humane Society and they have their right to say what they say, and it does hurt our position and it hurts our image. I do feel it's inflaming things when you use the word liar. Dr. Becky did not call anybody a liar and I don't want to get into...You know, I want to apologize, so I don't want to offend you more. But she did apologize at the previous meeting. She thought she was, as she called, she thought she was a little testy, which was a kind way that somebody said it. We're working to get the facts out and I take your input very seriously.

Ms. Iseri-Carvalho: Thank you. Laura, I think what would have been in order because the newspaper was felt it offended this gentleman, this local gentleman who has done wonders for our community, Mr. Yotsuda, and his wife was a schoolteacher, done wonders for this community, Dr. Rhoades knew she made an erroneous statement, she failed to correct that statement to the Garden Island, failed to even give a retraction, failed to even send a (inaudible) to Councilmember Rapozo whom she was the one who got "pissy," as she said, at. You know, I don't understand those kinds of actions by an Executive Director. I personally feel that that is something that she can take care of...

Ms. Wiley: Sure.

Ms. Iseri-Carvalho: ...that she can tell the Garden Island, she can write a letter to the editor...

Ms. Wiley: Sure.

Ms. Iseri-Carvalho: ...that she was wrong in what she said. She can write a letter in her newsletter...

Ms. Wiley: Sure.

Ms. Iseri-Carvalho: ...because she made numerous statements like this all over. I mean, it's not just at the Garden Island. It's in newsletters that are going out that my family reads and a lot of other people read and they believe is true.

Ms. Wiley: I would also like to say that we have met with Bernard. We've met with Doug. We've met with the Mayor. We've met with Mona. And apparently maybe meeting with all these individuals isn't the way to go. Perhaps, it's this...

Ms. Iseri-Carvalho: Entire committee.

Ms. Wiley: This task force that you're and I really appreciate that input. Because the Humane Society is known for being the dog experts on the island and because we do have the contract for Animal Management Services, we were quite frankly shocked when we found out all of a sudden we got a by-the-way the dogs aren't gonna be allowed on the Coastal Path. So that was very much news to us and, but I think what we're hearing is we've got a lot of hurt feelings all over the place. I want to sincerely apologize for our part of those hurt feelings. I do want to go forward in a positive spirit and try to come up with a nice situation that will, hopefully, enhance everyone's life.

Mr. Bynum: Thank you.

Ms. Iseri-Carvalho: Thank you.

Ms. Wiley: Thank you.

Mr. Bynum: Is there anyone else? Mr. Mickens.

Mr. Mickens: For the record, Glenn Mickens. Thanks, Tim. Just briefly, I just wanted to say something about volunteerism. You know that Gateway Project down there from the get-go after (inaudible) dropped the thing and turned it over to volunteers, I was the strongest opponent to doing that. And it was proven to be factual because that place became a pit. You know, you had a weed patch here and I'm not against volunteers. Volunteers, I was one myself, Tim, as you well know, for 2 ½ years. So, I'm not against it, but I'm saying volunteers are not the answer to any problem. They are the nothing but a...What's the word I'm trying to say, Jay?

Mr. Furfaro: I don't, you don't want to look at me because I'm a strong supporter of volunteers as President of Habitat, as the Secretary-Treasurer to the Salvation Army, I have to tell you government in this country could not function at a reasonable cost without the efforts of volunteers. So, I'm not sure what word you're looking for.

Mr. Mickens: Well, but...

Mr. Furfaro: But I'm the wrong dictionary to go to.

Mr. Mickens: Well, what I'm saying is, a job isn't gonna get done with volunteers only. In other words, restaurants, if everybody would use volunteers, they wouldn't have to pay anybody, right? The County would just go out and get nothing but volunteers. We can eliminate a lot of money, right?

Mr. Furfaro: Yeah, but the one thing you gotta remember about volunteers and I learned this with Habitat over the last six years, you can't fire volunteers.

Mr. Mickens: No, no.

Mr. Furfaro: They just quit.

Mr. Mickens: Yeah or they don't show up, and you can't, right, you can't fire them. You're making my point. That's what I'm saying, that Gateway Project today I compliment whoever...

Mr. Furfaro: So, so, recognize their value.

Mr. Mickens: I compliment...

Mr. Furfaro: Let's just recognize their value.

Mr. Mickens: I compliment today that Gateway Project is beautiful. It's beautiful. The County, the Council here, I guess, appropriated \$500,000. That's what's taking care of that thing now and it is beautiful. I used to argue with my friend Kaipō about that. He thought it was and you had County workers who sat here and tell you no, it's a weed patch. But the point is if you're gonna lean on volunteers to do a job, you just said it, you can't fire them. If they don't want to show up, they don't show up period. So, it's gonna be the same on that bike path or wherever you're trying to get volunteers that you're saying this is your job. They don't want to be there, what are you going to do about it?

Mr. Furfaro: You know, Mr. Mickens, I don't want to pursue this any further, but someone earlier testified that if we had people that step forward and help control, help manage, help police, help service in a volunteer role, people will take more personal satisfaction in the whole bike path. People take personal satisfaction in operating a soup kitchen for the Salvation Army. People take personal satisfaction in the work done by the airport because of volunteerism and the way you get them to continue to come is you recognize their value because you can't just say your volunteerism isn't good enough and we don't need you any more. Government has to count on volunteers to get a lot done that we get today.

Mr. Mickens: But not solely. They're a supplement. That's the word I was looking for.

Mr. Furfaro: I don't think (inaudible).

Mr. Mickens: They're a supplement. They're a supplement to any job.

Mr. Furfaro: I didn't think I said anywhere in there that it's solely volunteers, but, you know, if you have a park ranger, if you have these control officers from the Humane Society participate in that, that's a cost. But to build on that strength, you have volunteers, there's nothing wrong with that.

Mr. Mickens: No, I agree with you.

Mr. Furfaro: Thank you. I'm glad we agree.

Mr. Mickens: They're a good supplement. That's what I'm saying. Thank you, Tim.

Mr. Bynum: Anyone else? Okay. Oh, Joe, you come twice already, Mr. Rosa. Our rules say twice.

Mr. Rosa: I'm not finished.

Mr. Bynum: Our rules say twice, Mr. Rosa.

Mr. Rosa: Three times.

Mr. Bynum: You can come back next week, huh?

Mr. Rosa: Well, I'm gonna be here next week too. But one thing before I go.

Mr. Furfaro: Mr. Rosa.

Mr. Rosa: (Inaudible.)

Mr. Furfaro: No, no, Mr. Rosa, you have to follow the Chair.

Mr. Rosa: Yeah.

Mr. Furfaro: Mr. Mickens came up a second time. Our Council rules are as such: you can come up to speak in the order that you sign up to give testimony one time for three minutes. You are allowed to come back a second time for three minutes after all the first time speakers have spoken. After that, it's clearly at the discretion of the Chairman of the Committee. But as you heard earlier, we are gonna be deferring this, so there will be another time in Committee that you can come up to speak an additional two times. And those are our rules, I just wanted to state it. So that you know there's an understanding of fair play here.

Mr. Rosa: Well, the first time, I didn't get my full, well, I got 3 minutes. The previous speakers were getting 5...

Mr. Furfaro: It's your call, Tim.

Mr. Rosa: ...10 to 20 minutes, but I want one statement. And this...

Mr. Bynum: Do it quickly, Mr. Rosa.

Mr. Rosa: ...might curtail this thing once and for all. This animal law, if you let the dogs go now, I know a little girl has a pet goat. I seen a little boy with a potbelly pig. Now, they gonna come wanting to use the path too. Now one dog gonna see a goat or one pig, they go berserk. So how you gonna stop those other animal owners to come and want to use the path too? So, if it's no good for the dogs, it's no good for the pet pig, the potbelly pigs and for the goats. And also, when a female dog is in season, other male dogs going crazy on the bike path. How you gonna stop that?

Mr. Bynum: Thank you.

Mr. Rosa: Think about it.

Mr. Bynum: Thank you, Mr. Rosa.

Mr. Bynum: I'll call the meeting back to order. We have three bills before us according to the agenda. The first one...

Mr. Furfaro: Excuse, excuse me, Mr. Chair. Before you call the meeting back to order, were we not going to hear from someone from the Administration today with the rules suspended?

Ms. Iseri-Carvalho: Yes.

Mr. Furfaro: Or are they planning to testify two weeks from now, which only substantiates the reason for us to do the deferral. So, I'd just like to raise that question as a committee member. Are we going to hear from the Administration today?

Mr. Bynum: In my conversation with Mr. Carvalho, he said he wasn't prepared to do a presentation today. But he's here...

Bernard Carvalho, Director of Parks and Recreation: I am prepared.

Mr. Bynum: You are prepared?

Ms. Iseri-Carvalho: To answer questions.

Mr. Carvalho: (Inaudible.)

Mr. Bynum: But I assume he is available to answer questions.

Mr. Carvalho: (Inaudible) just let me say this.

Mr. Bynum: So the rules remain suspended.

Mr. Furfaro: I just want to raise that question with Mr. Carvalho in representing the Administration along the lines of some of the excellent questions that Councilman Kouchi raised regarding some clarity on the Administration's position and/or is the Administration going to be offering any, by request, amendments?

Mr. Carvalho: Okay, so first of all, I want to say that we have prepared a full presentation, PowerPoint, with all the information that we have. I was told that this meeting was going to be deferred and so we're still sorting through all the information. I don't want it to be known that we're not prepared because we are prepared, but at the same time, we're sorting through everything

else that just came up now as well as recently. So, we will be fully prepared at the next meeting. That's number one. Number two, we will continue to enforce the law in our Department until such things change and that is what we're going to do and continue to do as best we can within the powers that we have and the support and the enforcement and the resources that we have to continue to enforce the law. And that's what we will continue to do. We're also open to looking at various ways, but I would prefer to wait until we get our presentation up on the screen and we can sort through all the different things that we've come up with and look at all the dialogue that has happened today as well and take into consideration the various concerns from the community, as well as within our own Department. So, I would prefer to do that.

Mr. Furfaro: My questions were answered, Mr. Chair.

Mr. Bynum: Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: And that would be fine. I just wanted to thank you, Bernard, and your committee because I know that you have been very proactive in trying to address this issue and that you have met numerous times on this issue with numerous members of the community including law enforcement and other parties like, as Laura said she's met with you.

Mr. Carvalho: Mm-hm.

Ms. Iseri-Carvalho: Becky Rhoades, I'm sure, has met with you. But that it is your job to look at the entire...

Mr. Carvalho: Yes.

Ms. Iseri-Carvalho: ...picture, and that's the whole reason why this newly created committee was a representative of the Administration's position because it entailed the design of the path, the dangerousness of the path, the legal liability of the path, the planning of how the path was going to be. So, there's all these key players that are part of the Administrative heads of department because it is a priority of the Administration, this bike path has been. And so, you know, thank you so much for being proactive and again for giving much needed information to the Council at every quarterly report. We have one due...

Mr. Carvalho: July 9th.

Ms. Iseri-Carvalho: ...four months from April.

Mr. Carvalho: July 9th.

Ms. Iseri-Carvalho: So, it's gonna come up almost simultaneously with this next meeting that we continue. So, thank you again for all the hard work and please send our thank-you's to the rest of your committee...

Mr. Carvalho: I will.

Ms. Iseri-Carvalho: ...because I know they have spent numerous, numerous hours in evaluating all of the issues that have been raised with respect to dogs and other issues.

Mr. Carvalho: Yes, thank you.

Mr. Bynum: Any other questions for Mr. Carvalho? If not, thank you, Bernard. See you in two weeks.

There being no other questions, the meeting was called back to order.

Mr. Bynum: The first bill on the agenda is 2265.

Ms. Iseri-Carvalho: Well, I think. I will be submitting amendments once I receive a response from the County Attorney's Office as passed out to the various members. I also am aware that the bike path task force, the Administrative Bike Path Task Force, under the guidance of Bernard Carvalho, has submitted inquiries to their County Attorney's Office and are awaiting their responses. We also, myself, I guess I shouldn't say we, I have provided questions to the County Attorney's Office and they are hoping to get us a response within two weeks. So, until those responses are received, I will not be able to prepare any amendments because they will be drafted based upon what the comments from the County Attorney's Office are with respect to that bill. And that would be whether I will be supporting entirely or not supporting entirely or submitting amendments. I would not be able to make that decision until I receive the County Attorney's legal advice with respect to the questions I have proposed.

Mr. Bynum: Councilmember Kouchi.

Mr. Kouchi: At the appropriate time I'll be willing to offer a motion to defer 2265, 2266, and 2267 to the next committee. I would briefly say that the first Eric that testified and I didn't quite catch his last name, so I don't want to butcher it, you know, I thought he had some pretty good testimony, but I was a little disappointed that he said if, you know, the dogs aren't allowed to be on the path that what would result is it would become unsavory, you know, and then he asked us to vote on facts. And, you know, there's nothing to base that it would be unsavory other than to get us to be fearful and, you know, I am going to assure you that I will make a decision based on facts. Having been gone, I've read the Garden Island every day on-line. Not having seen the meeting, you know, I will reserve waiting till I watch the meeting to see in what context that the statement was

made, but I must say I was greatly disappointed in reading the article at hearing that if I should, for reasons that I've listed, vote no that I've automatically become a dog hater in the words of Dr. Rhoades, which is not talking about facts but again just ratcheting up the rhetoric and trying to paint me as somebody that I'm not. My in-laws own a house dog. The house dog's welcome at my house. I've had at least two dogs since I've been out of high school that have lived at our house and that I have loved and cared for, and, you know, not to mention all the other dogs that we had when I was younger. So, you know, without even knowing who I am, to make a statement like that to try and categorize me I find to be rather offensive when that doesn't reflect on who I am. And I won't be painted in a corner by rhetoric like that but again, will just make a decision based upon the facts. But the more rhetoric like that that comes in, the more I feel like I want to push back and fight to prove that, you know, I can't be pushed into a corner with statements like that, which leads me to end on a high note. The best guy, and it's not good as a politician to identify 1 out of 15 or 20 people because then you make everybody else feel upset that perhaps they weren't as powerful, but I really appreciate Eric Henderson's testimony because he wasn't going to testify. Came up later to sign up for the paper, but he took the time to share some ideas about how maybe we could find a way to make it all work. And whether I agree with his suggestions or not, I appreciate the effort in trying to come up and not raise rhetoric and not, you know, blow things out of proportion, but about trying to find solutions and then hopefully, we can take a lesson from his testimony and bring that kind of spirit and attitude back to the table. In two weeks I know I'm certainly going to try to hold myself to the standard that you exhibited when you testified, Eric. So I appreciate, you know, your comments and how they were offered and how your mind was working. So, thank you.

Mr. Bynum: Councilmember Furfaro.

Mr. Furfaro: Yes, I have offered an amendment to 2265. The purpose of offering it early is based on the fact that I look forward to some comments from the Administration. You know, my grandsons have pets. We are very attached to their pets, but in the same spirit, I have a daughter who is not fond of dogs and feels uncomfortable with them. But she's been able to produce some information for me on the approach in Hilo with the Lili'uokalani Park and therefore, my amendment deals with the bike path north of Wailua River, preserving Lydgate for family entertainment, barbecues, baby lū'aus, soon to be camping, and it also offers an 18-month trial period which I am anxious to hear from both the Administration as well as the Humane Society that during this 18-month enactment what kind of controls we can place there because some of the things that are offered in this bill including waste management and social responsibilities for dog owners are extremely important so that they have the life quality and enjoyment with their pets. So, my amendment is being circulated for that purpose only, so it's out in the open. Thank you, Mr. Chair.

Mr. Bynum: Thank you. Anyone else? Councilmember Rapozo.

Mr. Rapozo:
quick presentation?

Yeah, am I going to get an opportunity to do a

Mr. Bynum:

Absolutely.

Mr. Rapozo:

Okay, if we could cue that up.

(Inaudible)

Mr. Rapozo:

Yeah, so am I.

(Inaudible)

Mr. Rapozo: Test, okay. Thank you, Mr. Chair. As an Ex-Officio, I am not able to vote in committee, but I do get to vote at the final Council meeting and, you know, a lot has been said about liability and I know a lot has been said about who can sue and who cannot sue and for me, you know, liability extends beyond the financial liability. It extends to that person getting hurt. I think that's the liability in my mind. Not so much who pays and I know at the last public hearing comments were made about that's why we have insurance. It's not about the insurance. It's about us as lawmakers protecting our citizens. That's what it's about. It ain't about who sues what. I could care less about the money. But I don't think, you know, as of today I know Councilmember Iseri-Carvalho mentioned three, I personally know of two attacks on the bike path by leashed dogs. They weren't even unleashed. They were leashed. So, you know, I think the trial period, in my eye, is already going on.

State law. This is the law everybody talks about and I know it was read earlier. I'm not gonna go into this. It's just saying this State law 663-9 specifically states that the owner is liable. It doesn't protect the County from liability. It does not indemnify the County as other laws do for beach liability and so forth. This is specific to the liability of animal owners, but it doesn't indemnify the County. So, bottom line is the County is not protected.

Garden Island May 19th letter to the editor by Dr. Rhoades. "There are several more facts to consider. Nearly 50% of Kaua'i residents have a dog and the Kaua'i County is protected from liability as State law limits liability to the dog owner for their pet's behavior." It's simply untrue. And I know we talked much about this, but my concern is, as mentioned before, when this comes from the Director of the Humane Society, a veterinarian, people believe that. People believe that and they form their opinions and all of a sudden they feel that this Council is using scare tactics, false information to move forward the agenda, and that's totally untrue. And that's what bothered me.

And, you know, as you can see in the blog, the response, this was on the same day that comment was printed, the letter was printed. "Dr. Rhoades' letter to the Garden Island today has effectively shot your argument right through the heart, particularly the liability portion. In politics recanting is best done quickly and sincerely," my good friend, Pete Antonson. Yeah, he's right. But you see the power of the written word from a very credible professional person.

The other one couple days later, "As regards to liability, I would direct you to read Dr. Rhoades' letter to the opinion page of the Monday, May 19, 2008 Garden Island." Don't refer me to the HRS. Don't refer me to the law. Refer me to Dr. Rhoades' comments in the opinion section of the newspaper.

June 12th public hearing: "The biggest thing I want to say here today is there is absolutely no foundation for the argument of liability, zero, and I think it needs to be cleared up to the public about this word liability. Liability for dog bites are limited. It's limited to the dog handler by State law." Untrue statement, but the public sees that. The public sees that and they say wow, Mel Rapozo is full of it. "I've been doing animal control in Hawai'i since the '90s." Adds to the credibility. "Did in Colorado in the '70s and the '80s. I am not aware of any City, County or State government being sued for dog (it's a typo) on State or County property. I really want this to be cleared up. From testimony I've heard, from what I am seeing in the paper, it's the wrong thing to say to the community. And there is no basis." Again, don't listen to what the Council is saying because they're lying to you. I'm the veterinarian. I'm the director. I'm right, they're wrong. Don't listen to them. I ask one question during the entire public hearing and yes, people have alleged that I've been, my nose stuck in the laptop, you know. Maybe I don't wanna write notes on paper. Maybe I type notes into my computer for easy access, but no it's because I wasn't paying attention, but believe me, I was. "Dr. Rhoades, I have just one question. You know, I am the one that is concerned about liability. I'm the one that raised it. But I guess I would like to know what statute relieves the County of the liability." And then she goes into this comments that she didn't have the number, but she's been in contact with the County Attorneys and it's this, you know, the State law and there's even a case in Honolulu. "Absolutely, the dog bite liability is limited to the handler, not just the owner and so forth. It's limited to the dog owner." Not true.

Garden Island newspaper, "Councilmember Rapozo voiced concerns over the financial liability of allowing dogs on the path and parks. He said even if the County is legally protected, the case still costs money. There is absolutely no foundation for this argument of liability, zero said Rhoades, who has worked with dog control for decades. Liability is for dog bites is limited to the dog handler by State law, she said." Remember now, this started out in May, it's now June and the public gets to see that.

And then today, we get the email and it was read, but I'll read that part that talks about this. "I apologize if I gave the impression in my testimony on June 12 that there is a State law which exempts government from being sued with respect to a dog bite. There is no such law. The government, a private business or a home owner can be sued for just about anything including a dog bite that occurred on their property." Now, unfortunately enough people were convinced and had submitted testimony, came here and testified that in fact we didn't have to worry about liability. That in fact if a dog bit someone on the bike path, the County had nothing to worry about because it came from the Humane Society.

Let me tell you what my concerns are. That's what my concerns are right there. That's the bike path. That's our wonderful bike path and look at it. Now, you talking about a bike path, 6-foot leash covers 12 feet of circumference, that's just with one dog, you may have two dogs. You put a bicycle, two bicycles, you put a kid walking on that path. That space is not that big anymore when you start looking at the cliffs. When you start looking at one side you have a mountain, the other side you have the pali. Where is one to go in the event a dog goes after a walker, a biker? Where is one to go? And again, you know, we talk about facts, this is, you know, I wonder and I question many of the testimonies that I received via email obviously as I read it come from people that have never been on path, but they've just decided that dogs belong on the path. But take a walk on that path and realize now, you got a 6-foot leash and you know, the responsible dog owners is not the problem. I'm not concerned about the responsible dog owners. But you heard the numbers from Mr. Rosa and I wish I had done that. The Department of Finance 3900 licenses for 22,000 dogs? That's about a 17%...

Ms. Iseri-Carvalho: Councilmember Rapozo, I'm sorry. If you could return back. Again, we had talked extensively, if I could intercede at this point. No, with the sign.

Mr. Rapozo: Which sign?

Ms. Iseri-Carvalho: Go back to the...

Mr. Rapozo: Oh, this one?

Ms. Iseri-Carvalho: Yes. "Hazardous cliff. The ground may break off without warning and you could be seriously injured or killed." I mean, that's the kind of terrain that you have in that area and we were required by State DLNR as well as in consultation with our County Attorneys to be assured that this was put here. I can tell you with the dog issue, this will nullify any of that signage that protects us from liability. And, you know, it's very clear that that terrain is not very stable.

Mr. Rapozo: But that's what our bike path looks like and it's, it's, you know, when we hear a lot of the testimony about paths on the mainland and I've been to many of the paths, it's not on an edge, on a rocky coastline. It's along a beautiful park, along, maybe along a lake, but there's a big shoulder. So, you, the person on the bike or the pedestrian has an opportunity to get out of the way of danger swiftly. Where do they go? They climb that mountain? They jump off the cliff? What about a 3-year-old, 4-year-old, what about a 1-year-old?

As I stated, already we had two incidents here on the bike path by leashed animals. Two leashed dogs bit; one of them was our staff person. We've had numerous close calls and why are there only a limited number of dog bites reported? I mean, simply on Kaua'i it's illegal to have a dog in a park. You know, if you remove the speed limit, if all of a sudden it wasn't against the law to speed along Kūhiō Highway, we'd have more accidents. So, you cannot judge the fact, oh, we only had two bites in the parks because it's illegal. You should have zero. So, to say oh, yeah, we've only had two bites in the parks is irrelevant, in my opinion, because it's illegal. You know, the law is there to protect the people.

I heard a comment about we should update our codes to be like the other islands. Well, you know Maui earlier this year a 7-year-old kid was attacked by a dog and I don't know if you want to be like Maui. Maybe we do. Maybe we should bring the Superferry here like Maui. Maybe we should raise our property tax like Maui. This is a quote from the newspaper article Maui News March 5, 2008. "A seven-year-old was attacked at a park. He didn't even see the dog coming, said the boy's father. 'All of a sudden the dog ran down to my child and then the dog began to attack.' Amy Anderson, Director of Maui Humane Society, says, 'Dogs running loose on beaches constitute a chronic problem throughout Maui despite a zero tolerance approach to leash law violations since 1997.'" You want a trial period, look at that. It is no different here. Zero-tolerance policy since 1997. "It happened so fast. It was pretty traumatic for all of us," Brian said, "Thank God, my 3-year-old wasn't there with them because he was tired and sitting on my lap. If the dog had attacked my 3-year-old, it could have killed him." The doctor said that child was fortunate the dog didn't rip the muscles and tendons in his hand, but he was concerned about the possibility of infection as well as the psychological effect of the ordeal. "Watching your kid being attacked by a dog and feeling completely helpless changes the way you feel about animals on the beach. My kids are significantly more important to me than any dog." And I just want to close with some of the comments that the public wrote regarding this attack. "I'm so over irresponsible dog owners. They are so selfish. I no longer go to the beach to walk anymore. When I was nine months pregnant, a large dog chased me and almost knocked me down while its ignorant owner watched. People are more valuable than animals. They are animals with animal instincts. These same owners also let their dog defecate all over the beach and do not pick it up. I have contacted the Maui Humane Society many times, too many times. Something more has to happen." Another one says, "About six months ago I was bitten by a pit bull at Kahana Beach Park while riding my bicycle. I have not seen the dog since, but another tan-colored



pit bull has chased me several times. Zero tolerance should read zero enforcement as well as I can tell. Maybe this is my warning to the County. If I get bit again, I will sue the County.” “In March 2006,” this is another one, “my wife and I were attacked by an unleashed pit bull in Sun Yat Sen Memorial Park while the owner sat back and watched. Had the victim been a child, the attack may well have ended in a fatality. I was referred to the Humane Society who called me a couple of months after I returned home. They told me that they would go talk to the owner and ask him to tie up the dog.”

You see, for me it's real simple. I think this matter, the trial period is going on right now. We have a bunch of irresponsible dog owners and we're gonna legalize an activity that's gonna cause problems. You saw the pictures. You see, I, it's not about dogs and irresponsible and responsible dog. Our path is different from the paths in the other places. Our whole area, our process is different. Our philosophy, our culture is different. So you cannot compare us and other jurisdictions because, believe me, I think my attitude would be a little different if we had the infrastructure, as they do in many of the other locations, but we don't. We talking about a path that is dangerous. We're talking about a path and you can, and I know, yeah, I'll read about it that in fact I'm instilling fear in the hearts of men. The bottom line is it has already happened here. We've had three incidents by leashed dogs. What more trial period do we need? What more trial period?

I will say that when we had the equestrian issue, we were willing to compromise and I said, myself, if you put a barrier, physical barrier down the middle of the path and keep the horses on one side, no problem. Keep 'em away from the people. And the equestrian community said, “Of course we can't do that. That's not safe for the horse because if the horse can't go across the barrier, it's gonna jump off the cliff.” But you are asking me to approve a bill that may require a kid to jump off the cliff. I will tell you right now, I'm prepared to vote today. And I know this will upset everybody in the gallery, but I'm prepared to vote today. I will not support this bill. I will not support any amendments to the bill. I think that path was intentionally, intended to be a bicycle and pedestrian walking path. So the people of Kaua'i that don't own dogs, that love their ability, as Mr. Yotsuda talked about at the last meeting, the stroke victims that now have an area to go and walk without fear. That's who I'm representing. And dog parks, I fully support the bill for the dog park. I think we need more. I think we need one on the Kapa'a side. I think we need more dog parks and I know the dog people will say, “It's not the same.” Well, you're right. But it gives the dog owners an alternative and a place to take their dogs where the dogs can run free and safe and the people can be safe. Thank you.

Mr. Bynum:

Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Along those lines, I know Councilmember Rapozo had touched on about liability and everybody says, “Well, it's one bite or two bites.” One bite, people don't understand what the law says and I don't think people are



familiar with joint and several liability, and the County pays all the time because it's the deep pocket. That even if the County has done everything right and we're only 1% liable with respect to any dog bite that occurs and the owner is 98% liable, if the owner does not pay, guess who pays for the entire thing? The County pays for 100%. And so people are saying, "Oh, it's only one. It's only..." Well I'm not willing to sacrifice even one life or even one person being mauled by a dog, really. Or even one child being taken that way, you know, because we care for the elderly, because we care for the children and because I am concerned for their safety and because I've sat here and approved millions of dollars in lawsuits that we are accused of being dog haters. It's simply offensive.

It's very ludicrous to me because if you guys know what the law is and if the County taxpayers, even those that don't own dogs. I mean, why should they have to pay now an increased potential loss that they could be liable for 100% of the act despite everything that we did correctly. So, there's a lot more issues that we know about and a lot more information, and this is again, you know, something that really bothers me because in the Humane Society News, Becky Rhoades states, "The newly opened Coastal Path falls into the clutches of a County law that states no dogs are allowed in County parks and that includes pertinent public sidewalks. Kaua'i Police Department and the City Parks Division are doling out tickets to offenders as high as \$500," which is not true. There was not a single case of anybody getting doled out a fine of \$500. Absolutely not. And so, again, erroneous information. And then it says, "On your behalf, Kaua'i Humane Society is outraged." And then it goes on to say, "Most fear liability despite the fact that State law limits civil liability to the pet owner in dog bite cases," which she now has retracted. And then it goes on to say about, "These kinds of comments represent an irrational culture of fear and unfortunately, this puts responsible dog owners at the mercy of uninformed and reactionary policy." It's totally erroneous that statement being uninformed. Clearly, we are more informed than she is as she has learned. So, it's very unfortunate. I think it's very irresponsible leadership to put out that kind of rhetoric. It's unfortunate because I'm actually really saddened because prior to this incident I actually had a very high respect for Dr. Rhoades because I think she does a good job. My family, as I said, has volunteered there numerous hours. You know, kids have volunteered. My nieces have volunteered and they continue to do so, and I encourage that. But for them to hear that their auntie is now being called a dog hater is offensive to them. And so, you know, to get these kinds of statements without even caring about children is unbelievable to me.

You know, having that sign that says, "I have a dog and I vote," that is a sign that clearly breeds anger and hate. And is that what we want to teach our kids? Is that what we want to teach our community, especially when we're here trying to say that we're trying to preserve the Aloha Spirit? Is that Aloha Spirit when you say that I have a dog and I vote and if you do not vote for this bill, then you are a dog hater and I will not vote for you? I mean, is that how we teach our kids? Is that what we teach, you know, loving people? It's so unfortunate. You know, I'm really disappointed and saddened because that is exactly the kind of commentary and

be set off to the next committee meeting and at that time we should have all of the County Attorney's opinion that was requested by the Task Force and any other person's concerns that they may have in the interim.

Mr. Bynum: Right now it's 12:36 p.m., we need to break for lunch. I'm not sure if all Councilmembers are finished with their comments, so we're gonna be in recess until 1:40 p.m.

Mr. Furfaro: Excuse me, excuse me.

Ms. Iseri-Carvalho: It's my understanding that 1:30...

Mr. Furfaro: Mr. Chair, I have auditors for my committee coming from Honolulu scheduled at 1:30 p.m. I do not believe that since we've called the meeting back to order and we have commitments from the Administration by July 2 to make a presentation which may defer it again. I want to be very careful. I have no more to offer today other than circulating my amendment and I believe Councilman Kouchi indicated he's prepared to vote on a deferral and I will second that.

Mr. Kouchi: So, I'm done as well.

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Furfaro, and unanimously carried, Bills Nos. 2265, 2266 and 2267 were deferred.

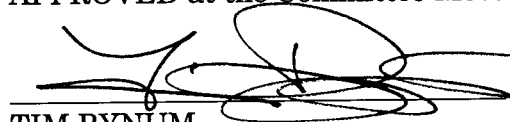
There being no further business, the meeting was adjourned at 12:37 p.m.

Respectfully submitted,



Wilma Akiona
Secretary

APPROVED at the Committee Meeting held on July 23, 2008:



TIM BYNUM
Chair, Parks & Recreation

