

MINUTES

PARKS & RECREATION COMMITTEE August 6, 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, August 6, 2008, at 9:29 a.m., after which the following members answered the call of the roll:

Honorable Ron Kouchi
Honorable Shaylene Iseri-Carvalho
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro, Ex-Officio Member
Honorable Daryl W. Kaneshiro, Ex-Officio Member

Minutes of the July 23, 2008 Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Rapozo, seconded by Councilmember Iseri-Carvalho, and unanimously carried, the Minutes of the July 23, 2008 Parks & Recreation Committee Meetings was approved.

There being no objections, the Committee recessed at 9:30 a.m. The Committee was called back to order at 10:10 a.m. and 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. Today we're going to address bills 2265, 2266, and 2267. After several deferrals, it's my hope today that we take actions on this bill and pass them out of committee. What I'd like to do today is first have circulated any proposed amendments that may be offered today, so you have an opportunity to see them, and other councilmembers have an opportunity to see them. And then we're going to have a presentation from our current Mayor, Kaipo Asing, and I'm going to honor that request to do that presentation first up. When he's done and you've had an opportunity to see the proposed amendments, we'll accept public testimony. And then we'll discuss each potential amendment and take action hopefully today. With that said, staff, are we prepared to circulate the amendments?

I'd entertain a motion for the main motion.

Ms. Yukimura moved to approve, seconded by Ms. Iseri-Carvalho.

Mr. Bynum: This committee will be in recess until we have the amendments ready to circulate, and also the Mayor ready and set up.

There being no objections, the meeting was recessed at 10:12 a.m. The meeting reconvened at 10:35 a.m., and proceeded as follows:

Mr. Bynum: I'd like to suspend the rules and recognize Mayor Asing who's here to do a presentation.

There being no objections, the rules were suspended.

MAYOR ASING: Good morning.

Mr. Furfaro: Good morning, Mayor.

Councilmembers: Good morning.

Mayor Asing: Before I start, I'd like to have Mr. Martin up making a presentation first. Thank you.

Before John starts, I just want to explain that John is a member of the advisory...is a member of the Parks Advisory Board, and I wanted to give him an opportunity as a member of the advisory board on their discussions and decisions regarding dogs on the bike path. So with that, John.

JOHN MARTIN: Good morning Mr. Chairman and members of the Council. My name is John Martin. I'm with the Department of Parks and Recreation and also a member of the Parks and Recreation Advisory Committee. Our advisory committee meets, at this time, once a month, and the committee is made up of the following people: Mr. Pat Baniaga who is with the Kaua'i Pony Baseball and also the Senior Softball League; Mr. Keith Burgess from Department of Education (Kaua'i High School); Lt. Mike Contrades of the Kaua'i Police Department; Kirk Correa, All Island School; Nancy Graf of Department of Education, Kapa'a Middle School; Lenny Rapozo of Public Safety Intake Service Center; and Shirley Parraga who is a community liaison, Ron Victorino who represents the Motocross community, Tom Tannery of the YMCA. These are the voting members of the advisory committee. From Parks and Recreation, the non-voting members are myself, Bernard Carvalho, Cindy Duterte, and Kylan Dela Cruz, our Deputy Director.

On April 1, our advisory committee had a meeting, and one of the items for new business was the bike path and dogs on the bike path. And during that committee discussion, the number one issue, the issue that came up, was safety and liability by allowing dogs on the path. And after discussion, all members agreed to support a letter, if needed, that would not allow any animals on the bike path.

Mr. Bynum: Is that it, John?

Mr. Martin: Yes.

Mr. Bynum: Any questions of Mr. Martin?

Mr. Rapozo: Was there a letter drafted, or is that...

Mr. Martin: No, a letter has not been drafted at this time, but if needed, they will draft one.

Mr. Rapozo: So that is the official recommendation of the Parks Advisory Committee, to not allow any animals on the bike path.

Mr. Martin: That is correct.

Mr. Rapozo: Thank you.

Mr. Bynum: Any other questions?

Ms. Yukimura: This advisory committee was formed when?

Mr. Martin: I'm not sure of the exact date of when it was founded.

Ms. Yukimura: Approximately.

Mr. Martin: It was when we were still part of OCA, Offices of Community Assistance, is when it was started.

Ms. Yukimura: And its purpose?

Mr. Martin: Its purpose was to help the Parks and Rec...at this time, the Parks and Recreation Department with policies, programs, help us with rules and regulations. Different types of programs that people wanted to introduce, we would bring them before the advisory committee. They helped us establish the rules and regulations for purposes of having craft fairs at our parks. They helped us with the rules and regulations for the vendors at Spouting Horn, just to name a couple.

Ms. Yukimura: Okay, good. And on the issue of liability, was there a county attorney present advising the...

Mr. Martin: No, not at that time.

Ms. Yukimura: Okay. Can you tell us...And it was a unanimous vote? All members?

Mr. Martin: At the end, when all members voted, it was unanimous.

Ms. Yukimura: So can you tell us what the liability and safety concerns were that were raised?

Mr. Martin: The main concern was if there was, for example, a dog bite case, that the County would have to bear the burden of any lawsuit.

Ms. Yukimura: Okay, and that was not checked with the County Attorney?

Mr. Martin: At that time, no.

Ms. Yukimura: Okay. Was that basically it?

Mr. Martin: Yes.

Ms. Yukimura: What other safety...Were there other safety issues besides dog bite liability?

Mr. Martin: There were some safety issues concerning some areas of the path where it was fairly narrow. There were concerns that people may have to move off of the path when animals were approaching them, or when two animals came together from opposite directions if the animals decided to go against each other.

Ms. Yukimura: Okay, thank you.

Mr. Martin: You're welcome.

Mr. Bynum: Any other questions for Mr. Martin? John, I just have a couple questions. How were the members of the advisory committee selected?

Mr. Martin: I'm not sure how the exact selection was...how the names were brought together. I can't answer that, I'm sorry.

Mr. Bynum: Okay. And are these public meetings that are open to the public when they meet?

Mr. Martin: Yes they are.

Mr. Bynum: And are they posted and sunshined?

Mr. Martin: Yes they are.

Mr. Bynum: Thank you.

Mr. Kaneshiro: John, was there any discussion held whether if dogs were certified...dog training was certified by Humane Society or any certified trainer? Was there a discussion on that?

Mr. Martin: There was discussion on whether or not certification should be part of the approval process. Say for example if dogs were allowed on the path, that did come up. And I guess because of the question about who would do it and how to come up with a process, that was an issue that came up.

Mr. Kaneshiro: Okay, and that's the reason why you got the unanimous vote for no dogs on the path at that time, but there were some discussion.

Mr. Martin: One of the reasons, yes.

Mr. Bynum: One other... I just checking the minutes of the April 1 meeting, there were two members absent that day, so with unanimous vote of the members present.

Mr. Martin: Of the members present. There was a quorum.

Mr. Bynum: Okay, thank you.

Mr. Martin: You're welcome.

Mayor Asing: Good morning, everybody. Sure feels different on this side. The seat is quite warm, and someone just said 3 minutes. I hope you will give me the opportunity to exceed that time, because I believe that I fall under the category of the Administration making a presentation, and therefore, would not be covered by the rules. But it is your choice, and you make that choice as you see it.

Mr. Bynum: Mayor Asing, you're here at the invitation of the Committee to make a presentation, so the 3-minute rule doesn't apply.

Mayor Asing: Thank you. Let me first start by... I'm going to show you some video that I took at different locations, so I am not... I have to apologize, not as prepared as I want to be. I tried to do video shots in Honolulu of the Moanalua dog park, the Diamond Head dog park...you want to hold that for a little bit? I did shots for the Moanalua dog park, the Diamond Head dog park, the dog park at Hawai'i Kai, which is the newest dog park. There is also another dog park in Mililani that I did not go to. So let me just start now. This is a shot of the Diamond Head dog park, and at that particular time when I was there, I think there were, I believe, one or two dogs in the park. It's quite large. This area here is the Moanalua area. This is Moanalua Park. I guess the...I didn't do so well. And this is the dog park and this is the dogs playing in the dog park. And again, I have to apologize, because I would go to one park, there wasn't enough dogs there, so I shifted, I moved, this is Diamond Head, this is one portion of the Diamond Head park, and then I went back to Moanalua, this is Moanalua again, because I tried to get shots where at least there were dogs in the park. This is the, I believe, the oldest park, aside from Diamond Head, that is controlled by the County, but there is a private entity that actually handles this. So the actual clean-up and maintenance of the park is done by this private group. I was just trying to get some shots here of the rules that are posted. The rules at the park is posted. This area happens to be adjacent to, and if you notice, there's no animals in the park and this is an abutting park, which is Moanalua Park. They have a tennis court, they have playground equipment, and it is a recreational facility that abuts the Moanalua dog park. And in this particular park, there is no animals allowed in the area, and that's my reason for these shots, to show you that abutting the park, no animals, and there is animals allowed in the Moanalua Park. I think we can kind of fast forward everything after this. Those are the rules that I tried to see if I can get.

Now this is again...this happens to be the Lydgate Park area. I was here I believe it was July 4. It was so crowded. My estimate on the number of people at the park there would be between 800 and a thousand people at the park, and if you notice, you're going to find that there are tents that were set up that are very close to the bike path, and there's children walking, people with coolers, people barbecuing, and the entire activity... What I was trying to do was say that it is not conducive to, it is not what the park was designed for. This park was designed for recreational activities, like picnics, like some sporting events, people playing in the park area, and if you notice the number of cars there was at different times of the day, there was just no space available and they had to park on the outside. So all of this activity that you see here, what I'm trying to do is say that these types of activities do not match with the bike path. You cannot take a bike path, put it into a park, and say, well the rules of the park should go out the window, and now we put the rules of the bike path. It is not right. That's not the intent of this park. So park facilities were designed for these kinds of purposes, and they just do not match with the dogs walking in this area here. And that's the kind of traffic that you will

see. Now, you notice the tents that are almost up to the bikeway there. There are shower facilities, and it's just not conducive to animals walking in this kind of environment. So that's the intent.

This happens to be one area. I also went to the Kamalani Bridge area, and in that particular area, it was just as crowded. So the use of the park, if you put the animals in there, it's just not going to match. You will be competing with, you know, the actual designed use of the park if you do that. And here you will notice the tents that are set up very close to the pathway, people walking with coolers, with food, children playing, and the use was extensive. I guess you can fast forward.

Now, on this particular day, I also went to the Kapa'a Beach Park area and I found generally the same type of condition. I can also tell you that what I found, and I've done about 8 different occasions on looking at the trips. This one here, it was just...this is the Baby Beach, so to speak, and I was just trying to say that boy, the water was coming under the roadway, that was what I was trying to take. We can forget that. Okay, this is Wailua Homesteads Park. This is the entrance to Wailua Homesteads Park. There's a sign on the left. You go into the area and then you turn right at the pavilion here. And the area that you see here is the area that we have planned for the dog park. The dog park area that is available is approximately 2 to 3 acres in size. You can see the no animal sign, and the intent is to do the dog park in this area. I have instructed the Parks Director, upon passage of this ordinance, to immediately start the process of doing the dog park in this area. There's lots of parking, there's handicap parking also, so that's it.

Okay. I know that most of you cannot see that, but let me try and explain it. This is the entrance into the Wailua Park. This is the Wailua Park area. Its total acreage is approximately 17 acres in size, so it's a fairly large park. As you enter from...I believe that's Kamalu. Kamalu Road is here, you enter the park here, and then you turn right and this is the parking area. The area that we plan to do the dog park is from this point going across this area here and this is the area. And that area is approximately...the figure that I got was like 2.7 acres in size, but we'll work the size out so that it'll be a good size park. You will notice also that this area here, this is the border, on the south side of the park is the 'Opaeka'a Stream. So you can take that down and put the other map on now.

Let me do this. The proposals that I am making, what I am trying to do is I am trying to find a compromise plan for use of the bike path. So I am calling the presentation that I'm making a compromise package in its entirety, and with this compromise package, what I'm saying is, to all of the people who have dogs, I agree that we should have some facilities to take care and assist the...with the dog owners. And so I am looking at 3 different ideas and proposals. So the first so-called compromise package was the dog park. So the dog park was the first so-called compromise to help the dog owners. I will also be initiating on the State level...you want to put that one on now? You can put that right on there.

Okay, let me just read this. This is a bill for an act to be enacted. Be it enacted by the legislature of the State of Hawai'i. Section 184-3 Hawai'i Revised Statutes is amended to read as follows. I won't read the rest. Let me just do one. This is the powers of the department. The Department of Land and Natural Resources, in addition to its other powers herein granted, for the purpose of performing its duties and functions may, and they have 10 different items that they are mandated to do. And what I've done is I am adding, but before looking at 11, let me just read item 8, which is difficult for you to see, it's not highlighted, but I will

read it. Number 8 is, cooperate with counties and other political subdivisions and agencies of the State, and with the States, and the United States government in matters relating to planning, establishing, developing, improving, or maintaining any park, parkway or recreational area. Nine, accept from a county park land which may include related improvements, etc. I won't read that. But I will be recommending that we place this before the legislature. I'm in the process of talking to our legislators to introduce this legislation. What this legislation is designed to do, is let me read it. Item 11. Designate a beach park on Kaua'i specifically designated for dogs, their handlers, and those accompanying them in such park. No other mixed use shall be allowed. So I am proposing that we work with the Legislature to get this item on the agenda and passed. I know that it is not going to be an easy one, but we will try our best to get a beach park area specifically for dogs. Now, let me just explain that in the case of all of the dog parks in Honolulu, those dog parks do not allow children. Children are only allowed when they are accompanied by an adult. Otherwise, they are not children parks, so children are not allowed to go play in there. And that's the reason for putting the language about their handlers and those accompanying them in such park, and no other mixed use shall be allowed. In other words, what we're trying to do is get a park where the dog handler, the dog, can go swim in the ocean, play on the beach, and have a designated area. So what we're asking the State to do is to find one area on the island where we can allow the dogs to play and enjoy themselves with the owners, and not allow any others in this particular park. So this is, I guess, you might call it the second part of the compromise proposal. Thank you. You want to take that down, you can turn the lights on, and we'll look at the board now.

Okay, let me explain what we have here. What we have here is the dog path from... Oooh. Oooh. The bike path from the Lihi in this area, this is the Lihi Park area here, all the way going across here, and then this is the Keālia point, and the bridge is here, and then we get to the right, and the pavilion is in that area there. Today, the path extends all the way from the Lihi to the pavilion area. The length of that area is 2.4 miles in length. Now what I'm trying to do is show you that this entire length here has different types of, I guess you can call it use. With that, what I'd like to do is take that map and lift that up and put this map on. That's fine. Roll that up, and the roll you can put by Steph, yeah.

Now, what I want to show you here is that the so-called compromise that I'm looking at is to allow for dogs to walk between that area, and that area happens to be the pavilion that is on the side of Otsuka, extending all the way to the Keālia bridge on the north side of Keālia bridge. That route between that point there is one mile in length. The entire length from the Lihi...you want to knock that one down too. The entire length of the path, as I explained earlier, is about 2.4 miles, and the length from that point to that point is one mile in length. There is parking at that location there, so you can get onto the path in that area and walk all the way to this area here. In this area here, you can also get on the path. There is ADA parking there. I have instructed Doug Haigh to provide for ADA parking at that bridge location there. There is adequate room for parking, including ADA parking, so we would have parking, so you would come right out of the parking lot and enter the bridge area with available parking, and parking would also be available here. In this area here, what we're planning to do is there is a small piece of property here that is owned by the State, and we're trying to acquire that piece of property and turn that into parking also.

Now, let me give you my reasons for this proposal. Like anything else, we...I feel we need to be reasonable and come up with some reasons why I'm proposing this. The reason I'm proposing this is, when I showed you the video earlier, I talked

about the crowdedness of the Lydgate Park area. Now, I also on that particular day, on July 4, I also went to the Kapa'a area and I found the same thing. The Keālia Beach area from that point there where the pavilions are just north of the bridge all the way to this area here at the end of the beach, it was just jam packed with tents, with people, with cars, and the type of activities in this area was for what it was designed for. It was designed for picnic, beach outing, for children playing, so it was designed for that purpose. And that's why I want to keep it for that purpose. Now in the case of Lydgate, I also want to keep it for that purpose. Between the Lihi here, and you will notice on the bottom here, when we get through with this plan, the Lihi Park area will be built. Upon completion, this is also going to be similar to Lydgate in this area here. Now, between the Lihi and this point here, the types of usage here is beach park, tables, picnic, people, there's the park here that children and others play and use in this area. So that is my reason for doing this. In other words, I'm saying keep the park facilities for what they were intended to be used.

Now, let me just also explain from this point here to this point here, I am saying I can compromise. I can compromise by saying, the activities here are fairly limited. They are not the same type of activities that you have here, that you have in Lydgate, that you have in the Keālia Beach area, and those are my reasons for that. And I do feel that the one mile in length is reasonable, and what we're talking about is a 12-month time period for the dog handlers to show that they can, in fact, follow the rules and we can all work together. And so I am proposing that we do a 12-month period on a trial basis, and this would be the area that they could walk in. I feel that one mile is a fairly long area that they can use for exercise and recreation. With that, I don't have anything else. So again, I want first of all for all of you to understand is that I believe that it is a fair and reasonable package. And when I say package, here's what the dog people get: they get a dog park. Today they have none. They get the possibility of a State Beach Park for dogs only. That's a possibility that I will be pursuing. The third is they will have access to one mile of pathway that they can use for them on an interim period, and we'll see how everything works at the end of that period. If it works well, then we will make decisions accordingly. If it doesn't work well, then we will do the same thing. But I think with what I call a compromise package, I think this is very reasonable in what I'm trying to do to find a middle ground to assist the dog owners and their recreational activities. So with that, I want to thank the Council. I hope that you can support this compromise package. I believe that it is fair and just and reasonable. And I hope you can support this. With that, thank you.

Mr. Bynum: Any questions for Mayor Asing?

Ms. Yukimura: Yes, thank you. Thank you, Mayor. What is your starting point from the Kapa'a Town side that you're proposing?

Mayor Asing: This is the pavilion...I believe it's called Pavilion #2, right in that area. My apologies, Mel. That's Pavilion #2, which is north of Otsuka. So that would be one point, and the other point would be just on the...it would be the south side of the first pavilion in this area here that you could enter the...

Ms. Yukimura: It's right after the bridge?

Mayor Asing: Yeah, right after the bridge. There's enough space there. I was there night before last. Well...yeah, 2 days ago, and looked at that particular area there, and there is more than adequate room to put ADA stalls and

have additional parking in that area. I have instructed Doug Haigh to proceed with doing the ADA parking in that area and extend the parking further towards the bridge. There is adequate room for that.

Ms. Yukimura: Okay, thank you.

Mr. Bynum: Any other questions for Mayor Asing? If not, thank you very much, Mayor. Appreciate it. So what I'm going to do now is call for a short 5-minute recess in order to circulate the amendments that have been prepared, so people will have a...and then we'll come back in 5 minutes and do public testimony. Thank you.

There being no objections, the meeting was recessed at 11:20 a.m. The meeting reconvened at 11:45 p.m., and proceeded as follows:

Mr. Kouchi: Can I say something before you call the public testimony to order?

Mr. Bynum: Yes sir.

Mr. Kouchi: I don't know if anybody else saw a memo that I circulated which indicated that the Committee of the Whole would convene at 1:30 p.m. for the purpose of running the workshop on the real property taxes, but of course it was sent out before we started with today's agenda, and we did have the monk seal presentation scheduled, and this item scheduled second. So if somebody's here only for the real property tax item that will begin at 1:30 p.m., I just wanted to announce that we won't be convening the Committee of the Whole until Mr. Bynum has concluded the bills that are in his Committee which were scheduled second.

Mr. Bynum: Okay, thank you.

There being no objections, the rules were suspended.

ELAINE VALOIS: Good morning. I think the amendment was really quite good as far as it went for the dog parks. Absolutely, I think we should have dog parks in every community. But of course that will take time...

Ms. Iseri-Carvalho: Can I have a second?

Mr. Bynum: Yes.

Ms. Iseri-Carvalho: I believe that was a question raised by Bruce Pleas as well. I believe we only read the first item on the agenda. Is that accurate, and not the three bills? And I wanted to be assured that the Chair was addressing the three bills, as we've previously been discussing them anyway. So we might want to read the next two bills.

Mr. Bynum: If you'll bear with us a sec... I want to be clear that we have three bills here before us today. We might need to read the other two, so we can take testimony on all three right now, because you're talking about one of the three. And so... Call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Bill No. 2266 - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE 2, KAUAI COUNTY CODE 1987, RELATING TO STRAY DOGS

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

Mr. Bynum: Okay, so the three bills before us are, one deals with the creation of dog parks, one creates new language in the nuisances created by a dog to make it illegal to leave waste and require that anyone walking a dog in public anywhere have a container or the ability to pick up that waste, and the third bill that allows dogs on the path system, not in parks, but only on the portion of the path system.

There being no objections, the rules were suspended.

Ms. Valois: May I speak on the bill number three?

Mr. Bynum: Yes, please. Thank you for your patience.

Ms. Valois: You're welcome. I felt when I heard the testimony that speaking of the busiest day of the year, the fourth of July, at the beaches, might not be quite fair for the other 364 days that we have to walk our dogs possibly on the path. I think the issue may be about time rather than place or space when people walk their dogs in the mornings as in the late afternoons. Also they...if you feel that holidays should be cut out and not...dogs are not allowed to walk on the beaches during holiday times, that might be a good idea too, rather than to completely cut off say for instance the full Keālia Beach path...from our ability to walk our dogs. Also, it's different, really quite different, to have a dog in an enclosed area throwing balls or Frisbees to them, than it is for actually walking them. A really steady strong pace is quite different for their hearts and their lungs to do it this way than to just romp about for a little while in a dog park, although dog parks are great, I'm all for them. I also believe that we should have a period, a trial period, to see how effective this might be with some of these compromises that instead of just cutting out the possibility of walking your dogs on the whole of Keālia Beach, to actually say not on holidays, and but be responsible for your dog. The Council doesn't have to be responsible. All they have to do is say at your own risk. You don't have to be responsible for any of that. But I think we should have a monitoring system of about 12 months, at least, to see how this works. Why don't we just add a little compromise to the compromise and say not on holidays when the parks are really too busy. But we do have a wonderful stretch of ocean and pathway in the Kapa'a area, and I would like to see that be free for all of us to walk our dogs, except on holidays maybe. But I think it's a...and then monitor, have a 12 months observation to see what happens. Is it really as serious or difficult an issue? All over the world they have, including New York City, the most heavily populated, one of the most heavily populated areas in the world, people walk their dogs responsibly, and we could do the same thing, I'm sure, here on Kaua'i. Thank you.

Council Chair Furfaro: Am I hearing you advocating that the path access perhaps could be closed on legal County holidays for dog walk...

Ms. Valois: That's my suggestion...as part of the compromise.

Council Chair Furfaro: And the other thing you mentioned is, you know, this period of time. You know, whether it's 12 months, 18 months, I think in all fairness, there's going to have to be a start-up period for some training on whatever choice we do, training of dogs, volunteers, park rangers, and then there's also going to have to be a period that we're evaluating, you know, the success or failure. I just want to share with you, it's just one of those things that has to play in whether it's 12 months or 18 months, in my opinion.

Ms. Valois: Right, I would say that to make it a little easier, it would just to check in on any reports of difficulties that if dogs were fighting each other, or some child tripped and fell...

Council Chair Furfaro: But you see, the way the bill is written, it would have a sunshine provision that basically says if it was not satisfactory during this review period, the benefit actually terminates. So we need to have the discussion period.

Ms. Valois: Well, yes, and I think that the Humane Society and the dog fanciers group might be willing to cooperate with you very much on this.

Council Chair Furfaro: Oh, I would hope they would cooperate with us.

Ms. Valois: Yeah, a lot.

Council Chair Furfaro: It is us that would make that decision if it sunsets or not.

Ms. Valois: Yes.

Council Chair Furfaro: But I just wanted to point that out, to please consider that whether it's 12 months or 18 months.

Ms. Valois: So considered.

Council Chair Furfaro: That dialogue has to go...has to continue. Thank you, Mr. Chair. Thank you for coming back.

Ms. Valois: Thank you. Any other questions?

Mr. Bynum: Anyone else? Thank you very much.

MARY NISSENSON: Thank you for the opportunity to speak. I'm a little worried that we're breaking what's fixed...

Mr. Bynum: Your name, please?

Ms. Nissenson: Oh, my name is Mary Nissenson, and I'm a little worried that we're breaking what's fixed, instead of fixing what's broken. And I guess my first question would be, do we have a large number of incidents where there have been significant or severe attacks? Were there a number of injuries, or are we responding, maybe over-responding, to the extremely vocal complaints of a few very unhappy non-dog lovers? Owning dogs is a huge part of the experience of living on this island. I think a fairly significant percentage of people who live here have one or more dogs, and do so for the most part very responsibly. I also know that the more we restrict where you can take your dog, the more punitive we're

being towards lower income dog owners than higher income, because it's much more punitive to someone who does not have a large piece of property, and can at least...or if they still got their own yard, their own acreage. Someone who lives in a small apartment or a small house who lives right on a busy road is going to be very restricted with what they can do for their dog. And as Elaine Valois pointed out, for the health of the animal, it needs more than just an occasional ball toss to be a healthy, happy creature, and for that to be a mutually happy experience with the owner. I also think we might be ignoring a potential source of revenue. Perhaps dogs should need to have a permit or a license or some sort to be publicly walked. Perhaps we could even cooperate with the Humane Society. My own dog, though certainly not the star of the class, is graduating this Saturday from obedience classes at the Humane Society, and they can certainly testify to the fact that she is a dog who knows how to be stayed, who will not jump up. If nothing else, can't we give people a chance to prove that their dogs are well behaved animals who can be in public before we assume that because there were a few ill-behaved animals or irresponsible dog owners that therefore all the rest of us are? I think people are getting kind of painted with a very broad brush over what may be the actions of a few animals, and perhaps even mostly strays. I agree on the liability issue. As a lawyer myself, I don't see why your liability is any greater than it would be on a city street. You know, you have the right to...just as you do to say whether you're liable for swimmers safety in the areas, whether you are liable for walkers safety, or encounters between walkers and animals. But requiring that the animal is leashed, that it is licensed, also being able to take away the privilege of publicly walking your dog if your dog has in fact been a problem, of even imposing fines so that people know there are real consequences for not monitoring their animal and cleaning up after it would be another potential. But I think that this approach, if we don't have areas...and by the way, I mean I live in Anahola, before that I lived in Kilauea, it's...there was no dog park for me closer than Līhu'e, which is a long ride for the dog to be in a kind of a...it kills the whole purpose if the dog gets cooped up in the car for almost two hours so they can run free for 20 minutes in a confined space. I worry that ultimately one of the consequences of restricting so severely where animals may go is that it will risk leading to the abandonment of pets, particularly from people who don't have other spaces to take them, and we have enough abandoned animals as it is.

Mr. Bynum: Okay, thank you. Any questions?

Mr. Rapozo: Mary, thanks for being here today. I guess, what's your definition of a significant attack? You said, you know, is it just...

Ms. Nissenson: Has anyone been injured? Has anyone had to have medical treatment?

Mr. Rapozo: Yes, yes. But I mean I want to know what you mean when you say significant. What does injured mean...

Ms. Nissenson: Okay. Well, first of all there's a difference between being frightened by an animal because it barks at you or it jumps up for a moment, and somebody being bitten.

Mr. Rapozo: Okay, and I'm asking you, what is your definition of an attack?

Ms. Nissenson: My definition of injury, someone who's bitten, somewhere the skin is broken, something that requires any kind of medical attention, even a band-aid for that matter.

Mr. Rapozo: But not an incident where a child was frightened or... That you wouldn't consider...

Ms. Nissenson: I think everyone should be absolutely responsible for controlling their animal, and if someone is reported as not controlling an animal and allowing it to jump up on or frighten children, then they should lose the privilege of walking their dog in public. But I don't think that the other 99.99 percent of people who work very hard to make sure their animals are well behaved should be punished because of that one irresponsible person.

Mr. Rapozo: Okay, well it's more than one irresponsible person so far.

Ms. Nissenson: I understand that.

Mr. Rapozo: And I guess the other question is, you mentioned that are we responding to the vocal few that are non-dog lovers. Do you...is it your position that if you oppose dogs on the paths that you are an animal...a non-dog lover? Is that what you're saying?

Ms. Nissenson: No, and I don't think you're a non-dog lover to ask that there be restrictions or that some areas be entirely dog-free and some time periods be entirely dog-free. I think both people...types of people should have equal rights.

Mr. Rapozo: I'm just trying to understand your statement, because you said that you feel we were responding to the complaints of a few non-dog lovers. And I got to tell you that, Mayor Bryan Baptiste, the late Mayor Bryan Baptiste, his position was no dogs on the path. The Parks Director's position was no dogs on the path. The Parks Advisory Committee position is no dogs on the path. There was a veterinarian that came testified here a while back whose position was no dogs on the path. Now, I think it's unfair to categorize that bunch of people as non-dog lovers.

Ms. Nissenson: And I wasn't even saying you were; I only asked. I said are we. I didn't know what would numerically, whether there had been many attacks, and I do think it's very fair for people to have places where they can go that are entirely dog-free. It's just that's a very different thing from making the entire island, all the beaches, all the parks dog-free, and that would be a very big and difficult restriction for dog owners and the dogs themselves.

Mr. Rapozo: Thank you.

GEORGE MUKAI: Good afternoon.

Mr. Bynum: Can you state your name for the record?

Mr. Mukai: Honorable Councilmembers, I am in favor of walking our dogs...

Council Chair Furfaro: Excuse me George, you need to...

Mr. Mukai: Oh, George Mukai from Kapa'a. All my life there. Yes, I am in favor of walking our dog on the new oceanfront pathway in safe areas. People walking their dogs using the new pathway should be 100 percent responsible for all damages, injuries, and number two that the dog does. You all know what number two is.

Mr. Bynum: Yes.

Mr. Mukai: Yeah, okay. We should be arrested for not following rules. I or we walk our dog on Pelehu Road where I live. There is no sidewalk. The road is narrow—19 feet 6 inches. There is no dividing centerline. Sometimes people drive by very fast. It is not safe for our dogs and ourself. The dust and fume the vehicles generate we breathe in is not good for our health. It does generate a lot of dust, because sometimes when I drive my vehicle, I have to use my windshield wiper before I go out of the carport, because there's so much dust on it. I live downwind of the Pelehu Road. Before the pathway was officially opened, many of us were walking their dogs on the new pathway. It was so good. I would park my truck or car by the Kapa'a swimming pool and walk our dog all the way to Keālia bridge and back. It is a safe pathway. The air is clean. I would look out into the ocean and take a deep breath. It feels so good. The view is great. Many of the other walkers would come and pet our dog because she is very friendly. One day as we were returning from Keālia, our dog saw the windsurfers and she started to bark at them, thinking that it was unsafe. That's what I feel she was thinking. The dog seemed to be more alert on the pathway. I guess breathing clean air. It is a joy for us to use the new pathway with our dogs. How can you take that away from us who will not violate the rules? Thank you.

Mr. Bynum: Thank you, George.

Mr. Rapozo: Thank you, Mr. Mukai. So you were here when the Mayor did his presentation?

Mr. Mukai: No.

Mr. Rapozo: Oh, you were not here.

Mr. Mukai: No, this is the first time I...

Mr. Rapozo: No, I mean today. Earlier, when Kaipō did his...

Mr. Mukai: Oh, the...oh, I'm sorry.

Mr. Rapozo: Yeah, I know. He is the Mayor.

Mr. Mukai: I was here. Yes, I listened to all, and I like what he said. I mean that's why I say, you know, safe places.

Mr. Rapozo: So you support his proposal to open up from the...basically from that swimming pool area...

Mr. Mukai: Yeah.

Mr. Rapozo: That Otsuka area down to...

Mr. Mukai: Well, for myself. I'm speaking for myself. I experienced that and I enjoy that and I think we should...there may be other places, but I want somebody... I don't have experience in walking other places. That's the only place I've walked.

Mr. Rapozo: But as far as his proposal, that's what he's suggesting, is we open up that one mile length.

Mr. Mukai: Yeah, and I'm happy about that.

Mr. Rapozo: Okay, thank you.

Mr. Mukai: Thank you.

Mr. Bynum: Any other questions? So Mr. Mukai, do you think we should restrict dog walking on other areas of the path?

Mr. Mukai: No. I don't think... You should make a study and see if it's safe enough, I would say you should open up, because it's not fair for Līhu'e people or even Waimea people to come to the swimming pool in Kapa'a and walk their dog. I mean Līhu'e should have...along the beach there, I think there are safe areas. But we should look at the safe areas and have them...permit them to walk their dog, and it should be forever, not just for a month or a year. You know, I really cannot see. It's so wonderful to be walking in...breathing clear air and walking your dog.

Mr. Bynum: Thank you, Mr. Mukai.

Mr. Mukai: Thank you.

FRAN AZEKA: Hello, my name is Fran Azeka from Kapa'a. My name is Fran Azeka from Kapa'a.

Ms. Iseri-Carvalho: Oh, you can pull the mike closer, then you wouldn't have to yell.

Ms. Azeka: This is the first time I've come up to speak. I've been to at least one other meeting. I have listened to what everyone has to say. I am, of course, for dogs on the path, but have not wanted to speak because of fear speaking in front of people, but I feel like it's implied that if I do not come up and say how I feel that I am not for dogs on the bike path. But I am, and that's all I really wanted to say. Thanks.

LILLY DOWLING: I'm Lilly Dowling of Kapa'a, and I'm going to just keep it real simple today. I've spoken before. I just want to say I'm in support of dogs on the path. I like what Kaipō brought up about the parks, and also trying to work with the State to allow dogs on at least one beach. I don't agree with the one-mile change. Typically when I walk my dog, I walk more than one mile. And I just want to say thank you for just being here and listening, and thank you for your kind consideration for the trial.

CHERYL LOVELL-OBATAKE: Thank you, Chairman Bynum. For the records, my name is Cheryl Lovell-Obatake. Just a brief synopsis of some history that I had been involved with with the bikeway with the then was Bryan Baptiste as a council person, councilmember of the County Council. At that time, discussion

was made and you know, it was particularly for transportation, and that was my understanding. There were others that were there for horses, Mr. Measel. Horses were some of my concerns on a bike path, but there was a big... There's a big concern that I had at that time and it is still now. Because of federal funding for the pathway, my concerns at that time which I testified about the section 106 on the Advisory Council on Historic Preservation. As you are aware, kanaka maolis and our iwis of our kupunas are, you know, buried near shoreline, near the shoreline, especially at Wailua and on and up to Keālia. As a Burial Council member for eight years under Waihee and Cayetano, I had experienced several matters that happened down at Keālia. There is a burial preserve area in...near Kuna. As I can recall, the lineal descendent is Milton Ching and Vince Napolis. I did express concerns to the Public Works about the burial treatment area, but you know, roughly I'm looking at this because I live in the ahupua'a of Nāwiliwili, Niumalu, and Kalapaki. It scares me that you may be setting some precedence for other bike paths in different areas, and especially in Ahukini, where fishing is well used in that area. But anyway, getting back to the bill, I will support the 2267 for dog parks. I have strong reservations on 2266. But on 2265, you know, again, the section 106, you know, I really would hope that you would consider if widening the pathway, especially in Keālia where the McCloskey's drop, the hillside is, there were burials found in that area. In fact, they were reinterments done by the late LaFrance Kapaka and the Burial Council and that can be confirmed with even with Tom Shigemoto. As you know, section 106 with the federal funding, you need to follow strict criterias, and I'm hoping there is a watch person that is watching this, and not only Public Works, but informing the Kaua'i/Ni'ihau Island Burial Council and the Kaua'i Historic Preservation Review Commission. The area that many of the testifiers are coming from is mostly on from Wailua to Keālia, and that is very intense of native Hawaiian burials. But I'm hoping there could be something structured in one of these bills, or maybe 2265, to preserve and protect native Hawaiian burials. And thank you for your time.

Mr. Bynum:

Thank you very much.

JOE ROSA: Good morning members of the Council. My name for the record, Joe Rosa. Why correct a right when there's no wrong? The reason I say that is because this...why they have this problem? There's no need to correct something that been established from in the late 60s, and when Robert Yotsuda testified here, he was one that was on that Council and enacted that law. And when he came up to speak, he didn't even sort of get no recognition from the public in the back that were for the dog path having dogs on it. Now remember, the only member I see here today that weren't on this Council 3 to 4 years ago when that land was dedicated to the County strictly for the preservation of the historic and beauty of that area. It was made and given to the County as a park, remember that. So to change it from a pathway to get away so it won't be classified as a park, it's a no-no. It started out as a park because for the preservation of the beauty of that area for the future generations to enjoy. The only member wasn't on this...at that Council was Mr. Bynum. So remember those things. JoAnn, you always keep stressing your so select groups. Again you question previous speaker, what would they do? The horses were turned down. What do you want to do, stir up a mess again? They come back here and say, eh, we want our right. Remember, think JoAnn. You're an educated person. You went to Stanford. Glenn Mickens went to UCLA. But you haven't shown me anything positive at times at meetings. You come with a closed mind, and you always with your select groups. Remember. Now, Mr. Furfaro, you're remembering three members of this council is going to be out next year already. If you go 6 months, it's next year.

Mr. Bynum: Mr. Rosa, could you stick with the bike path rather than...

Mr. Rosa: No, it's with the bike path. It has to do with amendments on that bike path...where's that now. Mr. Bynum's amendment. The reason I'm saying this is because you want to make a 6 months' trial, a one-year trial, 18-month trial. It goes to next year and 2010. Now if you get new council coming into the Council here and they got to react and decide on it again, you'll have to go through this same procedure. So there's no end to something. The law is no dogs, no dogs, then you don't have any problems. Why create problems? In life, it's to live happily and don't create problems when there's a good to a problem. I go for Kaipō's dog parks. You got a Keālia Park you can use that's not being used. He got Ornellas Park at Kapahi that's not being used.

Mr. Bynum: Three minutes Mr. Rosa. Did you want to come back later, or...

Mr. Rosa: Hey, come on Tim. The other previous speakers, and you know, people in the public has told me that whenever I speak I speak the truth, they all seem to cut me out. So the other previous speakers had all to say. Yeah, but I know, Jay...

Council Chair Furfaro: Mr. Rosa, if I may just share with you that each committee member here is the chair. The rules that we have do allow for three minutes to speakers. At the discretion of the chair, he can extend time, or he can ask you to come back. And I believe that's what Mr. Bynum has done.

Mr. Rosa: I understand that.

Council Chair Furfaro: So you are welcome to come back. And then if you want to speak more than that, he has the prerogative to give you one additional minute. So I think he's only trying to frame the (inaudible).

Mr. Rosa: Okay, give me that one minute then, Tim.

Council Chair Furfaro: No, on your second return.

Mr. Bynum: So did you want to sum up now, Mr. Rosa, or did you want to return?

Mr. Rosa: Well, I can sum it up. Like as I say, and also, you know, I don't know how these people want to justify that. They always referring to that...I still keep hearing that 20,000 dogs on this island when only 3,900 is licensed. So I don't know how, where they get figures and how they going promote the...what we call that, the security of the park area, because they got no wardens. You can't start something with the wardens. And the Humane Society always seems to come here looking for funding so that they can get their marshals. Thank you.

Mr. Bynum: Thank you, Mr. Rosa.

Mr. Kouchi: Mr. Bynum, just a point of order before Mr. Mickens testifies. I did want to clarify the record that the gift of Keālia Beach was accepted by Mayor Kusaka, so the only two councilmembers who are still sitting at the table who accepted that donation would be Councilmember Kaneshiro and myself.

Mr. Bynum: Thanks for that clarification.

GLENN MICKENS: Good afternoon, Councilmembers. Glenn Mickens for the record. You have a copy of my testimony; I'd like to read it for the viewing public. This amendment seems to be a proper step to take, but in watching Kaipō's presentation, it becomes way too confusing for the public to know where the dogs can and can't be. As I previously stated, I oppose bill 2265, but support bills 2266, Tim, after I reviewed it, and 2267. Trying not to be repetitive in my opposition to Bill 2265, I want to bring up a few more reasons why this, in my opinion, is a bad bill. In my opinion, only a few select group of dog owners on the eastside will benefit from this bill. People will not drive from other areas of this island to walk their dogs on a two-and-a-half-mile path, which is now, according to the amendment, maybe one mile. They can walk them in their own neighborhoods, as Mel has pointed out before. Any ordinance you Councilmembers make should be for the benefit of everyone, not just a select few. The issue of security enforcement of violations on the path have been raised. A recent article in *The Garden Island* told of costly vandalism in two of our new restrooms in Keālia. Major damage was done and the vandals have yet to be caught. When our police or our park rangers don't have the time to stop serious destruction of public property, then how will they ever have time to enforce infractions created by animals on this path, and cars are illegally driving on this path every day by the Kapa'a swimming pool, making this entire project (the path, dogs, etc.) a total disaster waiting to happen. A friend of mine who was totally opposed to dogs on this path, he emailed you Councilmembers a letter...you Councilmembers a story about this...his young child getting severely bitten by a dog on a path on the mainland, and he gave me these pictures. Here, I'll let you be able to see them if you would like. Thank you. Just showing some illegal dog walkers on the path. I'm not trying to get people arrested, but again, they're breaking the law, and again, we don't have the enforcement mechanism to do anything about it. As you can see, people are already illegally walking their dogs in this path and new sections, as well as in Lydgate Park. And again, no enforcement is there to stop it. If these law breakers can't be stopped now and the police are not to be blamed with far more important duties to take care of, how will enforcement of dog mess and leash laws ever to be taken care of if this bill is passed? Another letter to the forum said, I quote, I love dogs, but they are a luxury. Why not horses on the path? We are taxpayers too. A great question needs answering by all horse owners. From the second story of my home I watch every morning and evening as a parade of dog owners walk their dogs. The percentage that pick up after their dogs are one out of 20. Yes, one out of 20. I only have a couple more sentences.

Mr. Bynum: Yeah, I see that. Finish up, thank you.

Mr. Mickens: Every morning I walk the perimeter of my home digging up and cleaning up the mess. I'll take sea breezes, fresh and clean, for my tax dollars. And what about the law in relation to other animals using the path? I've never heard any answer to that yet. Please defeat this bill and don't create more problems for our overworked law enforcement system.

Mr. Bynum: Thank you, Mr. Mickens.

Ms. Iseri-Carvalho: Glenn, I just wanted some reference as to the three photos. I don't believe there are dates in the back as to when they were taken.

Mr. Mickens: They were just very, very recently. You got his letter. I don't even remember what the date of the email was, from a friend of mine. But these pictures were just recent. He calls me up and says...well, he was the one that his son was bitten by the dog, and it was a number of years ago. Anyway, he's highly opposed to them. He just said, here guys, I just took these pictures. This guy walks down to Lydgate Park and circumvents around the place and does these things illegal. But the point he was trying to make was, you know, there is no enforcement mechanism that...and again, don't blame the police for that; they got a lot more important things to do than chase down dog and well, infractions.

Mr. Kouchi: Not a question, but since you're the second person to use the term arrest, you know Mr. Mukai said arrest somebody. I just want everybody to know, we're envisioning at least initially if you're in violation, you get a ticket, and we're not going to come out and arrest you and cuff you at this point as we're doing the evaluation.

Mr. Mickens: I do understand that, Ron. I do understand that. But even, you know, you're going to have to go down...

Mr. Kouchi: Yeah, but you're using an inflammatory word, if you understand that (inaudible).

Mr. Mickens: But that person's going to have to go down to court, right, and he gets a citation, and...

Mr. Kouchi: If you want to challenge it.

Mr. Mickens: Yeah, that's going to be very time consuming for people.

Mr. Kouchi: But if you are wrong and...

Council Chair Furfaro: If you don't challenge, you write a check and pay your fine.

Mr. Bynum: You got to go to court.

Mr. Mickens: Right, if you feel it's just, or like Ron said, if you want to protest it, I guess you have that right to do that. Right? Thank you.

WENDY RAEBECK: Good afternoon. I'm here with a heavy heart.

Mr. Bynum: Could you state your name for the record?

Ms. Raebeck: Wendy Raebeck. I feel like I've totally lost my sense of humor. Are we talking about tigers or dogs? I just don't understand. I feel so out of place. I feel like we're talking about dogs. Everybody loves dogs, and yet we're acting like somehow that dogs are like the public enemy number one. Probably more than any other person on Kaua'i I have walked those paths, way before...I'm not even reading my speech. But way before it was a dog path. And ever since...all the way through...we waited for a year for the bridges, over a year for the bridges to be completed. I'm a total advocate of exercise, dog walking, totally

advocated the path, and now, after the fact, it's being taken away from the very people that wanted it the most, the very people that use it the most. There's nobody out there. There's nobody out there now. I stood there a couple of times just to see who goes by. It's 90 percent tourists. So we've what, cleared our coastlines of all the locals who used to spend their time there and made it a place for tourists? Well, since the path keeps changing its name, I think it should now be called the tourist recreation path, because one more...it's one more example of just local people being completely put second and having a really very important resource being taken away. So I'm going to read what I can of this in the time I have left. I have way too much to say, but I think we're falling into the trap of micromanagement, a bottomless pit. I think we need to prioritize the bigger and more important issues on this island and put our resources there. Dogs are allowed everywhere in the world. Everywhere in the entire western world people are completely accustomed to navigating sidewalks and paths where dogs are present. You would have to be living in a vacuum to believe it's unreasonable to share a public space with others, whether they're on bicycles, skateboards, wheelchairs, or leashes. Regarding Lydgate and the Mayor's presentation where he chose the most crowded day of the year, when the path is complete there will be less people on Lydgate, not more, because people will be using the entire path for recreation. I'd also like to suggest that the needs of Kaua'i island should not be compared at all to the city of Honolulu where there's no grounds at all for comparison. Regarding public safety, forcing dog walkers to walk on the roadways because we're forbidden on pedestrian paths is completely dangerous. At night there could be horrible accidents for pedestrians, dogs, and cars. If dogs are restricted to one stretch of the path, it will create extreme circumstances on that one stretch; there will be too many dogs on that portion, and it will not give a fair example of how it would be with dogs mixed in freely throughout. Can I have another minute?

Mr. Bynum: You may have another minute.

Ms. Raebeck: Okay, thanks. Let's see. I have so many points. Most of all, I think that when the path was created, dogs were an essential part of it, and I think that the time to consider whether dogs were to be put...allowed on the path was before the creation of the path and that we saw videos of dogs on the paths. We supported it. You can't make a path with a huge demographic as part of it, and then when it's completed, go you guys are out now. So that, I think, is critical, and I just think we need to consider dogs as creatures and as entitled beings to this island, as well as people, and right now there are really a lot of sad dogs. So thank you for listening. I really appreciate your efforts.

Mr. Bynum: Thank you very much. Any questions? Okay, thank you. Is there anyone else who would like to testify on this matter?

ROBERTA MCBRIDE: Good afternoon, Council. Roberta McBride. I'm in support of allowing dogs on the path north of Wailua River to Donkey Beach, the 18-month sunset clause, and the ordinance directing all dog owners to clean up after their dogs. Throughout the process of discussion and testimony regarding the proposed ordinance to allow leashed dogs on the path, there has been much compromise. And one of the results of all this process has been the setting of high standards for conduct of dog owners and their dogs while using the path, and I think that this is the way to go in order to create a quality experience on our new pathway for all of its users. So I urge Council to give the responsible law-abiding citizens of Kaua'i the opportunity to use the path legally with their dogs and prove that dog walking is an acceptable activity there. I also just had a comment. Mr. Asing's testimony, I think that we've already ceded access. We're just talking

about north of Wailua River and not using the Lydgate area. In regards to Mr. Martin's presentation, with the safety and liability factor, I think it was, number one was the dog bite liability, and nobody wants anybody to get bitten by a dog. But I'd like to point out that the...it's less than 0.1% statistic on that. That's all I have to say. Thank you.

Mr. Bynum: Okay. Any questions?

Ms. Yukimura: What exactly is the 0.1%?

Ms. McBride: As I understand it, the reported dog bites in our county is 0.1%...

Ms. Yukimura: Of?

Ms. McBride: Statistically.

Mr. Kouchi: For the average Kaua'i resident, right?

Ms. McBride: I would think so. And like I said before, nobody wants to have anybody be bitten.

Ms. Yukimura: Oh, okay.

Mr. Kouchi: I'll just say, as a politician, I have been bitten three times but have not reported any of the three incidents when I've been bitten. So I guess politicians have a higher rate. But we're out walking a lot in the neighborhoods or in other places than the average citizen.

Ms. Yukimura: We are approaching homes a lot of times.

Mr. Rapozo: I think there was an expert that testified a few meetings ago that made the statement that the majority of dog bites are not reported. So it's very difficult to get an accurate statistic on dog bites. That's just...and that came from I guess somebody certified.

Ms. McBride: I think my point being that we're not talking about 50 percent, 25 percent. It's a very low percentage.

Mr. Rapozo: Yeah, and I guess my point is that what is acceptable? We've already had three incidents since this bike path has been used, and that's three times by leashed dogs that did bite a pedestrian. So I think that's quite high, for me, but I'm just wondering what's that standard. At what point is it acceptable, and that is the number, I think, we just haven't received. We don't know. For me, one is if we can prevent a dog bite, I think we should.

Ms. McBride: And if safety being the number one liability, I think we also have to consider the statistics on bicycles, skateboards, people going at high speeds where people are walking. Nobody wants any of those accidents to happen either, but they do. Thank you.

Mr. Bynum: Thank you very much. Anyone else who would like to testify on this matter? Okay, we're approaching lunch, so we're at a decision point of whether we're going to break, and we need to break fairly soon. So let's see how this goes.

FROILAN GAGUSAN, JR.: My name is Junior Gagusan. I work for the County of Kaua'i, but I'm here on my own time. I'm taking time off from work. I spoke the last time about a month ago. I didn't get to tell you that since the bike path opened, I took that position and a lot of people don't realize how bad that bike path is in certain areas. There was four times that had poop on the path that I never took pictures of. Until last week there was poop on the path, and I left it there, because I not...I don't get paid to clean it up. I don't feel like I should clean it up, but I told my bosses about it. And then today, driving off the path to come back on the path, I ran over poop again and I dragged it on the path. That's an issue that the dog owners got to take up with the dog owners that are letting this happen, and there are loose dogs that are running around, because I work 6 a.m. to 2:30 p.m. on the bike path, Monday through Fridays. And the bike path is being used. A lot of exercisers do use it. There is a problem with bikers doing...that are going fast, because they go faster than I drive the cart, but the issue right now is the dogs. And I'm a dog owner, but if the dog owners that want the path have an issue, they got to take it with the dog owners that are, you know, irresponsible, and tell them, you know what, you guys are making it look bad for us. And you know, us as County workers, we got to deal with it, not these people. Who's going to clean it up? We're going to end up...we're going to probably be told by Bernard, you know what Junior, you guys got to go clean up the poop. I don't feel like... And there's no spigots around there to wash the path anyways. So what are we supposed to do? Carry a shovel and pick up poop, besides weedeating, mowing, you know, other things? So I'm just here to just give my opinion on why there is an issue about dogs on the path.

Mr. Bynum: Thank you.

Ms. Iseri-Carvalho: I know we had this discussion, and your union actually wrote in a letter opposing any dogs on the path, because I think you had brought that to the attention of your supervisors, as well as to your union. That in and of itself might lead to liability if you guys are imposed more burdens than what your contract requires. So that is an issue that we need to look at. When was the first date that you've been assigned to the bike path?

Mr. Gagusan: I can't remember when it opened, but I think was probably like almost three months ago now.

Ms. Iseri-Carvalho: Oh, okay. Have you...and this issue has been on the agenda at least for three months. Have you seen any change from the beginning of when you started work until after? Has it gone down as far as poop on the path? Has it gone up? Do you see more dogs?

Mr. Gagusan: It's less. I didn't see as much poop, but then there still is because I guess because this issue has been brought up, I guess less people are...I guess what is...tentative, or whatever that word is, to bring the dog on the path. But it still is a problem, and this one I ran over was fresh, so it must have been last night or something.

Ms. Iseri-Carvalho: And do you...I know you saw the poop, but do you see...you're saying you see dogs. Is it in the park area or do you see them on the actual path?

Mr. Gagusan: It's along the path. Like I had a co-worker with me, he said that he saw a dog, a loose dog, chasing some chickens near the swimming pool.

Ms. Iseri-Carvalho: Okay, I just wanted to see what your perception was, being that you're there every day.

Mr. Gagusan: Well, it's pretty much all over. Like the poops that I found was near...was between Otsuka's and Fujii Beach, mostly in that area.

Ms. Iseri-Carvalho: And then your shift ends at 2 o'clock?

Mr. Gagusan: 2:30 p.m.

Ms. Iseri-Carvalho: 2:30 p.m., and is there someone else that comes onto the path after 2:30 p.m.?

Mr. Gagusan: No.

Ms. Iseri-Carvalho: No?

Mr. Gagusan: Yeah, nobody.

Ms. Iseri-Carvalho: So the only time that we actually have workers on the path is from...you said 6:30 a.m.?

Mr. Gagusan: 6 a.m. to 2:30 p.m.

Ms. Iseri-Carvalho: 6 a.m. to 2:30 p.m. and then are you aware of any park rangers that are on that path during that period or after you have already... Okay, so we'll ask the Parks Director what the schedule is. Thank you. Thank you very much, appreciate you being here.

Mr. Bynum: I want to take a check. How many people left in the audience that wish to testify? Okay, that's too many for us to delay our lunch break, so we're going to have to recess this meeting until 1:40 p.m.

Ms. Yukimura: I just wanted to thank you for coming, I mean taking time off work. I think wanting to let us know what the situation is from the grassroots, literally.

Mr. Gagusan: Well, it's built up, because it happens in the park, and then like that incident with the pig head, that was me and another co-worker who pulled it out of the toilet. So stuff like that, we got to deal with that...you know, a lot of health issue stuff that we deal with.

Ms. Yukimura: Yeah, it's important we understand what you have to deal with, and it also appears that some of the poop at least could be from stray dogs, which are really hard to control. I mean we're not even talking about an irresponsible...well, maybe we are talking about an irresponsible owner.

Mr. Gagusan: Yeah, because there's the dog that's running around.

Ms. Yukimura: Yeah. Okay, thank you anyway.

Mr. Gagusan: Thank you.

Mr. Rapozo: Just one real quick question. So you're the only employee that is assigned to the bike path?

Mr. Gagusan: For now, yeah.

Mr. Rapozo: And that's your full-time position?

Mr. Gagusan: Yeah.

Mr. Rapozo: And 6 a.m. to 2:30 p.m. Monday...

Mr. Gagusan: Monday through Friday.

Mr. Rapozo: So on the weekends there's nobody?

Mr. Gagusan: Well, there's a guy. He just goes there to grab the cart, pick up the trash along the path, and then get back on the main truck to do the rest of the run.

Mr. Rapozo: So in your opinion, do you feel that's adequate to properly keep that... Now I'm thinking, if this bill passes you'll have dogs on the path. You feel it's adequate? And maybe it's the wrong to ask, but you're the guy on the line, you know what it takes.

Mr. Gagusan: What do you mean by adequate to...

Mr. Rapozo: Do you think one man is enough Monday through Friday, 6 a.m. to 2:30 p.m.?

Mr. Gagusan: Well, for now, I think one man is enough, but then when we get more jobs thrown at us, not even two guys going to be enough.

Mr. Rapozo: Yeah, thank you.

Ms. Iseri-Carvalho: The weekend person that comes onto the path, is that person assigned to pick up poop at this point, or...

Mr. Gagusan: None of us are.

Ms. Iseri-Carvalho: None of you guys.

Mr. Gagusan: Yup. It's not in our job description. But we carry it on us when we weedeat it.

Ms. Iseri-Carvalho: So that weekend person does the exact same thing that you do?

Mr. Gagusan: Yeah.

Ms. Iseri-Carvalho: But he doesn't work during entire length of time?

Mr. Gagusan: No, no, no, because he has 8 hours to do the whole entire district.

Ms. Iseri-Carvalho: Eight hours to do the whole district.

Mr. Gagusan: Yeah.

Ms. Iseri-Carvalho: So when you work Monday through Friday, the 8 hours is only on the path?

Mr. Gagusan: Yeah.

Ms. Iseri-Carvalho: Okay, and then the weekend worker comes out and he has the whole district to do, including the path.

Mr. Gagusan: Yes.

Ms. Iseri-Carvalho: And that's only one person. Is there someone else?

Mr. Gagusan: One person.

Ms. Iseri-Carvalho: One person. Alright.

Mr. Kouchi: Not a question for Junior. I just wanted to repeat that although we had sent a memo out indicating that we're going to do the Real Property Tax Workshop at 1:30 p.m., we are not going to convene the Committee of the Whole until we conclude with this item that's in the...or items in the Parks Committee. So when we do come back, Mr. Bynum will continue, and I just want to say that as you've heard Junior express some of the rights that he has in his contract as an employee, the lunch break is a function of the collective bargaining rights of the employees who are sitting around the room, and we need to honor their contract and you know, the provisions that their contract has for them. And that's the reason why we're taking the lunch break at this point.

Mr. Bynum: We'll reconvene at 1:40 p.m.

There being no objections, the meeting was recessed at 12:40 p.m. The meeting reconvened at 1:50 p.m., and proceeded as follows:

Bruce Pleas: First on all three ordinances, we have the definitions. We have three different headings for the definitions. I addressed the one that I was really concerned about last time. But I'd really like to see an amendment to bring 2266 and 2267 to the same wording as 2265, which I think is a better wording. Actually, I think 2267 has...after definitions has no wording. So, I think it would be good to bring all those together.

On 2265, we have two amendments. One has a small area, one has a large area. It's up to your discretion where it can go. I really have no feeling on that. One goes through Kapa'a Town and one does not. So, as a trial area, I think that's...either one's acceptable because they will show what's happening. In the amendment by Councilmember Carvalho, we have a lot more restrictive conditions on it, which can either be good or bad. On (E) it says, "Pick up and dispose of any and all feces left by the dog." I would add "in a designated container" because that means the feces could be put in a regular trash can and if we're going to start separating our recyclables that aren't put in the recycle bin, you're going to be wading through that and Public Works will not be very happy nor the recycling people. Also (I), "Ensure the dog shall not be 'in heat' and must be free of communicable diseases (i.e., rabies) and parasites (i.e., fleas and ticks)." Ticks are

appropriate, but hard, but fleas are pretty strict. I can't see who's... and who's going to check if somebody's in violation for having a flea on their dog and they would get fined a \$100. I'm kind of quizzical on that.

On 2266, the only one I had was the definition and the amendment is fine.

On 2267, Section 22-18.3 Regulation on Dogs, this is section (A). It states (five sentences down), "Parks that are designated for family use, picnic grounds and sports activities shall not be designated as dog parks." Now if we're proposing to put one right in Wailua, that is a family-use, picnic ground and sports activities. So, I believe this should be deleted or we're going to have to enforce this, and that means a lot of the parks are ineligible for dog parks. In other words, we'll go ahead and have to buy separate plans or set aside separate plans that are not already used as parks for use as a dog park. So, it's up to you whether you want to keep it or delete it, but I see that as a problem. The next sentence, "The Director shall post appropriate signs and notify the public of such designation which shall consist of a map that delineates the dog park area." I mentioned this last time. Dogs can't read. I downloaded real quickly this morning some information on dog parks. I believe this sentence should be...what we should do is have a dog park should meet American Kennel Association standards or some standards that are set so that we have in the legislation a definition of what a dog park is instead of something that just can be interpreted broadly because I believe they have to have fencing of certain types and all that. Thank you.

Mr. Bynum: Thank you, Bruce.

DR. BECKY RHOADES: Aloha, Council, and good afternoon.

Councilmembers: Aloha.

Dr. Rhoades: Thank you for allowing me to testify. I'd first like to thank you all for the many meetings and the amount of, the great amount of time taken to these efforts to create more dog-friendly areas on Kaua'i. And I think I applaud Mayor Asing for the introduction of a dog park as well as looking at how we might create a dog area on a beach on Kaua'i. Our position at the Kaua'i Humane Society is pretty much the same as it's been all along, that we would like to see a trial period to allow the privilege of responsible dog walking on the path for a minimum of a year and we would like as much access as possible. We have agreed that, with the compromise to stay out of Lydgate Park and we have agreed with that. But we would like as much area to be able to show responsible and managed responsible dog-walking as possible on the path and that's our position and has been our position. Thank you very much.

Mr. Bynum: Thank you.

PAUL NISHIMOTO: Hi, my name is Paul Nishimoto, Supervisor for the Parks on the Eastside. There are a lot of my men that work on the bike path and the parks on the Eastside. You know, they get a lot of problems with that because of the, you know, the things they don't want to pick up. They don't want to pick up dog poop. Because even when I was foreman for the beautification of over there, before they even finished cleaning up the...finished the bike path on the Keālia side, somebody left a dead goat on the bike path. So, we just started there. Good thing we had somebody in our truck that has a strong stomach. He just bagged it up and put it away. I said... Then afterwards now, the Keālia Kai bathroom, not too long ago, somebody put a dead pig, the head and the tail with all the guts

sticking out. We have pictures down the baseyard. And I go fishing down from Wailua to past Keālia. I see dogs running all over the place. Dogs don't usually shit on the bike path. What they do, they do it right on the side of it and you cannot see it when you weedeating and you have your goggles on. So, it kind of splashes on you, on yourself and you don't know it until you smell it. So, please think about the workers that work on the bike path. Thank you.

Ms. Yukimura: Mr. Nishimoto?

Mr. Nishimoto: Yes.

Ms. Yukimura: Thank you very much for coming forward. Have you discussed this with your Director and supervisors as to how...

Mr. Nishimoto: No.

Ms. Yukimura: No?

Mr. Nishimoto: Because I just took time off. They said if you want to testify and, you know, I don't want to talk in front a mike because I get hard time.

Ms. Yukimura: Well, you did very well. You're doing very well. But, I mean, if it's a problem at work, I mean it needs a solution.

Mr. Nishimoto: Yeah.

Ms. Yukimura: So, and I...even if the dogs aren't allowed to walk on the path, the stray dogs will still create this problem I guess.

Mr. Nishimoto: Yeah.

Ms. Yukimura: Yeah. So, it seems like it needs to be a problem solved by the Parks Department.

Mr. Nishimoto: No, it's a problem, to me, by the Council. If you guys approve it, then, you know, everybody going get mad. Then we call you guys to clean it up. Right?

Ms. Yukimura: Well, I think we're willing to do our share.

Mr. Nishimoto: Okay.

Ms. Yukimura: But, but it's still a daily issue for your workers, right?

Mr. Nishimoto: Yeah, right.

Ms. Yukimura: And it needs, and even if we wouldn't pass this law, there's still the issue of stray dogs creating problems.

Mr. Nishimoto: Right, but you don't see too many stray dogs. I don't see too many stray dogs on the path.

Ms. Yukimura: Right.

Mr. Nishimoto: I see people walking usually after hours when I go fishing. I see them walking on the path and then I'm walking down the trail and, you know, it's not on the path. The doo-doo is on the side of the path usually.

Ms. Yukimura: But is that from dogs being walked on the path or is it from...

Mr. Nishimoto: I don't know because I didn't see it.

Ms. Yukimura: Right, right.

Mr. Nishimoto: Yeah.

Ms. Yukimura: Right. So you might, there's a possibility that even if dogs aren't allowed to walk on the path, you might still have that problem if it's being caused by stray dogs.

Mr. Nishimoto: Yeah.

Ms. Yukimura: So, it seems like there needs to be some solution. I mean I think, you know, it is a plight of the workers that needs to be addressed. So, that's why I asked the question.

Mr. Nishimoto: Yeah, we can work it out with the union or something like that.

Ms. Yukimura: Well, I think you should try first with whoever is above you and the Parks Director. I mean they need to...it's a problem that's affecting the workers.

Mr. Nishimoto: Yeah.

Ms. Yukimura: Yeah, but thank you for coming today.

Mr. Nishimoto: Okay, thank you. Any more questions?

Mr. Rapozo: I just, your supervisors, everybody knows about that, I mean, they work there, right?

Mr. Nishimoto: Yeah.

Mr. Rapozo: And I would argue that the Administration, the Parks Director did recommend a solution and it was to not allow dogs on the path.

Mr. Nishimoto: Yeah.

Mr. Rapozo: So, it's not that they haven't done anything. Their recommendation, as well as the Advisory Committee, is to not allow dogs on the path. So, they did and it may be not something you agree with, but that's what their recommendation was.

Ms. Yukimura: And the problem may still exist even if dogs aren't allowed on the path.

Mr. Rapozo: Right.

Mr. Nishimoto: Yeah.

Mr. Rapozo: Right.

Ms. Yukimura: Okay, so...

Mr. Nishimoto: You look at it right now. You get signs all over the place that says no animals allowed in park area, but they...you see animals running all over the place.

Ms. Yukimura: Well, that's another...

Mr. Nishimoto: ...and it's not leashed.

Ms. Yukimura: And that's another thing for the Administration of the Parks that is, that should be addressed, right, because it's Parks' kuleana, right?

Mr. Nishimoto: Yeah.

Ms. Yukimura: So, I mean, so what is the solution, I guess?

Mr. Nishimoto: No dogs on the dog path.

Mr. Rapozo: Bike path.

Mr. Nishimoto: Bike path.

Ms. Yukimura: But you...

Mr. Nishimoto: But what kind of path you call it anyway?

Ms. Yukimura: But you said that even where there aren't paths, there's problems with dogs in the parks.

Mr. Nishimoto: Because, you know, when you first, folks first came out, it was a bike path and a walk path and multi-purpose path. So, what, what is the, what's going to be the real meaning now?

Ms. Yukimura: From what I can tell, it looks like a multi-use path.

Mr. Nishimoto: Okay, thank you.

Ms. Yukimura: Thank you.

Mr. Bynum: Thank you.

Ms. Iseri-Carvalho: Mr. Chair, is the Administration returning back?

Ms. Yukimura: I hope so.

Mr. Bynum: I hope. I...

Council Chair Furfaro: We sent a call over to them.

Ms. Iseri-Carvalho: Okay, I just wanted to check because I've got some questions for the Administration.

Council Chair Furfaro: Could we verify that, please?

Ms. Yukimura: Me too.

Mr. Bynum: As do I.

Ms. Yukimura: Okay, good.

COWBOY MOLINA: My name is Cowboy Molina and you know I only come when the community start talking junk, but anyway. There's couple issues people talking about. They talking about raising the dog taxes to compensate for whatever they going do down at the path, if that's what's happening. I really don't know what's happening, but that was the feedback that people talking about. So, they saying if that going happen, that, okay, how were they going decide? People don't use the dogs on the dog path but they going be paying for that. That was one of the issues people was talking about. And I kind of laughed because most of the hunters said they no even go down the dog path, so why they should be paying for them going down the dog path that's why I laughing, but...I cannot (inaudible). The other thing is like today I was in this meeting and the Mayor made up this thing over there, kind of compromising and what going on. It looked like kind of like a plan, but all these other people said no to 'em. So, you know, like get all these groups of guys that doing the research, doing the homework, doing their stuff said no, no, no, no. So, I cannot see if you get guys doing their homework, doing their thing saying no, and people going say, oh yeah. You know? If you get 80% of the people saying no and 20% saying yeah, majority would be that, would be no, right? But, I mean I just was here listening to what going on as I always like talk at the end so I kind of feel out the whole situation what going on. But if the taxes not going up, I think the hunters going be happy. But as far as the path, that the horsemanship committee, they was talking about that. If the dogs going be walking, they want to walk their horses. They can pick up the poop just as bad as the guys can pick up their poop for the dogs. So, we like know what going happen. If they going pass the dogs that means the horse guys going be right behind coming with their horses. So, if that going pass and the horses going start coming, I hope you guys going be giving the yeah vote to the horses as you guys giving the dogs because the horse people...I own horses. We like ride the road and we was denied in the beginning. We wanted to take Donkey Beach backside on the side only for ride the horses, right? And they said no. So, now you guys making the whole path for the dog users or animal lovers use 'em. Horses is animal lovers. My granddaughter get one pig as one animal lover. You know, and the kids get the goats as animal lover. They going start walking goats, pigs, everything. Everybody willing to pick up the poop, but who going get the liability of the guys walking all through that place, you know? So this opening up a big can of worms to me, I think. I mean and from what I hearing from everybody outside, because they cannot take off and come to these things here and I hate coming but I gotta come and voice what the people saying, but that is what we hearing and what we voicing. Before things happen and the dogs get the okay to go that means the horses should get the okay to come right after.

Ms. Yukimura: No.

Mr. Molina: You know? Because that is, that's what they're saying. I mean, if the dogs can go, the horses going be coming because you guys open it up for animal lovers, four-legged animals, everybody saying four-legged animals would come under four-legged animals.

Ms. Yukimura: We have to look at the impacts, yeah? The horses are a little bigger.

Mr. Molina: Awww. So the dogs and the pigs can go though. I mean, the goats and the pigs going be able to come. They're small.

Ms. Yukimura: No...the...I guess we could consider that if somebody wanted us to amend the bill, yeah. But thank you.

Mr. Molina: Okay, I just saying you guys open it up to one big thing because I know the horse guys going be really going at it. I know that. Because right now they talking about 'em. They saying once the dogs go, we going start coming with our horses.

Mr. Bynum: Thanks, Mr. Molina. Any questions?
Councilmember Rapozo.

Mr. Rapozo: Cowboy, how many people you represent? How many...I mean, how many people have you spoken to that's in opposition of dogs on the path?

Mr. Molina: Ho, couple hundred. I'd say at least more than hundred because you figure only hunters alone we get two thousand something hunters and...

Mr. Rapozo: But personally that have discussed this with you and...

Mr. Molina: Oh yeah, more than that because our meetings...like I go all around and people always calling me, eh, Cowboy, what about this, what about that, that's why I'm here. Because if I only get two, three guys calling, I not coming. But if I get one whole bunch, at least 1200, around there calling, I coming.

Ms. Yukimura: You better run for Council.

Mr. Molina: I should have, but... Anything else?

Ms. Yukimura: I have a question.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Yeah. I just want to clear it up. Correct me if I'm wrong, but there's no proposal before us right now to raise...

Mr. Molina: Okay, that's what the boys was talking...as like I said I hear what they talking. I just bringing what...

Ms. Yukimura: Well, there's a lot of rumors always on this island.

Mr. Molina: Because they said they thought they heard 'em at one of these meetings that they said they was going raise the dog taxes too.

Ms. Yukimura: I think people...

Ms. Iseri-Carvalho: There was.

Ms. Yukimura: ...made suggestions, you know. But...they've been made, suggestions have been made, but there's not any...

Mr. Molina: Oh, okay, okay, because (inaudible). Like I said, I only hear what they telling me and I bringing 'em back to you guys.

Ms. Yukimura: Right, so you can help us maybe get it back to them?

Mr. Molina: Oh, no problem.

Ms. Yukimura: Yeah. That...

Mr. Molina: But that was their big concern because like they said, the hunters kind of saying that eh, we going pay taxes for them maintain over there. What about what we do in the mountain? They not maintaining there, so.

Ms. Yukimura: Right.

Mr. Molina: Some ideas came out that if they going do that, they should make like the guys that use 'em like one park, like you go to Yosemite Park, wherever, you guys pay for use the park. So if they going walk their dog, make one annual fee, one weekly fee, one whatever fee and if you guys get somebody maintaining the thing like you guys said you was going get somebody policing the area, have them cite the person there at the time, either they buy one weekly pass or they buy one monthly pass.

Ms. Yukimura: Well, you know, we'll...I mean that goes to then all users of the park use it, so you gotta...we're not going there. I don't think any of us are going there.

Mr. Molina: Oh, okay. I just saying what they say.

Ms. Yukimura: So, just if you can help us clear up that.

Mr. Molina: Yeah, no problem.

Mr. Bynum: Chairman Furfaro.

Council Chair Furfaro: Yes, Cowboy.

Mr. Molina: Yes.

Council Chair Furfaro: That discussion happened when I was Finance Chair and it was focused on the possibility of a second licensing procedure where people that registered their dogs would pay a fee to use the park, to use the path.

Mr. Molina: Oh, okay.

Council Chair Furfaro: It wasn't directed at the fact that...

Mr. Molina: Everybody would be...

Council Chair Furfaro: ...that the path would need to have the possibility of additional, you know, marshals and volunteers with cost. And that was a discussion, but there is nothing on the table.

Mr. Molina: Okay.

Council Chair Furfaro: But it was directed as a tier. You get licensed and maybe you pay an additional fee to register your animal for the, you know, for the privilege.

Mr. Molina: Okay, okay.

Council Chair Furfaro: But there was that discussion and I'm sure we can depend on you to clarify that.

Mr. Molina: No problem.

Council Chair Furfaro: It was a tier program.

Mr. Molina: No problem. It's just that, that's why I was laughing because they was going off on that. At the meeting they was saying, oh, what about that. I said, I don't know that's what you guys heard, I going bring 'em back up. Like I said, whatever I hear from them, I always come back and find out what really going on.

Council Chair Furfaro: Well, the discussion was about a way to get your animals like certified with some type of training, there might be an additional fee, things of that nature. And I think at that time the Humane Society was willing to kōkua.

Mr. Molina: Okay, okay. Okay, but just like I said, I just bringing back what the people tell me and I tell, okay, I don't know, whatever, but I going find out when I go in there.

Council Chair Furfaro: No, no, it's very important to have, you know, good information. It was like earlier Mr. Rosa and, you know, I share with you this information so that we understand. People need good information. These parcels were committed to the County when not many of us were on the Council. And when they were conveyed, they were conveyed as park pieces, whether it was from the DHNL (sic), whether it was from Hughes, whether it was from McCloskey, different pieces. Now, when that deed was transferred, it was transferred to the Parks Department, and perhaps at that time people did not realize that a key component of this was being missed and that was these people had use of that Amfac old sugar cane road and so forth, but it wasn't incorporated as an item in the plan. And therefore, it took many people in the community by surprise, and thus, what we're talking about here is an opportunity, only an opportunity, for responsible dog owners to be able to prove that they can be responsible. But that was an oversight that we're trying to, you know, find some middle ground now. Thank you, Cowboy.

Mr. Molina: Okay. Anything else?

Mr. Bynum: Okay, thank you very much.

Ms. Iseri-Carvalho: Thank you.

Mr. Molina: Okay, thank you, guys.

Ms. Yukimura: Thank you.

Mr. Bynum: Is there anyone else that wishes to testify? Okay.

Ms. Iseri-Carvalho: (Inaudible) Mr. Rosa.

Mr. Bynum: I'm sorry, Mr. Rosa.

Mr. Rosa: Good afternoon, members of the Council. For the record my name's Joe Rosa. Again, JoAnn, I hear that word select group and you asking for solutions. How can you solve the thing, you asking Mr. Molina there. You know, you have always tried to put the burden on the people who come up and speak their piece and give their opinion. Think about it, you said it, and people heard it. You can hear it on the tape Friday night. You always ask how can we solve it in harmony. Like I always tell you, JoAnn, you have never come up with something equivalent or something better that can work out. Now, your select group if you're gonna give it to what you intend the way it sounds, you intending, your intentions are, as I say you gonna be discriminating against the horse people like Mr. Kaneshiro. He's a horseman and he has his group. He has his horse people. The thing is to solve the solution is as the law states no animals period. It solves the solution, it solves the problem. If there's no dogs, there's no problem. And with the dog park going to be a reality, those dog people can take their dogs in it. And like I stress in one of my letters that in Honolulu and I've seen it on the animal TV show, dog parks are better than a path. It's much better because the dogs can run around freely whilst on a path they walking with a leash around their neck, and it's much healthier for them to use the dog park. And of all the things too, this path was made strictly for a sort of transportation when it started out. It has turned out to be something of recreation. And, you know, those are the things. I look at it and I think about it, like they always say I'm the historian, but those are simple reasons that as the law says no animals in parks. So just let it be and let these people with the dogs go to the dog park. Like I mentioned before my first time, Keālia Park unused, only for rodeos. How often you got a rodeo? You got Ornellas Park at Kapahi. I pass there, the pangola grass is knee-high sometimes. You got now the Wailua Homestead Park, which Kaipō is introducing. There's numerous parks they can use. Go ask the people at Puhi, that Puhi Park fronting KCC. Some people tell me they see me on TV. Ho, the people, they dogs do their thing and nobody go pick it up. You tell them about it, they tell you mind your own business. I got that from some of the residents there. Also in the inner park, we have the slides and swings. The same thing is happening. Yet, people don't listen to the laws when it says no animals. And yet, you people want to open a can of worms. The Humane Society, they come up here and they stress about they would do the enforcement. Where they going to get the funding? That's when the raising of the dog fees came up.

Mr. Bynum: Three minutes, Mr. Rosa.

Mr. Rosa: Okay, but at least I had my share. I had a little bit more to say. So, I leave you with these things in your minds. Don't pass it because they're gonna have their parks. Let it be. And you know, Mr. Bynum, you're a park

enthusiast, so we got a park there. Let it stand as a park, pathway park because you all with (inaudible) and Lydgate Park, so the dogs will have their parks. Let it be (inaudible) and let your conscience be your guide. I know this is an election year, everybody looking for votes. JoAnn has her constituents, but people will look at the opposite side also.

Mr. Bynum: Thank you, Mr. Rosa.

Mr. Rosa: Thank you.

Mr. Bynum: Bruce.

Council Chair Furfaro: He's called you, Bruce.

Mr. Bynum: Mr. Pleas.

Mr. Pleas: Bruce Pleas for the record. If you do pass these enforcements, the integral part of what you pass, and as you heard from the workers down at the bike path, they are undermanned at this point. So, we need to look at getting more people there if you pass this. I mean, if you pass legislation, you have to have somebody there to enforce what this is. I believe the paper...oh, yeah, in the last...I didn't get to go to the amendment on 2267 by Councilman Kouchi. It looks fine with me, but my concerns were with parts of Part A. I handed out three papers to you. The one is basically a website with links to it that has information. The next one is a separate dog park plan. And since I don't have a copy of it, I don't really remember what the third one was because I downloaded those three minutes before I came here because I wanted at least to have some information for you on that. But that's what those are. I think that first one had some, you know, pretty good links. Because if we do a dog park legislation, we need to specify what the dog parks is gonna be like because basically as I see in this the way I interpret it, it's just, you know, designation on a piece of paper. We need to have dog parks to a certain criteria, you know. I'm sure they're across the board nationally and that should be in the legislation. Thank you.

Mr. Bynum: Thank you. Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: And that is what we need to, at least for me, my purpose, to have the Administration back as to how, should any of the bill pass or the amendments, how will enforcement occur? I believe at a prior meeting, Councilmember Kouchi had stated his position that they would not be utilizing additional County staff or County police officers in order to enforce any additional provisions to allow dogs on the path. So, I haven't seen a proposal yet and we'll have the Administration back and find out what their plan is and how they expect to provide coverage. I actually only found out today, because it was my belief that when we had been discussing things earlier that there was coverage for the path during the entire that it was open, which means until it gets dark, which is what the law says currently about County parks, that there would be some coverage, and it appears that from 2:30 p.m. on we're not getting any. So, we need to address that block of time because most of the people that walk will probably do it after work. And if they know that there aren't going to be any person there, I'm sure we're gonna see a lot more different kinds of violations. You know, there are certain rules and amendments that you've seen. So, definitely, we'll ask the Administration what their plan is as far as their enforcement plan because I know that was one of the conditions to allow dogs on the path.

Mr. Pleas: Yeah, and I would believe that the Public Workers are not enforcement people. It's probably not in their job description either.

Ms. Iseri-Carvalho: Right or the park rangers, park rangers.

Mr. Pleas: And we've had discussions before about how stretched they are on what they...I believe there's three a least, maybe four now, but...

Ms. Iseri-Carvalho: Mm-hm.

Mr. Pleas: You know, and that's hard to patrol the whole island with that few people.

Mr. Bynum: Okay, thank you. Ms. Dowling.

Ms. Dowling: Lilly Dowling here. I just want to say a few things. I would venture to say that if you allow this, the more responsible dog owners on the path, the better it is for everyone because as a responsible dog owner, myself, that section from Otsuka to Keālia, my dog and I have picked up stray dog poop for at least a year and a half or more happily. And it will, that period time 2:30 p.m. to whenever, that also helps too because responsible dog owners would be able to inspire and monitor irresponsible dog owners. I just think all in all, it would be really good for us to be on the path. Thank you.

Mr. Bynum: Mr. Molina or Mickens.

Mr. Mickens: You're close. For the record Glenn Mickens. Tim, maybe you can answer this question. It's come up so many times about animals on the path. If this ordinance were passed, which I obviously am opposed to, does that mean all animals can use the path? I mean, are you differentiate between a horse because it's big or a pig or a goat or whatever? What, what's...

Mr. Bynum: The ordinance says dogs.

Mr. Mickens: But a dog is an animal, right?

Mr. Bynum: Right and among all of the animals, this ordinance allows dogs.

Mr. Mickens: So the sign says no animals in parks now. So, you're saying now they're gonna change that to dogs allowed in the park but not other animals? Is that...

Mr. Bynum: No, dogs would not be allowed in the park. They'd be allowed on the shared use path system which the ordinance defines.

Mr. Mickens: Okay.

Mr. Bynum: So, and the path does pass through portions of a park, but it would not allow a person to go into other portions of that park.

Mr. Mickens: Okay. So, horse owners won't have the right to come back and say, I've got an animal. You just passed a law. Are you gonna discriminate against my horse now because you're gonna allow a dog? Is that stretching it, or I mean...is this a matter of law?

Mr. Bynum: The ordinance says dogs.

Ms. Yukimura: May I?

Mr. Bynum: Yes.

Ms. Yukimura: Mr. Mickens, the...whenever we consider any (inaudible), we have to look at what the impacts, the specific impacts would be based on size, characteristics and so forth. So, if there's a proposal for horses, we would have to review it in that way. And I think there was early on discussions about horses and how they don't quite fit given the size of the pathway and the potential problems of intermixing with all the other uses on the pathway. But that would be separate analysis and that would be a separate, if there's any such proposal, and we haven't gotten any.

Mr. Mickens: So, under the law then, you can go ahead and pass an ordinance that says dogs are permitted on the path only. That's the only animal...

Ms. Yukimura: Not only that they're permitted on the path, but only certain portions of the path and only under certain conditions. That's what the proposal is here.

Mr. Mickens: Okay, but okay. Just for, you know, you had all these equestrian people here and I'm just curious about what those people are thinking when they're watching this show and they're at this time saying no, we can't use that area any more.

Ms. Yukimura: Well, so, I hope I clarified it. If there's a proposal, then we have to evaluate whether it's a reasonable proposal, whether it can work, and you know, given...

Mr. Mickens: Sure.

Ms. Yukimura: Okay, so that's where, hopefully everybody understands that.

Mr. Mickens: Okay, thanks, JoAnn.

Ms. Yukimura: Thank you.

Mr. Bynum: Thank you. Mr. Molina.

Mr. Molina: Hi, my name's Cowboy Molina. You guys (inaudible). But anyway, I just walking downstairs, my phone had ring and the guys was saying, eh, you know what? What about the people like the kids, like see in this family, they walk on that thing there. His daughter is scared of dogs. He said right now, they walking on the path, get dogs (inaudible) to the sides and all. If you guys going make 'em legal for dogs to be going, what going happen to people like him, they shell shock already and that's the only place they walking against the

beach right now walking because that's where his family walk on that beach since you guys made the path there? They been using, they were using before the path, behind the old road and all because they live in Keālia. They've been walking up and down that road from way back when, and like his daughter is kind of shell shock from animals, so what? That's why he just had called and said, eh, what about my daughter walking now the dogs going be coming around? You know how scared she stay already. What going to happen about that? I tell, well, you know what, I going run upstairs and see what going happen. So, that's why I'm back right now, but that was the reason why. He's kind of concerned about that. They using the path now, I mean, they walking. But ever get this, she get nervous of dogs and animals. So what about people like that, how you guys going deal on people like that, you know?

Mr. Rapozo: Tell them find someplace else to walk.

Ms. Yukimura: Well, that's...

Mr. Molina: Okay.

Mr. Rapozo: I mean, really, that's the reality of it because they have and that's why I asked the question this morning. At what level is a, is an injury? Is a traumatized child, is that an injury? I believe it is and, you know, we do get the calls from the people that are deathly afraid of dogs and you basically take away that asset from them in a case like that. I mean, you just heard the call. It's the same thing. So, you know, it's that balance. Where is that balance? And that is the question, and you know, it seems like we're putting more emphasis on what about the dogs, what about the...and I'm saying, what about the little kids? What about the keiki in the stroller? Or the two-year-old that's trying to walk on the path and that is, or three-year-old that's afraid of a dog? That's...we got to take them into consideration as well, and you know...

Mr. Molina: I think that is the main thing because in the community...

Mr. Rapozo: It is. In my mind it is.

Mr. Molina: Well, I mean...people calling me up and telling me that and that's why I had to run back up and tell you guys like I said. But...

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Thank you for raising the question. And in the compromise that you mentioned from Mayor Asing, there would be a portion that would be not allowed, that would not allow dogs, so that that young child can walk...

Mr. Molina: With them.

Ms. Yukimura: ...on that stretch without it and also at Lydgate Park. And that's the compromise that all, each interest would have some place to walk.

Mr. Molina: Okay.

Ms. Yukimura: Right?

Mr. Molina: Right.

Ms. Yukimura: I mean, that's the nature of a compromise.

Mr. Molina: Yeah.

Ms. Yukimura: So everybody would be able to use the multi-use path...

Mr. Molina: The path.

Ms. Yukimura: But different portions of it, so there wouldn't be the conflict.

Mr. Molina: Okay. (Inaudible.)

Ms. Yukimura: Thank you for asking us. That's a good question.

Mr. Molina: Thank you.

Mr. Bynum: Okay, I don't see anyone else. That's the end of the testimony. Mr. Rosa, you had your two times. Mr. Rosa. No. Mr. Rosa, no, thank you.

Mr. Rapozo: Was the Administration coming back? Did we get word.

Mr. Bynum: I just got word that the Mayor was coming but Bernard was not, and I really want to talk to...

Mr. Rapozo: I need the Parks Department here or I'm going to be asking for a deferral.

Mr. Bynum: I concur.

Mr. Kouchi: I think that we have the Housing Department here. The Real Property Task Force review is going to be rather lengthy and so I think that while you're waiting for people to show up from the departments to address these three bills, that we should go to the Finance Committee and, you know, at least deal with the Housing audit portion, you know, and continue to use our time in a productive way, but I certainly would like to wait and see if somebody will show up before discussing...or I guess not discussing, but voting yes or no on a motion to defer.

Mr. Bynum: I...let me entertain the Committee's feeling about...I believe two of these bills we can deal with without serious problems. So is there any reason we couldn't do 2266 and 2267?

Mr. Rapozo: I have a comment.

Mr. Bynum: Councilmember Rapozo.

Mr. Rapozo: I would suggest a very quick recess or if the, if our staff can find out...I don't know if Bernard cannot be here, then he has a Deputy. When we go through this routine every Wednesday and it's frustrating. He was

here all morning. Everybody knew this was gonna be on the agenda. Everybody knew this was gonna be an issue that would require a lot of discussion. If Bernard cannot be here, then let's get his Deputy here. I have some serious questions about maintenance and enforcement and those...that's our right to get those answers. And I don't think...I mean, can we...did the staff find out when they're coming, or...Because it's not fair for the people here as well that are waiting...

Mr. Bynum: Councilman Furfaro.

Mr. Rapozo: Let me finish. I just want to say it's not fair for these people who are here to have to take a break and go listen to some audit stuff and some housing stuff and then wait at...When we're ready to come back, I mean, if Parks is not gonna be here, then I'm gonna enter...I'm gonna make a motion to defer and let's get it done, but to sit here and wait? I think that's ridiculous.

Council Chair Furfaro: Mr. Rapozo, would you entertain the possibility that Mr. Bynum puts his Committee in recess and we go with Mr. Kouchi's suggestion to address the three staff members here from Housing. It may take us about 20 minutes to go through their audit report at most and we'll send out another urgent call to the Parks Department.

Mr. Rapozo: For me, I'm here until the end. So, it doesn't matter what item we take up next. I'm concerned about the people in the audience that's, that probably have places to go and I don't want them waiting, and the 20 minutes may turn into 40, may turn into 60, and all of a sudden they have to leave, so it's a simple question. When will Parks be here? It's that simple. If they can't be here, then let's defer it.

Ms. Iseri-Carvalho: Can we just take a five-minute recess?

Mr. Bynum: Five-minute recess.

There being no objections, the meeting was recessed at 2:29 p.m. The meeting reconvened at 2:36 p.m., and proceeded as follows:

There being no objections, the rules were suspended.

Mr. Bynum: Hello, Bernard.

BERNARD CARVALHO, Director, Parks and Recreation Department: Good afternoon. Bernard Carvalho, Director of Parks and Recreation.

Mr. Bynum: Committee members have questions for Bernard?

Mr. Rapozo: Thank you, Bernard. I guess let me just start by saying... I know you were here when the Mayor made his presentation, and I guess the first question, is that the recommendation of the Parks Department?

Mr. Carvalho: You...Mayor Asing? Yes, we met with Mayor Asing and his direction and his directive, yes, we're moving...we would recommend that...that package that he presented.

Mr. Rapozo: So that is the Parks Department... All three components.

Mr. Carvalho: The package, yes.

Mr. Rapozo: The park, the attempt to get a dog beach, as well as the...

Mr. Carvalho: Yeah.

Mr. Rapozo: The segment...the Otsuka to Keālia bridge. Okay. That is a different recommendation as the last time you were here.

Mr. Carvalho: The last time I was here.

Mr. Rapozo: I mean... During the Baptiste administration, it was always a recommendation of the administration to not allow dogs on the...

Mr. Carvalho: Okay. As far as Mayor Baptiste, my last conversation with him, yeah, was meeting with...we met with Becky Rhoades, and the Mayor's position was that we look at some conditions on the path. That was his last words—that we look at the conditions, and it's located in my report to you dated June 18, sorry. And in there, if you look on page 4, recommendations, what he wanted was a permitting process. So instead of there being a...instead of there being a qualification type process, screening process, sorry, we look at a permitting process, we look at leashes not more than 6 feet in length, which I see in the document, one dog per adult, and a sunset date of one year. That's the last...and I submitted that and I didn't have chance to discuss all of the...

Mr. Rapozo: Right.

Mr. Carvalho: ...issues. We also talked about what some of the challenges would be if we did that, whether it'd be additional staff, looking at ways to change work hours, how to make it work, and that was specific to the Lihi to Keālia. So that was the discussion.

Mr. Rapozo: Where in Keālia?

Mr. Carvalho: The...up until the end of the concrete path, so that would be near the tower. So that was his last discussion with me, Becky Rhoads...Becky Rhoades, myself, and him.

Mr. Rapozo: Okay, now having said that, currently, does your staffing, your resources with caretakers and park rangers, allow you to adequately service that change?

Mr. Carvalho: Okay. So as far as the utilization of the path, we do have the staffing to cover that leg of the entire path. It's... I don't have it in front of me. I know the hours are different, because they work in the morning till 2. We do not have coverage from 2 o'clock on, because that's their schedule. However, I have some information, because the Council working with Administration was able to pass 3 more park ranger positions, and we're happy with that, so we want to look at that. I have in my portfolio here a sample of the schedules and how I would utilize those positions to provide additional coverage, and I have that in preparation for this discussion. Now, you can look at it, talk about it, but if you're asking me if those additional coverage for this particular piece, after I met with Mayor Asing, he asked us, look into how you're going to cover this with what you have, what you're

going to have because we don't have the 3 positions yet, but we're thankful, because we're moving in the right direction. We needed 3 more. We put in for 6 and we got 3, so good.

Ms. Iseri-Carvalho: Wait, wait, wait, wait.

Mr. Rapozo: Hang on.

Ms. Iseri-Carvalho: You didn't put in for 6 to the Council; we gave you, okay.

Mr. Carvalho: I'm sorry. I'm sorry. Let me clarify that. Yes, Council gave us 3.

Mr. Rapozo: Okay, thank you very much.

Mr. Carvalho: Yes, you're correct. Yes.

Ms. Iseri-Carvalho: We.

Mr. Rapozo: Okay, because we put the positions.

Mr. Carvalho: Council, yes.

Mr. Rapozo: It did not come as a request.

Mr. Carvalho: Yes.

Mr. Rapozo: Okay, because that's a big difference. Because we saw the need, the Administration didn't.

Mr. Carvalho: Yes.

Mr. Rapozo: Okay.

Mr. Carvalho: Yes, clear.

Mr. Rapozo: Thank you for that clarification.

Mr. Carvalho: Yes.

Mr. Bynum: Can we... Excuse me, I'm sorry, may I interject on this?

Mr. Rapozo: Oh, you're the Chair.

Mr. Bynum: The budget request had 3 positions.

Mr. Carvalho: The budget request had 3 positions.

Mr. Bynum: Is that correct?

Mr. Carvalho: Yes, yes. In our request, we had the 3 positions. I'm sorry.

Mr. Bynum: So you initially discussed 6, but when the Administration's budget came over...

Mr. Carvalho: Yes. If you look at the budget, we did submit 3.

Mr. Bynum: And the Council supported it.

Mr. Carvalho: That's what I'm saying, Council supported the 3. But in our side of the fence, we put in for 6, and we submitted 3.

Mr. Furfaro: Okay. I think, Mr. Bynum, I think it's very important for everybody to understand. The Administration has two levels of budget review. They go in to the Administration, who may sharpen the pencil before it comes over to us. And so when you made that statement, Mr. Carvalho, you're referencing your initial first blush budget presented to the Administration, suggested 6. But what came to this Council and was approved by this Council body was 3.

Mr. Carvalho: Yes. Approved by Council.

Mr. Furfaro: Right, and that's what came to us.

Mr. Carvalho: Yes.

Mr. Bynum: Mr. Rapozo had the floor. Is this regarding the same issue?

Ms. Iseri-Carvalho: Yes, it is. That were park ranger positions.

Mr. Carvalho: Yes.

Ms. Iseri-Carvalho: But what we also did was for park caretakers. That is what the Council put in 3 new positions for park caretakers that did not come from the Administration; it came here. What you put in was for a conversion of the half-times to full-time.

Mr. Carvalho: Correct.

Ms. Iseri-Carvalho: We put in 3 new to cover east side, central, and that was Councilmember Rapozo and I that put in for central, east, and west. So you know, let's clarify here, that's what we're talking about, the caretakers.

Mr. Carvalho: Yes, that's correct. The 3 I'm talking about is park ranger positions.

Ms. Iseri-Carvalho: That's right.

Mr. Carvalho: You are correct, we converted the half-time to full-time so we could provide that additional coverage once the path was open, which, by the way, was open on February 14, 2008, officially. So prior to that it wasn't open. What our stance was to enforce the law, and the law was no dogs on path, like every other park on this island. It was...we didn't create it; it was there. We're willing to work...look at ways to be open. Yes, there's some safety issues. Yes, there's some issues with our police officers, and we want to support them, because they have valid reasons why they feel, and I feel too, but we need to see how we can work this and co-exist and make it work. Same like how our Mayor

now is trying to do, Mayor Asing. So we just trying to do that, and if it cannot work, then so be it. But at least we had come in here with the resources we needed to make it work.

Ms. Iseri-Carvalho: And I think basically that's what we, as far as all of us are, you know, we heard from the people that actually work on the path, their issues, and that was, you know, my concern about, you know, the union. I mean are we going to be in contract violations if we're adding an additional work service for these workers, which means we got to have, you know, additional workers. And has that issue been raised with the union officials?

Mr. Carvalho: I am really sad that I wasn't on it with that, because that's an issue to me.

Ms. Iseri-Carvalho: Right, that is an issue.

Mr. Carvalho: And I wasn't conscious of that. I need to get that settled, as far as that part. I know, and you can say, as much as you can have bags and you pick up the feces, you can do whatever you need to do, but it's going to happen. It happens as well in our parks, in various areas of the parks. So we need to look at it as an overall piece. Are we going to provide bags all over? You know, what? But let us look at it and figure it out...

Ms. Iseri-Carvalho: First.

Mr. Carvalho: Because we working on this leg right here, which is good, because it's a package that our Mayor now is proposing. And if it doesn't work, you know what, then it doesn't work.

Mr. Bynum: Okay. We moved from rangers to other issues, and Councilmember Rapozo had the floor.

Mr. Rapozo: Thank you very much. So Bernard, as of today, and that was my original question. After hearing one of the employees come up and testify, we don't have coverage from 2:30 p.m. on.

Mr. Carvalho: No.

Mr. Rapozo: Okay. And we don't have coverage, except for the one guy on the weekends that go with the cart to pick up trash. We don't have anybody dedicated to the path on weekends.

Mr. Carvalho: No, not in that.

Mr. Rapozo: Okay. Equipment, as far as...I know we purchased some carts or something.

Mr. Carvalho: This budget...great, we got additional carts. So now our guys can get on the path and do their work. We got additional supplies, equipment, which is great, and then we got the... Remember now, the park ranger piece is the piece that will help us cover that afternoon piece, and I'm hoping the Humane Society can come in and provide some positions as well, to get us on the same page.

Mr. Rapozo: And that was my next point, is what have...what kind of agreements that we, have we made with the Humane Society or any volunteer organization, because there's a lot of talk about that, that we're going to have volunteerism, and we're going to have park ambassadors, and we're going to have that... And yet on one of the emails I got from one of the constituents that had a discussion with the Humane Society, apparently was that the Humane Society didn't have the resources as well to provide that steady flow or that steady resource of enforcement. And I can specifically remember Mr. Kouchi saying that, you know, that was one of the issues. He would have to have assurance before even entertaining allowing dogs on the path, was the enforcement issue and that the enforcement was going to be done without the use of our police department.

Mr. Carvalho: That is correct.

Mr. Rapozo: Okay, and I guess as of this date, you don't have any agreements with Humane Society or any volunteer organization that would provide or fill that gap.

Mr. Carvalho: Nothing with the Humane Society. Volunteer organizations said they have a plan in place...

Mr. Rapozo: Yeah, and you know what, Bernard, I've been around too long to know...not long, as long as many of these others, but long enough to know that, you know, when...and I've been part of nonprofits most of my adult life. And you know, even in Pop Warner, you know, when they say, Mel, let's do the Spring Festival, yeah, we'll all help, and then spring festival show up, and you know what, it's that same people that's got to work 24 hours a day, because that's the way it is. You know, when the excitement is there and everybody wants to do the right thing, and all of a sudden other things pop up... The gateway is a good example. It started off a wonderful thing and some segments were taken cared of and some wasn't. So I'm...today I'm here because I want to know what is in place today. So if we pull the trigger today, we turn the key today, will we have the adequate maintenance, will we have the adequate security, will we have the adequate service? And Bernard, it's okay to say we're not ready right now. That's fine. That's fine. But to...I don't want to say we ready and we're not, because then it goes back to Mr. Furfaro's old saying, ready fire aim, and then you know, 6 months from now we're here because we got some grievances, because we got some workers that are forced to pick up dog poop on the bike path, and you know, things that we have an opportunity to do something right, and just let's do it right. And that's all I'm saying.

Mr. Carvalho: We not ready.

Mr. Rapozo: Thank you.

Mr. Carvalho: We need all the resources.

Mr. Rapozo: Thank you.

Ms. Iseri-Carvalho: You're the chair...

Mr. Bynum: Yes. Anybody, any other questions?

Ms. Iseri-Carvalho: Yes, I guess that was also the concern. I believe I had done an email communication with Councilmember Furfaro about being

assured that the plan was in place prior to the implementation of the ordinance. And I would like to see that dialogue with Humane Society and with the advisory committee. You know, these people serve as volunteers for these types of task forces or to give advice, and I know they do their due diligence and getting their constituents from, you know, speak to them or people they see in the community. You know, we had your supervisor come here and speak about the various positions, that they tried to cover all the bases, I guess, with the DOE, you know, addressing with the kids the other safety concerns, etc. So that was again one of the things that was brought up, and I think that with the passion that has been brought forward by the Humane Society that they possibly may have something already in place, I haven't seen it, but that should be something that should be passed on over to your department, so that you can review those with your advisory council, so that they can understand that if there's a shift in their position that we are listening to their concerns about not having dogs on the path that your person, your supervisor Mr. Martin, had testified earlier this morning to...that he had said that that was their position and were willing to put it in writing. But we can all agree on, you know, a compromise and work collaboratively with the workers, you know, with your staff, with the advisory council, with the Council, and with the Humane Society, so that there can be a win-win situation. So, definitely we would not want to implement...or in my opinion, pass an ordinance that does not have the enforcement provisions in place, because that was one of the concerns that were raised by the advisory council...I'm using it right, right? It's the advisory council.

Mr. Carvalho: Advisory Council.

Ms. Iseri-Carvalho: Okay, because there's also a group of the...made up of the administrative personnel that is independent.

Mr. Carvalho: Right.

Ms. Iseri-Carvalho: Alright. Thank you very much.

Mr. Bynum: Councilmember Furfaro.

Council Chair Furfaro: Yes. First of all, this is a hard adjustment. One week you're running the meeting, next week you're not running the meeting. So, I think Councilwoman Iseri is correct in referencing one of my emails, and I think it was extremely important, and I kind of led up to it earlier today. You know, whatever the outcome, we need to know that we kind of have a program to make sure that we're, you know, documenting concerns and needs to improve, and then we also have to have this period of time of dialogue that we measure our successes or not, you know. But I just want to, you know, revisit the fact that this Council has put in extra park maintenance people, this Council has put in extra park rangers, but we have been searching for that since February? The personnel for that?

Mr. Carvalho: I'm sorry. For the park ranger?

Council Chair Furfaro: Yes.

Mr. Carvalho: That was July 1.

Council Chair Furfaro: Yes, I know that's when it starts. Listen to the question again, Mr. Carvalho. But we've started the search with Personnel since February, or we just started the search now?

Mr. Carvalho: No, no, no. We started prior to that, getting all the job descriptions in place, making sure we're ready, because we wanted to shoot June 30/July 1 and then go, because we know how long and lengthy the process is to get staff onboard.

Council Chair Furfaro: And so then we have a general concept and it needs to be the... You need to meet with the Humane Society about volunteer services and some of those goals.

Mr. Carvalho: I commit. I'll get Becky at the table, our enforcement team at the table, our Union at the...whoever needs to come to the table.

Ms. Iseri-Carvalho: And the union, yeah.

Mr. Carvalho: ...and talk about it and then come...and go from there.

Council Chair Furfaro: I just have one more part to this. In the meantime, regardless of what we have started or not, we obviously have some discrepancies with our workforce that are going through some hardship now, because the responsible dog owners aren't there, but yet we have some problems regarding the maintenance and, you know, removing the dog mess and so forth. Is that something you've started dialogue with the...

Mr. Carvalho: No.

Council Chair Furfaro: But it is on your radar screen.

Mr. Carvalho: But I need to... That's something... No.

Council Chair Furfaro: Okay, because what I want to make sure we all understand is some of these conditions now are related to the fact that responsible dog owners aren't necessarily on the path right now.

Mr. Carvalho: Right.

Council Chair Furfaro: So, but we need to have that dialogue with UPW as well, okay. Thank you, Mr. Bynum.

Mr. Bynum: Bernard, I had some questions. I want to explore what you said a minute ago, we're not ready. You are currently maintaining the path, yeah?

Mr. Carvalho: I'm sorry.

Mr. Bynum: You're maintaining the path now.

Mr. Carvalho: Yeah, we're maintaining the path. Yeah.

Mr. Bynum: And you are providing enforcement on the path?

Mr. Carvalho: As best we can with the staff that we currently have. Yes, you're right.

Mr. Bynum: And so there are personnel assigned to the path. They're weed whacking, they're cleaning up...

Mr. Carvalho: Maintenance part of it, yes.

Mr. Bynum: And I have in your presentation, a chart of kind of hours that rangers are putting on the path every week, yeah.

Mr. Carvalho: It's a breakdown. You have it in there, yeah?

Mr. Bynum: Right, so...

Mr. Carvalho: On the enforcement.

Mr. Bynum: Because the path's open, so I assume it's being properly maintained.

Mr. Carvalho: As best as possible, yes, but there's some areas here and there, but...and the listing is effective January 1 to June 16, we listed all the hours that...man hours on the path.

Mr. Bynum: So currently there are rangers spending some random enforcement time on the path.

Mr. Carvalho: As best as possible, yes.

Mr. Bynum: I hear the best as possible. And you would see that increasing as new rangers are hired.

Mr. Carvalho: Increasing as new rangers are hired.

Mr. Bynum: The amount of time that they're providing enforcement on the path.

Mr. Carvalho: Yeah, and that's what I was going to share, you know, the idea how we would fit...put little bit more attention here and pull people here so we can make this happen and still cover this. So it's trying to piece all the pieces together with what we have.

Mr. Bynum: And when the rangers are on the path, it's sometimes after 2 o'clock or 2:30.

Mr. Carvalho: There's...the shifts vary, and there is coverage, but one person from the afternoon time till 8 o'clock I believe is the last...in fact 2 to 10 shift too... Because the last time we came to present before the Council, the concern was trying to look at opening up coverage at night. And so we tried to work one position that way with the positions we have, and then the new positions we can...our concern was the safety, so now we can go in in teams. As you work at night, you want to be covering each other, so that's another schedule piece that we are working on as well.

Mr. Bynum: Okay, so what is it you're not ready for?

Mr. Carvalho: Well, I'm hearing the union is an issue that I just seriously found out, okay. Working with Becky to see maybe what the overall coverage support can be in addition to what we currently have. And fitting in the schedules, maybe. And if it's the desire of Administration/Council to actually place somebody there during this time period, then let's look at that. Is that realistic? Can we do half time? Can she do half time? Can we just do full time and she cover part...weekends? However. But if that's the direction we're going to cover this portion of the path which has been presented by our Mayor Asing, then we're going to back him up and do whatever we got to do to make it happen, if that's the desire of the Council and the people who are here.

Mr. Bynum: So in our... If I can change gears a little bit, in our last conversations with Mayor Baptiste, his position was to allow dogs on the path with certain conditions.

Mr. Carvalho: With conditions.

Mr. Bynum: And those conditions did not include restricting the area.

Mr. Carvalho: In his... In our discussion with him, it was from the Lihi up until Keālia tower. That was the discussion...the last words he gave to us.

Mr. Bynum: Okay, thank you. Other questions for Bernard?

Mr. Rapozo: I have a... When you talk about at night...the evening shift ranger, I know I saw the schedule, but that wasn't limited to the bike path?

Mr. Carvalho: No.

Mr. Rapozo: That was the whole island.

Mr. Carvalho: Yeah, it's part of their shift yeah. It's overall.

Mr. Rapozo: Correct, so we're not going to have a dedicated enforcement...

Mr. Carvalho: Not right now, no.

Mr. Rapozo: And one of the concerns I think, and I spoke to the Mayor about this that, you know, I can appreciate the compromise with that one leg that the Mayor has dedicated, but I would need a commitment from you and from the Mayor that in fact we would be able to monitor effectively. You see, I don't know if you've ever heard of the term "have you ever fished in a pond that hasn't been fished."

Mr. Carvalho: I like that.

Mr. Rapozo: Yeah, that means when, you know, when you go to a pond that hasn't been fished, there's a lot of fish. You know, I've made several trips to the bike path lately, and that is, if you are an enforcement officer, that is a pond that hasn't been fished. There are loose dogs. There are leashed dogs. There are more violations on that path today that if you was to send an officer down there

with a ticket book, he would write a lot of tickets. So what that tells me, as a former law enforcement officer, is that number one, we are either just choosing not to enforce, or number two, we simply do not have the resources available to effectively enforce that area. In the police department when we had speeding complaints, oftentimes you couldn't get an officer to monitor that area because of resources. But then when you did, you would generate the citations and then the activity would be changed. The behavior would change once they realized that there was some enforcement. My concern is that, that should we allow this trial period that we don't have the resources, and you know, I... I know Mr. Bynum was trying to get you to basically change your answer. You said you not ready. You not ready. You the director. You're not ready, you're not ready. That's nothing wrong with that. Let's get ready. And then when we get ready, we can revisit the plan. But I realize that there's a desire to make this happen, but, you know, we only have one opportunity to make it right in the beginning, and that's all I'm asking, is that if we are not ready, and I know we're not, hearing the gentleman today talk about his...and maybe one of us... I mean if we feel like we need to move this now, maybe we should go down and weed whack a pile of dog poop and have it spray in your face or on your clothes, and go home and have your wife wash your stink clothes because the dog poop went on. I mean that's what these people are going through, and that's real. And you know, I think we need to take...to give them some credit and respect and say, hey...and some consideration that maybe in fact we don't have the resources available for that segment right now. And that's what I'm saying, Bernard. And I appreciate your honesty and your willingness to make this happen, but I heard a lot of talk about the volunteers and what was going to happen, and you know, we had... How long has this been on the table now? You would think we would have had something in place, some kind of schedule, something that I can feel comfortable that once this thing passes and we have the 12-month trial period, that in fact we're going to collect correct data. That in fact we will have a system in place that when the worker goes down and finds dog poop, he can log it down and so that 9 months from now when the next Council decides whether or not to extend the sunset, they'll have data, as opposed to just passion and emotion. Because I can tell you, it's emotional listening to everybody come up here and talk about the dogs and all of that, but it's also emotional what Cowboy talked about the hundreds of people that talk to him, and we got to deal with that as well. Bernard, I know you hear it just as well...I mean I know you do. Just today at lunch, a lady came up behind me at Barbecue Inn. I was getting some change, and she said...she had overheard us talking and she said, is that a dog path, or is that a people path. I mean that's what we hear. So there's issues on both sides, but I think Kaipo...or the Mayor, pardon me sir, did a noble thing and was able to convince me, of all people, that a compromise would be worth looking in to. However, my condition was that I need to be convinced that we are ready to move in that direction, and I don't feel we ready right at this moment, simply...and I tell you, the gentleman...actually the two County employees today, I hope they still have a job tomorrow, were very... It's courageous to come up here and speak in a gallery that is, you know, pretty much against them. So anyway, those are my thoughts, and I appreciate your honesty.

Mr. Bynum: Other questions for our Parks Director?
Councilmember Yukimura.

Ms. Yukimura: Thanks for coming here so quickly.

Mr. Carvalho: Sorry.

Ms. Yukimura: No, no, no, and I think I got the answers to my questions, but let me just be sure. That given a limited part of the path, the multi-use path, coastal path, that the Administration, and the Parks Department in particular, is committed to enforcing the law, working with the Humane Society and with our workers...

Mr. Carvalho: Yes.

Ms. Yukimura: ...who are those rangers... Well our regular worker and then our rangers on the times after 2 o'clock. And that you will work on that problem that was raised by the workers regarding...regarding a...I mean we do really acknowledge a lot of those issues that have been on their backs in terms of dog feces and some of the vandalism that just grieves me, yeah, and I think grieves a lot of the community. So you're committed to doing that?

Mr. Carvalho: Yes.

Ms. Yukimura: Because, you know, it's like I think Mayor Baptiste said, and now we have both Mayor Baptiste and Mayor Asing saying we are willing to try this on a trial period. And we're committed to doing our best to make it work, and then we'll see what happens. Okay. So now for the issue of not being ready, do you... I mean this bill would be effective upon enactment, right, so it would be when Mayor Asing signs it. And can you folks live with that or do you need two weeks or something to do some prep? You know, like we did with vacation...

Mr. Carvalho: Yeah, just give me the time and we'll get it moving.

Ms. Yukimura: Okay, so what kind of time are you thinking of.

Mr. Carvalho: I don't know what... Is it two weeks? Or a month?

Ms. Yukimura: 30 days?

Mr. Carvalho: Say 30 days.

Ms. Yukimura: Okay, so we can say effective 30 days after enactment. Will that work for you?

Mr. Carvalho: You know what, we... Can I...

Ms. Iseri-Carvalho: (Inaudible) the other issues and then get back to us, because...

Mr. Carvalho: Yeah, I don't want to...you know. I'm thinking...

Ms. Iseri-Carvalho: Give a time and then realize it will take longer than expected.

Ms. Yukimura: Alright. Well...

Mr. Bynum: I want to ask some more questions. I'm sensitive to all of these issues, okay.

Mr. Carvalho: I understand.

Mr. Bynum: But right now you have maintenance issues. Right now without dogs legally being on the path, our workers are finding some feces that they have to deal with. Is that correct? And right now, without dogs legally on there, you have enforcement issues. Right? So you know, I think a lot of people in this room feel that if responsible dog owners are allowed on the path, because they're under the gun, that you're going to have less feces on the path. Because as Ms. Dowling said, she's prepared...was picking it up, is prepared to do that again. You know, the Humane Society's going to put... So I'm not clear how, if this got enacted today, that the issues would be that much greater. Right now you have enforcement issues in terms of loose dogs or people who are on the path illegally. If we allow dogs on the path, then you'll have issues about whether they are on the correct portion, or if they have a bag. Either way, you have to approach these individuals, make a decision whether you cite or not... Is that correct?

Mr. Carvalho: Yeah. In my mind, you know, the timeline...timing will be working with the staffing part and seeing see how we can work with the union to address those issues, get this, you know, whatever in place first before we can...

Mr. Bynum: Well, I assume for years staff have occasionally had to deal with dog feces left in the park or in a public place.

Mr. Carvalho: The only difference is that I...you know, unless it's on the path, which is one difference, because...you know, but they're saying it's (inaudible) on the side. Wherever it is, it's on...it's near the path area, so we need to address it.

Mr. Bynum: Because I'm very clear that we need to be much tighter as a community with our dogs, particularly loose dogs that are off-leash, and people violating the prohibition against being in the parks on-leash. But we've had those issues all along, right?

Mr. Carvalho: We've had those issues.

Mr. Bynum: And we're looking as a community to improve those things through increased awareness and volunteerism and that kind of thing. So I just...I don't... But I hear you saying that you can gear up in a relatively quick period of time to deal with those issues. Is that correct?

Mr. Carvalho: I'm going to work diligently to get it done.

Mr. Bynum: Like everything, to the best of our ability.

Mr. Carvalho: But I want to make sure that, you know, we have that time.

Mr. Bynum: Thank you.

Ms. Iseri-Carvalho: Go ahead, Daryl. You haven't spoken.

Mr. Kaneshiro: I'm a non-committee member, that's why.

Mr. Bynum: Well, it's ex-officio member, you are...

Mr. Kaneshiro: Well, one of the things I was wondering that we

could probably do is move this along and give Bernard a week, because we still got to go to the full Council. Give Bernard a week to come back and meet with some of these people and come up with a timeline. A timeline of when he can effectively, you know, do some of the tasks that we talked about, some of the discussions we've had. Then we don't need to keep holding back this into Committee, holding this back into Committee. Give him some time to do that, and I... My question to Bernard is that, would a week give you sufficient time?

Mr. Carvalho: Two weeks.

Mr. Bynum: Two weeks, I heard that.

Mr. Kaneshiro: Two weeks? When is regular Council?

Mr. Carvalho: Because in 2 weeks we need to gather people, talk, come up with some kind of recommendations.

Mr. Kaneshiro: If we go in 2 weeks, we would almost have to keep it in Committee, you know, if we going to go 2 weeks. And the reason why I said a week, because this would come back up to the Council meeting if it moves out of here.

Mr. Bynum: If it were approved, and I'll get to you in one second. If it were approved at Council, it wouldn't go into effect until the Mayor signed it, and he has a period of time to sign it. I don't want to delay this any further in terms of our consideration.

Ms. Iseri-Carvalho: And I guess we'll take a vote. You know, I mean no sense... But I am not going to be voting to support this at this time without a plan in place. The rules had been that once we're at Council, we're there to vote, and we're not going to have this discussion. The workings occur during...at the Committee level. Now, I don't want to, you know, change the rules, because that's what's been the rules, that we are not going to have this kind of working discussion. Bernard has to set up the meeting with Humane Society, set up a meeting with the UPW, we don't know if they're available or when they're available. There are things that will take more than a week, and that's my concern. Even at Bernard's request, he's asking for two weeks at a minimum, and to have the rules in place, when there workers are going to work. I mean I would like that schedule all out, in place, so when it comes at Council, boom, if it's going to be approved, it gets approved, and that's the discus...there's no real discussion like how we've been having. So if that's the intent, I'm going to support the Administration in asking that this be put back in Committee on a deferral.

Mr. Bynum: Bernard, are you asking for this to be deferred in Committee today?

Mr. Carvalho: It'll give me time to do what we need to do.

Mr. Bynum: And you wouldn't have time to do that if it went to Council next week and a decision was made then.

Mr. Carvalho: You just asking me right now, and I'm telling you that I would be able to do it within that timeframe.

Mr. Bynum: Speaking for myself, I'm not going to support a deferral. We've...this has been deferred...it's been on the agenda for way too long.

Mr. Kaneshiro: Let me say something. I'm not asking for you to come back in a week with a whole plan. What I'm asking you to come back with, if you could come back in a week, and say that we can implement the plan in 45 days. We can implement the plan in 30 days. That's the feedback we need, because I don't expect you to come back with a plan, even in 2 weeks. I'm not sure you're going to make it. But what I'm saying is we asked for a date, when do you think you can implement this plan, and this is what I'm looking for. When? Is it 45 days from now? And if it is, then we need to put those conditions on this bill today if it passes out, or on this bill next week at the Council level. That's the only request I was looking for. I'm not looking for him to come up with a plan by next week. I was hoping it would give you enough time to come back to us and say, Council, can you amend me...and give us at least 45 days before I can implement this plan, and we have it on the bill. So you know, that's...that was part of why I asked you if you could do that within the week, come out possibly with a final date, whether it be 45 days, whether it be 60 days.

Ms. Yukimura: I appreciate Councilmember Kaneshiro's clarification, because I think if it's just a matter of changing one date at the...or one sentence on the Council floor, it's not much, in terms of the timeframe you need for the plan. I, as one member of the Council, don't need to see your detailed plan. You know, we don't need to micromanage your whole system here, but you would...we would be happy to have you take a look, see how much time you need, you know, check with the Mayor and the County Attorney and the unions or whatever it is, to figure out this system and how you're going to roll it out. So I guess that's the question, how much time you need to figure out how much time you need.

Mr. Carvalho: I know what I can do. It just depends on who the people I got to bring to the table, that's all.

Ms. Yukimura: Yeah, but we're not asking you to do it all in one week. We're asking you how much time you need to figure out how much time you need.

Mr. Rapozo: Bernard, that is unfair to say one week, and I understand what Mr. Kaneshiro said that we're going to defer it or send it to the Council. Again, I think I've been here long enough to know that one week is just not enough time, especially when you dealing with agencies outside of the County. And let me tell you this, I am looking for a plan. I am. I think that was one of the things we were assured, one of the things that we were...that I think the Humane Society talked about working with the County and getting it done. And you know, Mr. Pleas provided us with this wonderful packet, and if you look at page 8, and Bernard, I'll get this to you. This is what I'm looking at. And again, you know, I don't know why the rush, for one thing. I really don't know. I don't understand the rush of why we have to pass it out today when we have so many issues. But...and I won't be on this Council next time, but this is the kinds of things that I would hope would be the data that are ana...that's analyzed when consideration is given to this bill. And this is straight out of Bruce's document, and this came out of a jurisdiction in California, I believe. But anyway, number one, this is listed as measurements. They basically put up an off-leash area and it was a pilot program, and they had some measurements that they wanted to measure, and number one was dog owners and handlers, the satisfaction level of owners or escorts with the facility and the experience. The frequency of use and number of visits would be counted. The

second area of evaluation would be the other visitors to the park as well, and in this case, to the path. The satisfaction level of park visitors without dogs, because they're very important too, keep in mind. This information will be gathered as part of the parks ongoing visitor satisfaction survey conducted by the staff or volunteers. This should be a question which compares the compatibility of the pilot dog park with visitor expectations or with the department's mission, not asking people in different areas about something remote to them, but basically their experience in the park. The third, safety of dogs and park visitors. Incidents of injuries to dogs and/or visitors. Park staff will gather this information as a part of the normal procedure for reporting visitor injuries, crimes, and other incidents. And number four, the environment. This type of environment assessment will be tailored to meet the needs of the selected sites. The initial criterion for site selection is based upon the initial assessment. The dog doo-doo. That would be part of the environmental concerns, the damage if any to existing plants, and so forth. And that is what I'm looking for in the next...at the end of the trial period. It's not just we're going to throw everything out there, and next year we're just going to bring in the people again and see who got more voices at the Council meetings. That's not what I'm looking for. We are actually putting together a pilot project that may in fact allow the opening of other parts of the bike path. So, you know, I understand what Mr. Bynum and everyone else is trying to do, but we're not ready to implement a project, a pilot project. I mean I appreciate what's being done, and I appreciate what the Mayor has done, but based on your own testimony, I don't think we're ready for that. And for me, it's real simple. We need to see the plan: maintenance, security, enforcement. And you know Bernard, you got a lot of things going on, I know that, and one week is just unfair. And I understand there's a desire to move this out, but why would we want to do it prematurely where you're going to compound the issues on the path. If you go out and add more animals to the path, you're going to add more poop. Yes, I understand what the lady said that she picks up, that's her. You know, we have responsible dog owners all over the place, but we still have dog poop in neighborhoods. I mean my neighborhood, we got...the guy...somebody comes dump their doo-doo right in my yard. So you know, I'd rather be safe than sorry. I err on the side of safety, and you know, I think that we got some issues that's got to be clarified, and I think to tell you one week, knowing the workload you have, I think it's just not fair, because you got to deal with Humane Society and everybody else. So again, that's just my two cents. I just don't see why we need to rush this through.

Mr. Bynum: Any other questions for Bernard? If not, thank you very much.

Mr. Carvalho: Thank you, Mr. Bynum.

Mr. Kouchi: I have a question for Becky.

Mr. Bynum: Okay.

Mr. Kouchi: Dr. Rhoades?

Dr. Rhoades: Yes.

Mr. Kouchi: Actually, listening to Councilmember Rapozo, something struck me. I would say that I concur with Councilmember Yukimura, and I had not had a big problem about all of the operational things because the bill actually said that, you know, whatever the rules, everything would be promulgated by the department and they'd carry the mission out. And I, you know, for one, you

know, didn't think that I needed to be involved in that level of detail. But on the evaluation, you know, when Mel started going through the list, I realize that we have had no discussion about what that evaluation would consist of, and is it a fair way to be measured, and are you comfortable that we would pass a bill through without the measurables in there that we've all discussed and said, oh yeah, we think we could hit it, that's a reasonable measurable to be in, no I don't think that's a reasonable measurable, why would we be responsible for that, for this, that, and the other thing. Otherwise, we going pass this thing through, and then when the testimony comes and we sit here back evaluating, if we back, and say, no that's not acceptable to me. It would seem that it's in your best interest, as well as ours, that we're all understanding what the measurements are, what is a fair evaluation. If we have some disagreement that that could be at least expressed up front, and even if we decide whatever it is when we go forward, but I think that that's an important thing for the Council, the Administration, and the Humane Society to have a discussion with and an understanding so we know what was success when we come back to the review. That's my thought. I just wanted to hear what your thoughts would be on that item.

Dr. Rhoades: Yeah, we brought this up in our... I think Laura was here the time before last or whenever I couldn't be here, and we did bring up how it was going to be measured, and I think the measurement is important. I'm not familiar with the Kaua'i County's sunset process. If the criteria with which it's going to be measured with is put into the ordinance language, or if it's something that is created by Parks Department, Humane Society, and the players within this period after, like after it successfully is approved, we come up with a measurement of how we're going to measure this. I'm not familiar with the process with Kaua'i County. We are...we had been talking amongst ourselves, what are we going to measure?

Mr. Kouchi: The bill has the County of Kaua'i process in place now. We say it sunsets, we put the date, and we arbitrarily decide if it was good or not.

Dr. Rhoades: Right.

Mr. Kouchi: And you...

Dr. Rhoades: Is that the way you normally do the sunsets?

Mr. Kouchi: Yes. The Spouting Horn vendors, the ADUs on ag land, and you know, you come, you testify, we think yeah, no, should we continue it, not continue it, no measurables have been defined, there's no goals. But I think that you know, this is a case where there's some clear measurables. I think that having not read the material that Bruce presented, and listening to what Mel was saying, you know, it just struck me as well, this seems so common sense we'll probably not do it because we don't normally work that way. We like arbitrary and capricious, because then you don't have to rationalize any decision that we make.

Dr. Rhoades: Me too. I think that...

Mr. Kouchi: But if you want to give the Council that latitude...

Dr. Rhoades: Yes, I do. I honestly feel that to spend time on developing what's going to be measured by detail with this Council for allowing responsible dog walking on that path will take us a long time to come to agreement.

I do feel that working for the Administration, which we do for County Animal Control Services, and working with the Parks Department, we will come up with a way to measure this and present that before the end of the sunset back to Council, and go from there. I don't think it'll be, again, emotion of wanting to just walk our dogs. We will be counting and surveying, as we surveyed this time, and doing other things to try and prevent...present a professional opinion of whether or not an ordinance like this should be passed or not. If you all want to spend the time on defining the measurables here, I will do that...with Bernard, and we can do what you like. But I suggest we move it forward, let us have a time period after...to put it in place. We can just talk about that, whether it's 2 weeks, 30 days, 45 days, as to when we can actually have the system up. We've been working on the system at the Humane Society training volunteers and recruiting them to assist with this, but it's all been on hold because we had no idea where it was going to go.

Ms. Yukimura: We should give Dr. Rhoades a copy of this, which thank you Bruce Pleas for submitting it, and thank you Councilmember Rapozo for reading it. The measurements are quite...they seem reasonable and based on some experience, I guess, they are for off-leash dog areas, so there may be some differences between a leashed area...evaluating a leashed area and an off-leashed area. But we could...I mean, I feel confident leaving it to you folks to figure that out. It's interesting that it says, the duration of the pilot project that they operated for 2 years from opening before formal evaluation of the program. We don't have to follow that timetable, but it's estimated that the evaluation period would be during the 6 months following the 2-year anniversary. And you may want to do more earlier assessments as you go along so you can adjust and correct and so forth. But anyway, it does seem like quite a lot of administrative work, and if both entities and more of the stakeholders that you think should be involved in can participate, use this as a base, it seems like it's a good beginning to start here.

Mr. Rapozo: I guess, Bernard, and I would ask that the department be tasked with the measurables. I mean that's, I think, where it needs to be, it needs to lie with the County because it is a County ordinance. So I mean that's my only concern, is that the County be the ones doing the measuring.

Ms. Iseri-Carvalho: Bernard, when is your next advisory council meeting?

Mr. Carvalho: It's the end of this month. We do it once a month, so the 28th, I think.

Ms. Iseri-Carvalho: Okay, because that may be an opportunity for the Humane Society to present a plan or some discussion so that they have some idea of, you know, I don't know how often they've been able to keep track of the meetings that we've had here. But in light of the fact that they've been tasked with that responsibility for determining, you know, the appropriate operations of the park, they might have a say in what would be measurables, or what would be any other changes to the ordinance, you know, as far as the effective date. I know that there would have to be some change in signs as well, you know. So again, those are some operational things in your department that you would have to deal with, and then let us know how long all of those things will take.

Mr. Bynum: Anything else for Becky or Bernard? I have one question for Becky. In previous testimony, you said that the Humane Society's prepared to give some enforcement time on the path from your current staff. Is that correct?

Dr. Rhoades: Yes, I think we... I don't have the testimony in front of me, but we agreed to patrol a section of the path once a day, 7 days a week, at varying times of the day.

Mr. Bynum: At varying times.

Dr. Rhoades: Right.

Mr. Bynum: And also do the doggy pot dispensers.

Dr. Rhoades: Right, which will take us a little bit of time to get up and installed, and that's one of the reasons we want to have those up and stocked and ready to go, to be able to have easy compliance for folks.

Mr. Bynum: Thank you very much.

Dr. Rhoades: Thank you.

Ms. Yukimura: I have another question. So in light of that, I mean there is some lead time to becoming fully operational. So if we're looking at a one-year period, the thing is that if we say that the bill expires...or the provision which allows dogs, expires 12 months after enactment, that means that your evaluation and a new bill has to actually start before 12...yeah, 9 months. But if you're...you know, if you're going to have it fully operational maybe 2 months after the bill passes, then is...my question is, is a 12-month deadline or a 18-month deadline better for when the bill expires, which means that if you want to extend it, you have to start 3 months...at least a minimum of 3 or 4 months prior to the expiration date? You have to start a bill, you have to start the discussion, and everything, because you're not going to do it on the day of expiration.

Dr. Rhoades: I think we'd want at least a good...minimum, good 6 months of everything's in place, and measurement, with people out there doing our thing to try and manage it. And if, you now, you're talking 9 months, and if the language is that...from enactment, meaning when you vote it versus when it actually starts...

(Inaudible.)

Dr. Rhoades: Right. We need a little bit of lead time to get it in. But I think we need a minimum to show the community, good or bad, which I know it will be good, but good or bad, at least 6 months. I think it's also real challenging when you think about this, because we've already been in this about 4 months now, or 3 months, or whatever, and that's why I actually suggest the 18 months. I think that the year would make it tight. We could do it, and if that's what everybody goes to, but I want a minimum of a year, but I do feel the 18 months might be a better roll to give us that minimum 6 months of measurement time, good measurement time.

Ms. Yukimura: Okay. Do you have any opinion on that?

Mr. Carvalho: I'm fine. I just want to do it.

Ms. Yukimura: That's the spirit. Okay. And you know, we are talking here a compromise where people will...people on both sides of the fence, so to speak, would have, be able to have stretches of path to operate in the mode that they would like. Okay. Thank you very much.

Dr. Rhoades: Thank you very much.

Mr. Bynum: Anything else? Thank you. Now I'd like to start with 2265. If I can entertain a motion on the main bill?

The meeting was called back to order, and proceeded as follows:

Ms. Yukimura: I move to approve Bill 2265.

Ms. Iseri-Carvalho: I think we had the motion on the floor already.

Ms. Yukimura: Was there a second?

Ms. Iseri-Carvalho: You made the motion and I did the second.

Ms. Yukimura: Oh, thank you. Okay, I'm sorry. I didn't hear the second.

Ms. Iseri-Carvalho: No, that was done before we had any discussion.

Mr. Bynum: Yeah, but we weren't real clear about which bill because there's three. So, we just want to be clear that there's a motion and a second on 2265.

Mr. Kouchi: Right, because all the Clerk did is read the other two bills for the purpose of taking testimony on all three.

Ms. Yukimura: Yeah, okay, thank you.

Mr. Rapozo: So, where are we?

Ms. Yukimura: So, I move to amend as circulated.

Mr. Kouchi: Second.

Ms. Iseri-Carvalho: I'm sorry, which one are we?

Ms. Yukimura: It's JoAnn Yukimura by request and it's by request because it's basically the Chair's amendment with one change. It incorporates Mayor Asing's endpoint toward Keālia Beach and it ends at the bridge, the Keālia Stream bridge, just north of that instead of going all the way to Keālia, to where the concrete path ends right now. So, it's actually really bringing in a lot of pieces from a lot of places.

Mr. Kouchi: The amendment eliminates the portion of Keālia Beach that Mr. Furfaro's amendment originally encompassed and it extends beyond Mr. Asing's starting point further into Kapa'a Town, so the length was increased by moving more toward the town and ending at the point that Mayor Asing presented in his presentation is how I read it.

Ms. Yukimura: That is correct.

Mr. Bynum: So it goes from the Lihi Boat Ramp to the north side or the first pavilion on the north side of the Keālia Stream bridge.

Ms. Yukimura: Up to that.

Mr. Bynum: Up to that point. That's the amendment that's before us now.

Ms. Yukimura: We were using the wording from Mayor Asing. So, and I also want to point out that Mayor Baptiste had put it all the way to...it was like...

Council Chair Furfaro: To the lifeguard tower.

Ms. Yukimura: ...Council Chair's original amendment. So it's including a lot of people's mana'o here.

Mr. Bynum: Discussion, Councilmember Carvalho.

Ms. Iseri-Carvalho: Yes and I guess, this would not be in line with the rationale that was raised by the Mayor with respect to not interfering with park facilities or any pavilion facilities. So I guess, as a question of process, I will be introducing the amendment that I had by request as well. So, I don't know if there would be a motion to defer, that it would take precedence over the motion to approve, or whether there will be a second amendment that I will make subsequent to Councilmember Yukimura's amendment by request because that is different from mine. But my amendment also has rules regarding the dog handlers' certification and visibly carrying equipment and also the increase in penalties.

Ms. Yukimura: Okay. So...

Ms. Iseri-Carvalho: Just clarification of the rules.

Ms. Yukimura: Point of order, Mr....I mean, well...Mr. Chair.

Mr. Bynum: Yes.

Ms. Yukimura: I just wanted to answer Councilmember Iseri-Carvalho's... My understanding of procedure would be that you would move to amend the amendment that's now pending on the table.

Mr. Rapozo: I have a more basic question. Is it the intent of the Committee to move this out today.

Mr. Bynum: Yes.

Mr. Rapozo: It is?

Mr. Bynum: Yes.

Mr. Rapozo: Okay, well then, I would state my opposition and that I will be, you know, for the sake of the discussion, I will be making a motion to defer. Hearing what we just heard from the Parks Director, from the Humane

Society, I think even Mr. Kouchi recognizes the need of a measuring process and to not even consider that and pass this out, I think is very, very premature. I think it's not responsible legislation. You know, we get in trouble when we do things like this. We, you know, and it's never a problem to make a mistake, but when we not learn from 'em and continue, I think that is where the problem becomes. So, I will make a motion to defer, and in fact, I will make a motion to defer, my motion will be to defer pending a report back from the Parks Director with the plan, not just the plan of maintenance and enforcement, but also with the measuring policy. How we're going to measure, because that's part of this. The sunset provision is there to measure. So that will be my motion. I will make a motion to defer pending a report back from the Parks Director with the maintenance, enforcement, and measurement plan.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Yes, thank you. Since there wasn't a second, there's a discussion...

Ms. Iseri-Carvalho: Well...

Ms. Yukimura: I would like to ask for a discussion about the deferral first, so we can have that discussion.

Mr. Rapozo: I'm hoping we can discuss it.

Ms. Yukimura: Okay, thank you. I'm not against a measurement system. I actually feel it's very important. I think the issue is whether people feel it needs to be incorporated into the bill or whether it is something that can be developed between, basically by the Parks Department with input from the various stakeholders. And I feel comfortable with the idea that they would develop it. And...

Mr. Rapozo: If I felt that it needed to be incorporated, I would entertain it as an amendment. I'm not saying that it needs to be incorporated...

Ms. Yukimura: Okay.

Mr. Rapozo: But I'm saying that it's premature to approve a bill without that. Whether it's done by...the plan, whether it's done by ordinance or amendment or by a rule, to me it doesn't matter, but I think to go ahead and approve the bill and allow the dogs to start walking on the path and not having the measurable, when the time comes to measure, we won't have the measurables because we never did it. So that's my concern.

Ms. Yukimura: Okay, I...

Mr. Rapozo: We're putting the cart before the horse.

Ms. Yukimura: I hear that. It's a legitimate concern and the way I thought it was going to work is that the Parks Director would come back in a week. We'd move this out of Committee, he would come back in a week to tell us what kind of lead time they needed, and we would pass the bill with an effective date that would give them that lead time for setting up some of the system as well as establishing the measures.

Mr. Rapozo: JoAnn, how long have you been on this Council the second time? Six years just with me, right? Yeah, you've been, we've been on this Council for six years.

Ms. Yukimura: Correct.

Mr. Rapozo: How many times have we been given deadlines that have not been met?

Ms. Yukimura: Many times with...

Mr. Rapozo: Exactly. So let's be responsible lawmakers. Well I mean...

Ms. Yukimura: ...with a certain department.

Mr. Kouchi: This is her third time back.

Mr. Rapozo: Third time back, okay. So, you know, I mean, I don't think it's too much to ask. I mean, you know...

Ms. Yukimura: Well, I guess...

Mr. Rapozo: You, when you're approving it out of Committee, you are telling the public that you are ready to pass.

Ms. Yukimura: I am.

Mr. Rapozo: Okay and I'm not. So, we'll call for the vote and we'll see where it goes.

Mr. Bynum: I'll just add to this discussion. I don't feel like it's...I have every faith in the Parks Department along with the stakeholders, including Humane Society, to come up with measurables. The document that Mr. Pleas provided us doesn't even contemplate doing the evaluation until the project's in place for two years. You want to give any project a time to not just be in a infant stages, but meet to a kind of sustainability and fruition, and then do an assessment. So I don't personally feel a need for the Council to come up with those measurables; we have plenty of work to do. And I have every faith in the Parks Department and stakeholders' ability to do that, and I would, you know, I think Councilmember Kaneshiro's concept, you know, we have people walking all over our County with their dogs legally on every sidewalk on every street and I don't see any reason to delay this legally on... legally...

Ms. Iseri-Carvalho: No, you said Council Kaneshiro that that was what he said.

Mr. Bynum: No, well...

Ms. Iseri-Carvalho: He didn't say that.

Mr. Bynum: No, what he said was that we could pass this out of Committee today...

Ms. Iseri-Carvalho: He didn't say that, but you went on and on and that's not...He's looking at me like I didn't say that.

Mr. Bynum: Yeah, yeah. Point taken.

Mr. Kaneshiro: I'm glad you cleared that up.

Mr. Bynum: You know. I didn't finish the sentence. I've been known to do that. Councilmember Kaneshiro said we don't need to delay it today and we can look for a timeframe to implement next week, and I concur with that. Councilmember Kouchi.

Mr. Kouchi: I guess I'll begin with the end and go backwards. If I need to vote today, I believe that the parameters that are outlined in JoAnn's amendment are parameters that I could support. I didn't want to get into it with Cowboy when he was here, but the Mayor's term was compromise. And politicians' favorite term is win-win because we don't want to lose anybody's vote. So, you hope that you can find something that is acceptable to everybody. But when one position is zero and another position is everything, there is no win-win situation. And so you try to compromise, and my definition and mine only, not Webster because we certainly had enough Webster's definitions from Bruce, is piss everybody off and you probably got to a compromise because nobody's happy. But if they're both angry, then that means everybody got a little something and everybody gave up something that they didn't want to and that's how you arrive at a compromise. And so when he asked, how could you then do that vote? Well because somebody's got to do it, you know, and I don't agree with everything that the people who said absolutely not as being reasonable, but I don't agree today, as the first step, that everything is reasonable as well. And I think from the Lihi to the point that was indicated by the Mayor at Keālia Beach in his presentation is reasonable. For anybody who wants to say that he went there on the fourth of July as the busiest day wasn't fair. I can tell you that I drive, when I go out to business on the North Shore, different days of the week, different times of day, and there is never a day that I've driven by Keālia Beach Park that it hasn't been crowded on both sides of the path which seems to me to be like Lydgate, as testified to by the Mayor, and having been here and voting to accept Keālia Beach Park, I know what I voted for back in that stint on the Council. So, I don't have a problem in ending where the Mayor suggests. And well, the Lihi doesn't exactly fit the rationale that the Mayor made, but the Lihi is still not developed into the park that he showed us on the map that it'll eventually become. And because of the erosion problem that is well documented on this Council, there isn't a whole lot of activity on the makai side of that going past the Kapa'a Town Park. So while that is a park, I do believe that if the fence there is inadequate, that adequate fencing along the ocean side can address some of the security and safety issues that we would want to have addressed for people who want to go to the park and not be concerned about dogs coming in. And I'm willing to take a chance that that'll work in the spirit of compromise if I have to vote today. I do believe that some of the definitions in the amendment that Shaylene has circulated are important to get into the bill as well. I'll be ready to do that. So now that we got to the end, let's get to the beginning.

The first thing we normally do when we consider moving the bill out of Committee to the full Council is to ask the Council Chairman, will you entertain any amendments to the bill on the full floor and do we have your concurrence that we can move it out or not. And it's after that discussion that we go forward on that step.

The second thing I said the other week is that I'll be ready to vote and I've got a flight coming back at noon so I'll be here after lunch and ready to vote. Well, I left it up to the people who follow the procurement law to go purchase my ticket for the business that I'm going to. And when they got the bids, after they purchased the ticket, I found out that the cheaper flight was to leave in the afternoon. So, I'll be back at 8 o'clock on Wednesday night of next week. So, if this thing is at 3-3 and you're going to wait until 8 o'clock for me to come back, I'll be able to come back and vote because you already know how I'm going to vote. But if you get done before 8 and you're going to hang around, that's fine with me too. I mean, but you know, I want to let you know that what I said two weeks ago, unfortunately, is no longer accurate information. The accurate information is I will be back on Wednesday at 8 p.m. and happy to come back and do what you want to do. But if it's not together, then we can force this to the full Council too and then you may not wind up doing anything anyway. So, you know, we can pick which way we want to look foolish. But, you know, at least we have a personal choice in how we do that, but that's my situation. And that's also my opinion after countless hours of listening to this discussion, after endless emails and phone calls and being stopped everywhere I go prior to being stopped on the tax bill. Thank you.

Mr. Bynum: More discussion?

Ms. Iseri-Carvalho: Yes, so I guess the first question posed by Councilmember Kouchi was whether or not the Council Chair was willing to entertain more amendments over at the Council level which is different from what we usually do.

Council Chair Furfaro: It is a different practice and I have to say that there are points in...

Ms. Iseri-Carvalho: And knowing that it might be 8 o'clock before we take a vote at the Council level next week.

Council Chair Furfaro: Understood. But there are points in this penalty amendment introduced by yourself, there are points in the dog regulations introduced by Mr. Kouchi that I do think today can be in some way massaged into this bill.

Ms. Iseri-Carvalho: And I think it appears that there may be some concurrence to put it in one amendment as opposed to having all these amendment going on top of amendment and then at the Council another amendment. And that's, you know, the whole point is to have, I think, it appears that there may be some consensus that it's easier to have one amendment introduced as opposed to having an amendment to an amendment. So, if you guys want to take that long process and we go through each vote here, fine. If not, I would suggest that we end up deferring it.

(Inaudible.)

Ms. Iseri-Carvalho: Right. And so that we would be deferring it to consolidate the amendments and vote at the time of Committee. At that time all of the amendments will be incorporated in, I would think, one amendment. And then we would not necessitate having to change the rules to accommodate further amendments over at the Council level because by then the Parks and Rec. Director

should have the timeframe necessary. So all of those components will be in place and he would have that opportunity at least of an additional week to speak with the union and his advisory council members.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Yes, I would like to see this amendment passed. We can then recess this Committee, if necessary, and go to other parts, and then we can draft a second amendment to then what would be a draft 1 and I think that might be the cleanest way. I think it's important to do as much work as we can in this meeting rather than constantly defer it because we have full agendas, whether it's a Committee meeting or a Council meeting.

Council Chair Furfaro: We have the tax bill next...

Ms. Yukimura: So, if we could get as much work done as possible here using creative timing and sequencing, I think it would be the most efficient way to work.

Council Chair Furfaro: You heard my statement, Committee Chair, and you've heard both Councilwoman Iseri and Councilwoman Yukimura.

Ms. Iseri-Carvalho: So I guess we'll just vote on the deferral.

Mr. Bynum: So, I'll call for a vote on the amendment that's been...

Ms. Iseri-Carvalho: Well, there was a motion to defer and I'm gonna second that motion. That takes precedence over your motion to approve.

Ms. Yukimura: The motion died for a lack of a second.

Ms. Iseri-Carvalho: No, it wasn't. He wanted...

Ms. Yukimura: But it can be remade.

Mr. Rapozo: I move to defer.

Ms. Iseri-Carvalho: Wait, wait, I would just want to clarify that it did not die for reason of a second. If I had second it, there wouldn't have had any opportunity for discussion on a motion to defer. So, that would be incorrect to say that it died for a second.

Ms. Yukimura: For lack of a second.

Ms. Iseri-Carvalho: For lack of a second, that's right.

Mr. Bynum: I heard the motion again, is there a second.

Ms. Iseri-Carvalho: Second.

Mr. Bynum: All those in favor.

Ms. Iseri-Carvalho and Mr. Rapozo: Aye.

Ms. Yukimura and Mr. Bynum: No.

Mr. Kouchi: No at this time.

Mr. Bynum: Then we can...

Ms. Yukimura: So, a question...

Mr. Rapozo: I have one more question and it's more of...you know, you mentioned the stakeholder group. Who's in the stakeholder group?

Ms. Yukimura: That's for the, my opinion...

Mr. Bynum: That's for Parks to determine.

Ms. Yukimura: ...Parks to determine.

Mr. Rapozo: Okay, then I would want to know who's in the stakeholder group.

Ms. Yukimura: I think we can still do that in the...yeah.

Mr. Rapozo: Well, I mean it's important because I think it's important who's in the stakeholder group.

Ms. Yukimura: Question?

Mr. Bynum: I think I trust Parks to make that determination.

Mr. Rapozo: Well, I wanna know, I just wanna know if there's someone in the stakeholder group from the group that opposes dogs on the bike path.

Ms. Yukimura: Mr. Chair, a point of order. There's a motion pending on the floor. I think we've...unless there's more discussion on that motion, I'm asking for...

Mr. Rapozo: I'm...this is discussion. This is discussion. I'm trying to find out from the Committee Chair if he knows who's on the stakeholder committee or stakeholder group.

Mr. Bynum: And my answer is I trust Parks to make that determination and we can call them back at a future date and ask that question.

Mr. Rapozo: Well, my vote depends on that question being answered. So if you don't want to answer it that's fine. It's just easier for me to vote. I think it's a reasonable question.

Mr. Bynum: I think it should be inclusive and you know, I don't think I'm the one to answer that.

Ms. Iseri-Carvalho: Well and that's why we have the Parks and Rec. Director there.

Mr. Rapozo: That's fine. You don't have to do it. I'm just asking if anyone has that answer, I would appreciate it. If you don't want to suspend the rules, that's fine.

Mr. Bynum: Bernard, would you like to answer that question?

Mr. Rapozo: Because on all the lists that I've seen, I've seen, you know, everyone that supports it, but I haven't seen anybody in the group that opposes it. And stakeholders include all people.

Mr. Bynum: Absolutely.

Ms. Yukimura: So the question is, what relevance does the stakeholders group have to do with this proposed amendment. I mean we're not voting on the final bill. This is just an amendment that defines the stretch of path. That's all.

Mr. Rapozo: Well because the stakeholder group is going to determine a lot of the things that you folks are saying will be done by the Administration.

Ms. Yukimura: Right, but that is not the issue in this amendment.

Mr. Rapozo: JoAnn, listen. If you guys don't want that answer, that's fine. As a Councilmember, I think I have the right to ask the questions that I want. If you don't want to provide it, that's fine.

Mr. Bynum: I'm fine with you asking the question.

Mr. Rapozo: Okay, well, I'm just...JoAnn is saying.

There being no objections, the rules were suspended.

Council Chair Furfaro: Okay, just so everybody is aware. The Committee Chairman has suspended the rules to let the Parks Director come up to answer Mr. Rapozo's question which will assist him in either supporting this amendment or not.

Mr. Bynum: Just to let people know that within five minutes, we need to do a tape change.

Council Chair Furfaro: So, Mr. Carvalho, I think the Committee Chair would like to restate the question, if you could answer?

Mr. Bynum: Do you have a sense now who would be involved in the stakeholders group to make the criteria for evaluation?

Mr. Carvalho: Well, what I would do is go right to our advisory committee, work with our advisory committee and include the Humane Society and the union. We talked about the union. And of course, our staff is already there, so they'll be part of this team effort because we're a good cross-section of people already on our advisory committee. We'll include, like I said, our Humane Society and the union in discussion.

Mr. Rapozo: Okay, and I just want to make sure that, you know, if we can get that group of people that opposes it in the discussion with the Administration, it just makes it that much easier because their feelings will be heard.

Mr. Carvalho: Right.

Mr. Rapozo: That's all I'm saying. I mean, you know, stakeholders are not just the Administration, Humane Society and the Park Committee. I mean, it should involve all because that way the people that oppose it are part of the solution as well and not left out to come here on a Wednesday afternoon and speak as a minority where they should be part of the discussion as well. And that's all. Oh my gosh, you know, it took us 10 minutes to get that and it should have been just like that. So, anyway, thank you.

Ms. Yukimura: Thank you.

Mr. Bynum: Thank you.

The meeting was called back to order, and proceeded as follows:

Mr. Bynum: Further discussion.

Ms. Yukimura: Yeah, I want to say I totally agree with what Councilmember Rapozo said. It needs to include all people who are affected and that definitely includes the people who were in opposition to this.

Mr. Bynum: Okay. Any other discussion. So I'll call for a vote. All those in favor of the amendment?

Mr. Kouchi/Mr. Bynum/Ms. Yukimura: Aye.

Mr. Bynum: Those oppose? The motion is carried.

Ms. Iseri-Carvalho: At this time I'd like to move to introduce...

(Inaudible.)

Ms. Iseri-Carvalho: Oh, five minutes.

Ms. Yukimura: And you have to...

Mr. Bynum: Tape change, we can do it in place.

(Inaudible.)

Mr. Bynum: We're in recess for a tape change.

Ms. Iseri-Carvalho: No. What...they need to redo it before I can introduce it. So...

Mr. Bynum: So we need a 10-minute break?

Ms. Iseri-Carvalho: We would take a recess from this Committee while they work on the bill so that I can introduce the amendment. So recess the Committee and then we'll do the Real Property Tax.

Ms. Yukimura: Or maybe the Finance.

Ms. Iseri-Carvalho: Or the Finance, Finance.

Ms. Yukimura: That's quicker.

Ms. Iseri-Carvalho: I don't know if Finance is here.

Ms. Yukimura: They are here.

Ms. Iseri-Carvalho: Yeah, okay, Finance is quicker. That's fine.

There being no objections, the meeting was recessed at 3:54 p.m. The Committee was called back to order at 8:54 p.m., and proceeded as follows:

Mr. Bynum: We're on 2265 and we have a new amendment being circulated for consideration.

Council Chair Furfaro: Give Dr. Rhoades a copy too.

Ms. Iseri-Carvalho: Does everyone have a copy?

Ms. Yukimura: Doesn't it have to say Draft 1?

(Inaudible.)

Ms. Yukimura: Yeah, but we already passed one amendment.

(Inaudible.)

Ms. Yukimura: Okay, so you have amend Bill 2265 as amended.
Okay.

Ms. Iseri-Carvalho: Questions?

Mr. Bynum: Okay, questions?

Ms. Iseri-Carvalho: I just want to say that with respect to the...It was just brought to my attention that the extension over into Lihi Park that that may become an issue because they will be doing construction on the Pono Kai seawall. It is expected during this time period. So, I just want to put it on the record that for me, I just realized after we had passed the last amendment that the construction on the Pono Kai seawall, because they have gone through emergency procurement, will be occurring in that area. So I don't know if that changes your opinion because that's going to be a major problem during that period of time.

Ms. Yukimura: Well, I presume then that they would just say construction area and that would be off-bounds.

Ms. Iseri-Carvalho: It is hoped...And that's why we wanted, you know, the County Engineer to be here to be aware that this is something that we're going to pass and how does that impact on the construction of that area of the bike path.

Ms. Yukimura: Well, it would be like even if you didn't have dogs on it, you would, it would be off-bounds to the people walking too, right?

Ms. Iseri-Carvalho: Right. But I mean...there would be...I would think there would be increased traffic in that area and I'm not sure how long of a period of time that extension, but it does take away for people that have expected to use that area. It will shorten their time period in use of that area and I wanted to bring that to the floor.

Mr. Bynum: So construction may disrupt any public use in that area.

Ms. Iseri-Carvalho: Yes, yes, any and all, but because we have an 18-month, just on the dog path issue, you know, the other people can do it any time. You know, we are not taking away their right to use that park. But we do have a sunset date just on the dog use. So, as long as they know that I'm not in favor of extending it longer than 18 months, but as long as they are aware that we are aware that there will be construction occurring and I'm hoping sooner as soon as they can do it as we've heard from Donald.

Mr. Bynum: Well, it'll impact that one area of the path but not the rest of it. So we have an amendment here that has...

Ms. Iseri-Carvalho: Well, that was already passed. The other amendments are the, I guess, rules that would apply for any dog handler. That's contained in Section 21 (A) through (I) and there is also the increase in penalties in (D).

Mr. Bynum: So, discussion?

Ms. Yukimura: Yes, question. On your 21(D) "Visibly carry the necessary instruments required for removal and disposal of dog feces," I think presently in the other law, there's a requirement for carrying necessary instruments, right? The only difference being that the proposal here is to require that it be visible.

Ms. Iseri-Carvalho: Mm-hm.

Ms. Yukimura: So that if somebody is carrying it in their pockets and it's not visible, they'll be fined?

Ms. Iseri-Carvalho: How would we know whether or not they have an instrument? I mean that was the issue, is that you want people to have it so that the other people are saying, hey, you are being responsible, I can see that you are being responsible.

Mr. Kouchi: And actually, you know, in thinking about this particular item when Shaylene added it, I realized that a lot of what we're going to be depending on, based on the public testimony and Dr. Rhoades is still here, is that we're going to have a level of volunteerism trying to have the responsible dog owners ensuring that people are doing things correctly and I just hate to see, hey,

where's your thing, what, do you have it and then so, if you are doing it correctly, at the minimum you need a 6-foot leash and if you're using a plastic bag, you can tie your plastic bag on the leash, but if it's hanging out or if you have some kind of side thing that you carry and somebody sees it, they're gonna just leave you alone. But I can just kind of see that the people who want to make sure it's done right and doing their job that, you know, you could almost wind up in confrontations between the people who actually brought their things and I don't think that, you know, having it visible is so bad and actually I hope that in my mind it would mitigate or reduce the potential for confrontations that wouldn't otherwise have happen.

Ms. Yukimura: It's a very good point. Thank you.

Mr. Kouchi: Because I see a lot of...well, I've heard a lot of commitment during the testimony process from volunteers.

Mr. Kaneshiro: I have a question.

Mr. Bynum: Yes, Councilmember Kaneshiro.

Mr. Kaneshiro: I'm not sure like what Bruce Pleas pointed out that, saying that fleas, stated free of fleas and ticks is the right word. So, maybe Dr. Rhoades will be able to help us getting something rather than just putting, you know, be free of fleas and ticks, like a healthy dog or something. I mean, there has to be something more reasonable than just fleas and ticks.

Ms. Iseri-Carvalho: And I would say that all of these were taken from what the Administration had provided in their rules. So, it was in their presentation, but I don't know if Dr. Rhoades has another lang...you know, wording that they want to use.

Mr. Kouchi: My only comment along the lines from Daryl is that when we did have dogs that were crossed shepherd and something, you know, so they weren't small dogs. They were, you know, medium-size dogs. You know, I spent several times a week checking the dog for ticks, but no matter how religious I was in removing the ticks from the dog, every time you go for the next inspection, you know, they still had 'em no matter, you know, how much I cared for it and it was frustrating, but I also knew what the consequence to my animal would be if I didn't routinely maintain the dog. And so, you know, while you do it, I do think that, you know, the communicable diseases and, you know, the dog in heat, which would definitely create a problem are, you know, things that should be in, but I would certainly concur that I think we should end it at communicable disease. And I got to believe if you're responsible, you would want to be taking care of that animal, having cared for animals before and, you know, knowing what the consequence of not taking proper care of that animal would be.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Related to that in talking about the previous issue about enforceability and ease of enforceability administration, I don't know if Dr. Becky would know this, but how easy is it to tell whether a dog is in heat or not?

Mr. Bynum: I believe, dogs that are spayed or neutered don't go into heat, right?

Ms. Iseri-Carvalho: They do, they do.

(Inaudible.)

There being no objections, the rules were suspended.

Dr. Rhoades: Dogs that are spayed. Dr. Becky Rhoades for the record. Okay, I think this would be extremely hard to enforce. That's my concern on this. Some of your...there's a lot of dogs. I don't think we need to spend a lot of time on how you identify a dog as in heat, but I do think that older dogs, fatter dogs, confirmation of certain dogs, it's a difficult thing and if we have to get into lab testing or taking to a veterinarian to prove this in court, it would, it's unreasonable. We don't have rabies in Hawai'i period. We don't even want that in there. And I think the ticks and fleas, they could have picked it up 2 seconds ago, and so I also think that's an unreasonable thing. There's fleas all over the beaches and so just walking along you could have picked 'em up and they could have been treated before they got there. That's my feedback on that.

Ms. Iseri-Carvalho: And that's, oh for me, I mean, that's not a big issue. They had asked, in fact the Parks had asked, how would they enforce it. I mean, basically they would not. And that was their response, that they will not enforce that and so it's really not necessary to have it because I think if you're a responsible owner, you would keep your dog off the path if you knew that it was in heat and you would also, you know, try to keep your dog as clean as possible and I would agree with Councilmember Kouchi. I mean, we had a dog and it went to our neighbor's house for a short time and when it came back it had fleas and ticks that...and then the next day it got more, you know. So, that would be very difficult. So I don't have any problem with that coming out. It's not a...

Mr. Bynum: Removing (I)?

Ms. Yukimura: Removing (I)?

Ms. Iseri-Carvalho: (I), removing (I).

Ms. Yukimura: Okay.

Mr. Kaneshiro: Yeah, I would agree because a responsible dog owner really knows when a dog is really in heat or not. So, you know, we can leave it at that point and we have all this training conditions here, we have all the conditions that will make the person that takes the dog on this bike path be a responsible person to do that. So...

Dr. Rhoades: Can I comment on that?

Ms. Iseri-Carvalho: Oh, go ahead.

Dr. Rhoades: (F), I think (F) would be the...

Ms. Iseri-Carvalho: The means of trying to teach them...

Dr. Rhoades: The certification issue...I think is a difficult issue. And I, having our name in there is also a difficult issue. There's a lot of dog training. You can get it on-line, you can order a certificate on-line. Dog training certification is an issue and I think it's more reasonable to enforce the leash law,

dog license law, than having in the law that the dogs are required to wear a tag that shows that they're certified, been through some kind of training. I don't know who's going to issue that tag. I don't know anything about that.

Mr. Kouchi: It started initially but I think from some testimony, it was subsequently removed in later drafts because of some of the testimony on the difficulty and just the logistics of lack of certified trainers for the Humane Society to do it.

Mr. Rhoades: Yeah, it would be a really hard one. I think we had talked about that at one point when we were going to do the permitting process, when we were talking about the permitting process. I think this is a different process and that would be difficult.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: Okay, so, I mean, it's diff...I would imagine for the Humane Society to have to or be able to certify, that has a lot of liability issues about it. And then, also, what kind of costs are you looking at too? I mean, we're talking about allowing people regardless of income and so forth and not letting cost be a barrier to people.

Dr. Rhoades: Yeah, I mean, I think we had talked about it at this one point with the permitting process and we do have... There's a standard test that is done called the "Canine Good Citizen Test." It's done across the country. We do it at our place at the graduation class; Dog Fanciers does it. You have to be a certified instructor to be able to issue that certificate. It comes through the American Kennel Club. There's a fee and we would definitely have to charge a fee if we're going to have to pay staff to do this. So, there's going to be fees related to it, which we hadn't worked it. And again, I had looked at this as a part of this alternate route if we were going to try and permit dogs to allow them on the path versus it being a part of this ordinance where we're trying a trial period as well as requiring dogs to be under a leash under control of 6-foot, which is the reasonable way that dogs are under control around the country versus having gone through a training class.

Mr. Bynum: I think we discussed this at length with the former Mayor and also Bernard and found that it was probably impractical because we already have a licensing. What I hope that the Administration does choose to do is to do a disclosure at licensing about the responsibilities of dog ownership, that people sign their awareness of the current laws and the expectations of dog ownership include leashing and not leaving dogs off-leash and keeping them under command and control at all times, which is in our current law now.

Dr. Rhoades: Right and we'll recruit students as we're out there because we do have year-round-school now at the Humane Society and we will recruit students as a part of the volunteer program to encourage folks to go to class.

Mr. Bynum: Councilmember Rapozo.

Mr. Rapozo: Isn't this in the rules? This?

Ms. Iseri-Carvalho: All of this came from the information that Bernard had submitted. All of these rules were in that book. None of these were created on our own.

Mr. Rapozo: And I think, I don't think this was created at all. I think, in fact, many of the people coming up to testify offered this and in fact were satisfied with this.

Ms. Iseri-Carvalho: Right.

Mr. Rapozo: In fact, one by one came up and said that they would be willing to do this, and that's what I heard from testimony. So, you know, this was put in not from us. I mean, we don't know, I didn't know about a certification program.

Mr. Bynum: I believe in Bernard's testimony today, he said that they rejected the idea of certification.

Ms. Yukimura: Yeah.

Mr. Kouchi: That was initially there, but...

Mr. Bynum: It was discussed, but, it certainly was discussed, but I think...

Mr. Kouchi: But then subsequently removed.

Mr. Bynum: That's correct, is my understanding.

Mr. Rapozo: Maybe I left the room. I don't think I heard 'em, but that to me was one of the important components of having the dogs certified and I don't know.

Ms. Iseri-Carvalho: I guess for me, that's an important part. I mean if you have a different title, then you're saying a good canine behavior, I don't know what kind of certification that is. But for me, the dangerousness of the dog and the amount of letters, this was a compromise for me that they would have some assurances to the public that the dogs that were put there would be ones that were, you know, calm. And we know dogs are unpredictable and that this was something that would offer some assurances for those on the path. And I guess for me it's an important part. There has to be some sort of certification for me and, you know, if there's an alternative kind of certification...What was that you just said? A good canine...

Dr. Rhoades: Good Canine Citizen. Canine Good Citizen is the name of the test, CGC Test.

Ms. Iseri-Carvalho: Canine Good Citizen.

Dr. Rhoades: Mm-hm.

Council Chair Furfaro: Canine Good Citizen Test.

Dr. Rhoades: Mm-hm.

Council Chair Furfaro: And it's done by the American Kennel Club?

Dr. Rhoades: An American Kennel Club certified instructor. There's several of them. I don't know how many there are currently on the island that are current.

Ms. Iseri-Carvalho: But they are available here?

Dr. Rhoades: Yes.

Ms. Iseri-Carvalho: ...and what does that course entail?

Dr. Rhoades: A few basic manners, sitting down; getting along with a crowd; leaving your owner; not flipping out; nice, good action; good behavior in a crowd; walking on a leash amongst other dogs and in a crowd. It's a basic well-mannered dog. I will just say, since I'm here, that I think it's really challenging because a lot of folks have really nice, well-mannered dogs that have never gone to a class and if they don't have this certification and this tag, they can be fined \$100 and that's what I'm challenged with, is that requiring people. I appreciate your concern, but again, the normal way to control dog behavior in public places across anywhere in Hawai'i, United States is by having the dog under control on a leash. That's the normal means to control dog behavior. And if we're going to raise the bar for that, the cost involved with that, everything is going to change. That's how I see it. I didn't realize this was still in play.

Mr. Bynum: I wanted to avoid bringing this up, but, you know, I'm very clear that this was discussed with Parks. He testified today that he rejected this as a viable option in terms of enforcement and the logistics. I think it also raises a liability concern that we don't have because if say this dog is certified and then something happens, it brings in the whole question of the certification process, who...

Dr. Rhoades: Who signed it off?

Mr. Bynum: ...did that, who signed off on it, and so I can't support this as I see it as impractical and something that the former Mayor and the Administration had moved away from and Bernard said it today.

Mr. Rapozo: Bernard also said he's not ready to move forward with this as well. So, you know, I think that's important to take account.

Ms. Yukimura: Question.

Mr. Bynum: Councilmember Yukimura.

Ms. Yukimura: So how much does that cost?

Dr. Rhoades: I think they charge \$15. I think it's \$15 to take the CGC Test and it takes about...

Ms. Yukimura: But how much training does it take?

Dr. Rhoades: Well, normal classes are either 6 weeks or 10 weeks.

Ms. Yukimura: And how much does that cost?

Dr. Rhoades: Those run \$40, some \$25 to \$40, depending on where you go. You have to go once a week for 10 weeks or once a week for 6 weeks. And then you take the CGC Test.

Ms. Yukimura: And so, given how many people would be wanting to walk their dogs, is it actually feasible that there are enough instructors to do this?

Dr. Rhoades: Well, we had talked at one point about saying, okay, when we talked about the permitting process to allow permitted dogs on and not change the ordinance. We had talked about possibly offering it on Saturday afternoons for a couple hours every Saturday or once a month was what we had thought about so we could run, get some people through a test. We had talked at one point about a makeshift type of CGC test.

Ms. Yukimura: No, we're not talking makeshift. We're talking standard and I just, I'm just wanting to know what kind of a volume could be handled. I just want to know those aspects.

Dr. Rhoades: Yeah, you can do about three or four dogs an hour is basically how the test is done with one instructor and an assistant.

Ms. Yukimura: Well...okay, but these instructors aren't professional paid instructors who are available all the time, are they?

Dr. Rhoades: No, they're all volunteers or (inaudible).

Ms. Yukimura: I mean I don't know how many people have dogs they want to walk, but I'm concerned about the administration of it and how feasible it may be, and this was in the context of permitting dogs. I mean, that was the one other regulatory system that was looked at and then there's those, this system of leashes. Is that...

Dr. Rhoades: Well, there was two ways to look at how to allow responsible dog walking on the path. One currently, the current Parks law allows permitted, if you go to the Parks Department, you can get a permit, to have dogs in parks. We have dog classes in Hanapēpē Park. So, we had talked at one stage about how could we work that permitting process to possibly allow responsible dog walking in a park and go through a permitting process. That's where this discussion, that I remember where this discussion was. Then, Councilman Bynum introduced the ordinance which limited the size of the leash we established and we've been moving on that direction and not the permitting way of trying to allow these dogs.

Ms. Yukimura: Okay, so in most communities where dogs are allowed, whether it's on a path or a park, do they use a permitting system or do they have an ordinance similar to what we're looking at today?

Dr. Rhoades: I personally have never found someone, a community using a permitting system for safe dogs to be allowed to be in a certain area, whether it's a park or on a path. No. That's not the common means.

Ms. Yukimura: That's not common way.

Dr. Rhoades: That is not the common means. The common means to control dog behavior is by leash law enforcement.

Ms. Yukimura: Okay.

Mr. Bynum: And licensing.

Dr. Rhoades: And licensing.

Ms. Iseri-Carvalho: You can prepare your own amendments. I have a question though. If it's 9:20 p.m., Councilmember Kouchi had asked if you were...for some more information. Have you provided that information to him?

Mr. Bynum: I'm sorry, I don't know what you're referring to.

Ms. Iseri-Carvalho: There was discussions here that Councilmember Kouchi said that he was inclined to do a deferral unless you provided certain information to him.

Mr. Bynum: I don't recall what you're referring to. I think we should go through these and decide if we want to leave them in or vote to leave them in or not. Most of these I don't have a problem with. A couple of them I do and this is one.

Ms. Yukimura: Mr. Chair? Can we have a brief 5-, 10-minute recess, please?

There being no objections, the meeting was recessed at 9:19 p.m. The meeting reconvened at 9:40 p.m., and proceeded as follows:

Council Chair Furfaro: Mr. Chair, I understand that there is some narrative that you're going to be working on over the next 2 weeks. I also understand from our earlier dialogue and with some support from Dr. Rhoades and, of course, Councilwoman Iseri-Carvalho that I will take some time to work with the County Attorney's Office along with Dr. Becky Rhoades on a release form for the purpose of licensing and in that release it will reference the rules of the County of Kaua'i as well as a brochure that will be developed by the Humane Society acknowledging the need to comply to our rules and at the same time release with a signature specimen any potential liability that they have against the County. And so, while we'll be working on those two items, I do know that you have a commitment from a number of Councilmembers to move this forward on the 20th and it will be the first item on the 20th followed by a second request by Councilwoman Iseri to have the Engineering Department here. I'm sorry, maybe that was Mr. Rapozo, the Engineering Department here on the Pono Kai seawall. And I believe that's where we were at this evening and I will pledge to work with the County Attorney's Office with the Humane Society on the release form.

Mr. Bynum: Thank you for that summation. I guess that's the state we're in. So, I call the Committee back to order.

Ms. Iseri-Carvalho: And unless there's any further discussion, I'll make a motion...

Mr. Rapozo: I, yeah, I just wanna, because I wanna make sure that the Parks Department understands what I'm looking for and maybe, you know, my vote doesn't, is not needed, but nonetheless, I still want to make my expectations known. Simply I think we had the discussion today and I know Councilmember Yukimura made the comment that, you know, we shouldn't micromanage, but I think we heard the Mayor's presentation and, you know, we basically went against what he said by extending the route. I think the amendment that was passed really takes away from what the Mayor wanted as far as keeping the dogs out of the Parks System and you know, the majority, I guess, agreed that it was okay to be put in the Park System, so that's a done deal. I think what we heard today was from the Parks Advisory Committee that they are opposed to having dogs on the path and, you know, we're basically overriding that and saying, no, we think they should. And so, I just want...and for me, the biggest concern I think is the Parks Director's statement that he's not ready. He's not ready to move forward with this bill because he's just not ready. I think for us to tell him that he is ready and I don't think that's fair for number one. I think that increases our liability because if something should happen on the path when we have it on the record that the Parks Director is telling us we're not ready, we don't have enough maintenance workers, we don't have enough shifts, we don't have enough enforcement personnel, but the Council is basically overriding that and saying, no, we think you do. And in fact, we're gonna go ahead and move this thing forward. Mr. Kouchi said earlier tonight that the legislation should drive the bill not the timeline and although I appreciate the deferral, that was what my intent was, I think my concern is that we're telling the Administration to move forward on a bill that they may not be ready to enforce. So, those are my concerns and those will be my concerns in 2 weeks and I am hoping that in the next 2 weeks the Parks Director will be able to come up and say that they've rectified the concerns, and in fact, they have the mechanisms in place to properly enforce this bill and hopefully the measurables will be in place. I feel very uncomfortable that we're moving this thing too quickly, without the support really of the Parks Director at this time. So, I definitely will support the deferral and I can support the bill providing that we can get the approval or the consensus from the Administration, more importantly the Parks Director. Thank you.

Mr. Bynum: Any other comments?

Ms. Iseri-Carvalho: Yes, I do. My comment has to do with thank you, Council Chair for volunteering to take that step on the liability. As we all know my concern has always been the County's liability and if we can ensure that there will be assistance via the Humane Society in assuring that all of the dog handlers are aware of all of the rules and that they will be willing to waive liability or else not be issued a dog tag to be allowed to be used on the shared path, by all means that protects the County. I wanted to state that it is my understanding that there will be no extension of the 18-month period relative to closure of the path that may be necessary for the construction, repair or maintenance of the Pono Kai wall. We know that we anticipate that that construction will occur. That area is within the new proposal that we have in the amendment. So, it's my understanding that that will not be extended, that the Humane Society and all the dog people are aware that during that 18-month period, there may be a portion of the path that is or will be allowed that they will not be permitted to go there during that time period. In light of that, I think it's important that we get all our ducks all lined up in order and it appears that everyone will be working. The Parks Chair will be working on doing the measurables, Bernard Carvalho will be working on his time schedule and enforcement mechanisms, and the Council Chair will be working with the County Attorney and Dr. Rhoades in developing the necessary verbiage to protect the

County. So, with everyone working, it appears that the 2-week time is, of course, necessary and we look forward to returning back in 2 weeks to have all of those proposals all lined up and ready for vote.

Mr. Bynum: Anyone else before I make a closing statement?
Yes, Councilmember Furfaro?

Council Chair Furfaro: Yes. I'm happy to volunteer on whatever the impact be on getting signatures by responsible dog owners and a document that indicates they have relieved the County of any responsibility. How that works in court, I'm not sure, but it's an important document to have. I don't think it's unreasonable if and when this period begins with the repair work in front of Pono Kai. I mean, it's clearly understood that that'll be a period that the path should pretty much be off-limits to anyone during the repair period. I also want to make note that this Council did acknowledge portions of Mayor Asing's request and that we are not going to be looking at the pathway extending into Keālia Beach area, that the turnaround will be after the handicap stall after the first pavilion after the crossing of Kapaia Stream. That's Kapaia Stream.

Ms. Iseri-Carvalho: Is that Kapaia? Kapahi?

Council Chair Furfaro: Kapahi. I'm sorry, I'm in the wrong...

Ms. Iseri-Carvalho: Kapahi because Kapaia is here, yes.

Council Chair Furfaro: Yes, yes, it's a long evening. So I do want to point out...

Ms. Yukimura: Keālia Stream.

Ms. Iseri-Carvalho: Oh, Keālia, Keālia.

Council Chair Furfaro: Keālia. Okay.

Ms. Iseri-Carvalho: Coming down from Kapahi.

Council Chair Furfaro: Keālia Stream. That we did acknowledge the Mayor's suggestion that that area not go to the lifeguard tower and that that will be the turnaround point to Lihi bridge. So on that note, I just want to thank everyone for agreeing to take some portion of this assignment so that we can move the first thing on the 20th. Thank you.

Mr. Bynum: Okay, anyone else? I just want to say that I appreciate people being willing to compromise and to work out these particulars and these different issues, but I would feel remiss personally if I didn't say that for me I need to take a step back and say, we are talking about reasonable and customary use that occurs all over the world. I think virtually no municipality goes to these lengths to address these concerns and these issues. You know, it's overkill in my estimation, but if that's what it takes to get people to have the liberty to do reasonable and customary use, then we'll have to go through the process. You know, here in the State of Hawai'i, this isn't difficult on other islands. Every island makes accommodations for people to do reasonable and customary use. We've always been more restrictive in our regulations than the other islands and I accept that and that's, you know, a decision that this community's made and we're not seeking to change that. We're seeking to allow use on a shared use path that was

anticipated by the AASHTO Guidelines and the federal government, and is commonplace virtually everywhere and so, but if we need to go through this level of...

Council Chair Furfaro: That is the nature of compromise, Mr. Bynum, and I tell you at this point, I would suggest to you that you recognize everybody's effort here to get us where we're at.

Mr. Bynum: I think I just did.

Council Chair Furfaro: Okay, very good.

Mr. Bynum: And so with that, I'll entertain a motion to defer.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Yukimura, and unanimously carried, Bill No. 2265 as amended was deferred.

Council Chair Furfaro: Okay, I do want to make note of just one other item here and I don't, I will carry this with Mr. Kouchi. As we come to Bill No. 2267, I do want to make note and send a communication to the Mayor's Office that pursuing the potential and the creation of a dog park in Wailua, in my time on the Planning Commission, I would acknowledge that we probably have to have a period that notice is given to the neighborhood about the planned use change. And I think that's something I learned when I was on the Planning Commission. So, we need to have a communication sent over to the Administration.

Mr. Bynum: Well, we haven't adjourned the Parks Committee yet. We have two other bills that I think we could pass out tonight because there's amendments that I don't think will be...

Council Chair Furfaro: Is your other bill 2267?

Mr. Bynum: 2267...

Council Chair Furfaro: Yeah and I'm suggesting that the...

Ms. Iseri-Carvalho: But first, let's, I think it's important to inform them first.

Council Chair Furfaro: (Inaudible) I just wanted to go over on that.

Ms. Iseri-Carvalho: We've had those three taken together. If not, we're going to have further discussion on the dog parks and further discussion on the stray dogs. So, if that's your intention, that's fine. If not...

Council Chair Furfaro: No, no, my intention is just to send over a communication on 2267 on the potential of needing to give notice to the neighborhood.

Mr. Bynum: So, the Committee wants to defer all three bills?

Ms. Iseri-Carvalho: That's my intention.

Mr. Bynum: Because I think we just voted to defer 2265.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Rapozo, and unanimously carried, Bills Nos. 2266 and 2267 were deferred.

There being no further business, the meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Wilma Akiona

Wilma Akiona
Secretary

APPROVED at the Committee Meeting held on September 3, 2008:



TIM BYNUM
Chair, Parks & Recreation Committee



(August 6, 2008)
FLOOR AMENDMENT
Bill No. 2265, Relating to Parks and Recreation

INTRODUCED BY: JoAnn A. Yukimura

Amend Bill No. 2265 by amending Section 19-1.4 to read as follows:

“Sec. 19-1.4 General Prohibitions Applicable To All Parks And Recreation Facilities.

- (a) No person at a park or recreation facility shall:
- (1) Abandon any vehicle or other personal property.
 - (2) Leave any vehicle or other personal property unattended for longer than twenty-four (24) hours.
 - (3) Operate or use any audio devices including radios, television sets, musical instruments or noise-producing devices such as electric generators, or other equipment driven by motors or engines, in such a manner and at such times that produces unreasonable noise as defined in HRS Chapter 711-1101, unless authorized by the Director or his designated representative on a permit.
 - (4) Use utilities and appurtenances for non-recreational, commercial, or other activities, unless authorized by the Director or his designated representative on a permit.
 - (5) Install aerial or other special radio, telephone, or television equipment, unless authorized by the Director or his designated representative on a permit.
 - (6) Operate or use public address systems, whether fixed, portable or mounted on a vehicle, unless authorized by the Director or his designated representative on a permit.
 - (7) Disturb or interfere with any other person occupying an area, or participating in any authorized activity.
 - (8) Lead or let loose any dogs or other domestic animals, unless authorized by the Director or his designated representative on a permit, except for [leashed dogs under the control of the owner on the County's shared use path system subject to Chapter 22, Article 2, Kaua'i County Code 1987, as amended.] as set forth in Sec. 19-1.4(a)(21).
 - (9) Use, carry or possess firearms and weapons of any description, except for bows and arrows for archery competitions and air rifles for air rifle competitions when authorized by the Director or his designated representative on a permit.
 - (10) Drive or park motorized vehicles, including dune buggies, motorcycles, minicycles, and scooters, or ride horses, except on designated roads and parking areas, unless authorized by the Director or his designated representative by signage or on a permit.
 - (11) Mark, deface, or remove any natural feature or natural resources.
 - (12) Destroy, injure, deface or remove in any manner any public building, sign, equipment, monument, marker or other structure.
 - (13) Destroy, dig or remove tree, shrub or other plant, unless authorized by the Director or his designated representative on a permit.

(14) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, unless authorized by the Director or his designated representative on a permit, except for a pre-fab and manufactured quick tent no larger than 20 feet x 20 feet for an event or gathering.

(15) Start a fire except within designated grills, portable grills, and fireplaces. No fire shall be left unattended and all fires shall be fully extinguished after use.

(16) Throw or drop a lighted cigarette, cigar, pipe heel, match or other burning material, except to start a fire within designated grills, portable grills, and fireplaces as allows in paragraph 15.

(17) Use roller skates, roller blades, skateboards, or bicycles except in designated areas authorized by the Director or his designated representative through signage.

(18) Dance on any gymnasium floor while wearing shoes, provided that dancing with shoes shall be permitted if a protective covering over the floor is used.

(19) Dispose litter in other than designated trash receptacles.

(20) Operate or use air-horns, unless authorized by the Director or his designated representative on a permit, or to start or end events or races. As used herein, air-horn means a device intended to produce a sound signal by means of compressed air or gas or exhaust gas.

(21) Dogs shall be permitted in the area beginning at Lihi Park to south of the picnic shelter closest to Keālia bridge for a trial period of eighteen (18) months. Dogs or other domestic animals shall not be allowed on the path system through Lydgate Beach park and the Lydgate campgrounds to the Wailua River Bridge.

(b) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

(c) County Employees authorized by the Director shall have the authority to issue citations and charges for any violations of the provisions of this Section.

(d) Any person convicted of violating any provision of this Section or as the same may be amended or supplemented, shall be punished by a fine not exceeding \$500.00 nor less than \$15.00. In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(e) Expiration. The provision in Section 19-1.4(a)(21) is hereby repealed eighteen (18) months after its enactment."

(Material to be deleted is bracketed. New material is underscored.)