

MINUTES

COMMUNITY ASSISTANCE/ INTERGOVERNMENTAL RELATIONS COMMITTEE

October 1, 2008

A meeting of the Community Assistance/Intergovernmental Relations Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember JoAnn A. Yukimura, Vice Chair, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, October 1, 2008, at 1:53 p.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Shaylene Iseri-Carvalho
Honorable Ronald Kouchi
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro, Ex-Officio Member
Honorable Daryl W. Kaneshiro, Ex-Officio Member

EXCUSED: Honorable Mel Rapozo

There being no objections, the Committee was recessed at 1:53 p.m. The meeting was reconvened at 4:08 p.m., and proceeded on its agenda items as follows:

Minutes of the September 3, 2008 Community Assistance/Intergovernmental Relations Committee Meeting

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Yukimura, and unanimously carried, the Minutes of the September 3, 2008 Community Assistance/Intergovernmental Relations Committee Meeting was approved.

CA/IGR 2008-14 Communication (7/23/2008) from Committee Chair Shaylene Iseri-Carvalho, requesting that the Administration be present to discuss the County's legislative proposals to be submitted for the 2009 State Legislative Session and to provide an update on the status of bills that passed the Legislature during the 2008 session.

[This item was deferred.]

SHAYLENE ISERI-CARVALHO, COMMUNITY ASSISTANCE/INTERGOVERNMENTAL RELATIONS COMMITTEE CHAIR: The next item on the agenda is CA/IGR 2008-14, which is a communication from myself requesting that the Administration be present to discuss the County's legislative proposals to be submitted for the 2009 State Legislative Session and to provide an update on the status of bills that passed the Legislature during the 2008 session. We again have in our possession a motion...actually a request from the Administration to receive this item. Let me say that I will be asking for a deferral of this item for the very purpose that this communication went out on July 23 to ask for an update. It is now over two months and we have yet to get a report to the public about these items. The last item that we had regarding the legislative session and that was before the veto of the bills or the potential date for the veto of the bills, I had to give the report because there was a request that they were unable to give a public report. We are now, like I said, you know, two and a half months, it's been over...months...four months since the Legislature has ended and we have yet to provide the public a service that they be informed about all of the legislative bills

that we had submitted and other counties have submitted and what has passed and has been vetoed. There are some important bills that we had discussed here on the agenda. One of those was the Purity Task Force for the taro, that in fact we had passed an item, a resolution regarding that and there was extensive discussions on the floor regarding that bill and in fact there was a resolution that passed 3-4...I mean 4-3 and then there was a unanimous approval of a resolution in support of this Purity Task Force that were supposed to bring together stakeholders to discuss the kalo and the GMO-free kalo issues. We know that the Governor had vetoed the appropriation for that committee, in effect saying, yeah you guys go on ahead, you have your committee, but we're not going to fund any part of it. And so, really there isn't really a committee that exists that can do work without any money. This is a problem and this is the kinds of thing that our community who has come forth and took off from work and many, many, many, many, many hours and this is the kinds of actions take place, and they should know that this is what happened because in effect, they probably believe that it passed. Had we not gotten the written report from the Administration, the public would not know about...we are clearly doing a disservice to the community by providing testimony to the legislature by each Councilmember doing it individually, by others taking time off from work, flying to O'ahu to testify regarding these matters, and not getting a report back from the Administration.

As you recall, last year I was in opposition to a position to specifically hire an assistant of the Mayor, an additional position of almost \$100,000. That position was to allocate energy spending, to do energy tips, to do awareness on sustainability, and also to track all legislative bills. It is now four months later and we have yet to have an oral report. It's outrageous, it's horrific, I don't think the position was necessary. I don't know why we continually waste money on these positions and we continually get people coming in and saying they cannot come here and provide a public service to the community on the kinds of bills and legislation that impact our County. So at this point, I am again...and to have the gall to come in and ask to receive the item without giving the community an opportunity to provide input is just ludicrous to me. And so, I am going to ask that we defer this matter. Once I am...we sent a letter that if the person who is in charge of that position to provide testimony is not able to come, then the Administration needs to send somebody else. We cannot wait for four months before the community gets a report. We're almost going to start our next legislative session. So, I will ask at this time to suspend the rules and is there anyone here who wishes to testify on this matter.

There being no objections, the rules were suspended.

Ms. Iseri-Carvalho: There being none, I'll call the meeting back to order.

There being none wishing to testify, the meeting was called back to order, and proceeded as follows:

Ms. Iseri-Carvalho: Before entertaining a motion to defer, is there anyone here who wants to make any comments? Yes.

Mr. Furfaro: Councilwoman, I'm not a member of your Committee. I'm ex-officio, but I do have a piece of correspondence here from Mayor Asing dated September 29. Are you in receipt of that?

Ms. Iseri-Carvalho: I am.

Mr. Furfaro: Okay and in the Mayor's letter on item 2008-15...

Ms. Iseri-Carvalho: 14, we're on 14.

Mr. Furfaro: I just wanted to...I think 15 refers 14, that unfortunately the Administrative Assistant Gary Heu is out of State.

Ms. Iseri-Carvalho: Right.

Mr. Furfaro: And then...

Ms. Iseri-Carvalho: But the item, the item is...oh, go ahead.

Mr. Furfaro: 2008-14, the Administration respectfully requests the receipt of this agenda item. A written report was filed with the Council on August 6 and no new developments have occurred since that report. And I'm looking for that report and do I assume this is the legislative update that...

Ms. Iseri-Carvalho: It is. And my point was we are not here for the Administration to inform the councilmembers. We are here to provide a service to the public so that the public is informed about what is occurring at the legislature.

Mr. Furfaro: I do understand your point about the public. I just wanted to make sure that we also...and it also...I read somewhere in here that they also are willing to meet individually...maybe that was a note I had in a conversation with Mayor Asing, on any...an offer to meet individually with any councilmembers. That was in a conversation I had with the Mayor. So, it does look like on 2008-14, your position is giving the public an opportunity. The Administration's position is since there's been no reoccurrences, they're asking us to receive this agenda item. And 2008-15 asks basically our indulgence while Assistant Gary Heu is out of State.

Ms. Iseri-Carvalho: And I won't want to talk about 2008-15 because we've haven't called that as an agenda item. So, we are currently on 2008-14.

Mr. Furfaro: Thank you for just letting me share that in your Committee. I just wanted to...

Ms. Iseri-Carvalho: And I have shared that as well because what I'm saying is that they have never given a report. So, you know in all due deference to Mayor Asing, no new developments have occurred, we have not heard of the first development, since that time no new developments have occurred. But we have never gotten a report to the public about all of the issues and the laws that have been enacted as well as the ones that have been vetoed, including one of those that affected our County, where we spent a lot of time was on the Kalo Bill as well as the Purity Task Force Bill, but there are many others as you've seen in your packet.

Mr. Furfaro: Right.

Ms. Iseri-Carvalho: As I said, the last time I actually gave the report. It wasn't even done by the Administration because they had deferred it so many times and I felt that the public needed to know these bills so they could provide testimony before the closure of the legislature, that it was I who did the report for them.

Mr. Furfaro: Well, I understand your point and it is your Committee, so.

Ms. Iseri-Carvalho: So any other comments? If none? Go ahead.

Ms. Yukimura: I was just going to say I would defer to the Chair and move to defer.

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Bynum, and unanimously carried, CA/IGR 2008-14 was deferred.

CA/IGR 2008-15 Communication (9/22/2008) from Committee Chair Shaylene Iseri-Carvalho, requesting approval of the two (2) projects proposed projects by the Administration for the 2009 Kaua'i County Legislative Package:

(1) Wailua Emergency Bypass Road Repairs and Resurfacing - \$950,000

(2) Waimea Wastewater Treatment Plant Upgrades - \$6,000,000
[This item was deferred.]

Ms. Iseri-Carvalho: The next item on the agenda is CA/IGR 2008-15, which is a communication from myself requesting approval of the two projects proposed by the Administration for the 2009 Kaua'i County Legislative Package: (1) Wailua Emergency Bypass Road Repairs and Resurfacing - \$950,000 and (2) Waimea Wastewater Treatment Plant Upgrades - \$6,000,000. This item I will be requesting for a deferral and the reason is this. We had submitted...this is the second year that I'm chairing this committee and when we submit bills to the legislature, there is a specific form that it has to be in. The Administration is well aware of that. We prepare all of our bills and its justification sheet to the legislature. We do that for the HSAC package. Cyndi does all of that. She does it for all of the counties, which will be in fact appearing I believe next week or the week thereafter. We provided to the Administration a sample of how to prepare a bill to be submitted to the legislature. We did not receive any changes on their request and it is in a totally improper form and cannot be submitted in the form that they have provided. Again, we hired a person for almost \$100,000 to assure that their bills that are submitted by the Administration are put in its proper legislative format with its justification sheet as we have been preparing for years. And yet it did not come over that way. And so, we will not be doing the work of the Administration. They, in fact, get paid a lot more than we do. So I am going to request a deferral be made. They already know. We've sent a sample of how to do a legislative bill with a justification sheet and they haven't done it, so. I will, at this time, instead of asking an approval, ask for a deferral. But before we do that, is there anyone in the public who wishes to testify?

There being no objections, the rules were suspended.

BRUCE PLEAS: Bruce Pleas for the record. As I presented last time on the Waimea Wastewater Treatment Plant, \$12 million was a large amount of money. I actually...I mentioned constructed wetlands. I did a little research on it...a little bit last night and I was amazed at the improvements from when we looked into it about eight years ago that have been in that field. I'm really impressed by what there is. So, I just pulled a little bit of stuff up. It's

basically...anybody can search and this is for the public. You just look constructed wetlands for wastewater treatment and just search under that. There's lots of stuff and all you have to do is add cost to it and it'll come up with how much they cost. And just check them out. I'm submitting this to the Council for your information and I believe any proposal that goes forward for wastewater treatment plants should look at this. It looks to be cost effective. It seems to have worked fairly well and in this case with Waimea, it works very well in with the general plan with the Kikiaola expansion of a golf course with ponds and into the what used to be there. There used to be a lake there and everything. And also, it would work well with the agriculture there. It would provide water for them from our wastewater in a better form than it is now. It seems like a win-win proposition that the County should look into seriously across the board. Thank you.

Ms. Yukimura: Madam Chair?

Ms. Iseri-Carvalho: Question?

Ms. Yukimura: Yes. I want to thank you for submitting that because I think that is certainly an option we should look at and I believe the water quality of the effluent is higher than that which we're putting into injection well right now. There's offshoots of plant propagation and all kinds of possibilities, so it's definite...I think even lesser energy use, although I hope that they will incorporate some on-site energy sources as part of the sewage treatment design. So, thank you for that.

Mr. Pleas: You're welcome.

Ms. Iseri-Carvalho: Anybody else who wishes to testify? If not, I'll call the meeting back to order.

There being no one else wishing to testify, the meeting was called back to order, and proceeded as follows:

Ms. Iseri-Carvalho: Yes, a question?

Ms. Yukimura: Just before we move to defer, I just want to say that I unequivocally support this Waimea Wastewater Treatment Plant Upgrade. Last night we all discussed as candidates the importance of removing that obstacle to development and growth in Waimea Town. You know, I think there's several facilities that could create jobs if they could expand and right now sewer and water are a major obstacle. I want to say that I hope that some of the questions that were asked of Mr. Heu will be answered too in their response to us because there were some questions asked and he said he would have to look into it. And so I don't have a problem deferring it.

Ms. Iseri-Carvalho: Yes, Council Chair.

Mr. Furfaro: Oh yes, I also do want to point out that this is a very high priority as Councilwoman Yukimura pointed out. The current facility is at 90% capacity. I do believe about five years ago, Councilwoman Yukimura and I had a presentation made on the constructed wetland and there have been a number of improvements made. It is worth pursuing the possibility of looking at a constructed wetland and upgrades to the existing facility and see if they can piggyback on one another because certainly the possibility of using R2 water for irrigation as well is a substantial resource to be managed.

Ms. Iseri-Carvalho: Thank you, Council Chair, appreciate that. Any further comments? If not, with respect to these projects, they are extremely important. I believe both of these projects are important. You know, in our Committee we sit down with Cyndi who does a lot of the legislative bill and we discuss ways of trying to secure funding for projects. We cannot secure funding if we don't have these requests for bills in a proper format. That's the very first step that we need to take. It's elementary, it's fundamental. Everybody should know that that's what gets the bill on. You know, I have been very gracious in putting this on the item and asking for an approval despite the fact that it was not in the proper format. It has been the Council's policy that if any bills come over from the Administration that is not in its proper format, it doesn't even get on the agenda. But because these are very important items that are necessary and essential core infrastructures that are required for our County, you know, I had made an exception in requesting approval. And so, it's an embarrassment, I think, for the Administration, despite the fact that I feel that they believe that these are important projects, to not even do the simplest task of having it in the proper format for submittal or for even having it appear on the agenda. And so, you know, it's unfortunate and that's why I'm asking for a deferral, that they need to know that these bills are important and they need to allocate the necessary time to put it in the proper fashion before the legislature will even consider it. There are statutory rules on what kinds of items need to be placed on a bill or in a justification sheet before it can even be presented to the legislature. It is not even in that format and that's really bothersome to me, especially when they are told that it needs to be in that format, they are told that time is of the essence, they are told that there are financial problems and if we have any shot at getting matching funds for these from the State, that we need to be smart and expedite these matters ahead of everybody else. And that's why we take strict deadlines and put it on the agenda early and it's unfortunate that here is another item...I know the community must be thinking is that all we do, defer items because there's been, I believe, you know, 7 out of the 12 items, you know I there have been 7 that's been deferred again. So, you know, it's unfortunate, but it does not detract from the fact that we feel that both of these items are very, very important, but we also feel that there has to be accountability and the Administration needs to prioritize these items so that there is that kind of priority that is placed on these items and we can move forward because this is just, again, the first step in trying to get the funding. With that, if I can get the motion to defer?

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Yukimura, and unanimously carried, CA/IGR 2008-15 was deferred.

CA/IGR 2008-16 Communication (9/25/2008) from Committee Chair Shaylene Iseri-Carvalho, requesting that the Director of Housing be present to provide an updated status report on the affordable housing projects that are currently monitored and tracked by the Housing Agency's Affordable Housing Task Force.
[This item was deferred.]

Ms. Iseri-Carvalho: The next item is CA/IGR 2008-16, which is a communication from myself requesting that the Director of Housing be present to provide an updated status report on the affordable housing projects that are currently monitored and tracked by the Housing Agency's Affordable Housing Task Force. Before...there has been a request by the Director of Housing for a deferral and the reason is because both of his staff members, unfortunately, are out and they intend to present a detailed PowerPoint presentation regarding all of the affordable

housing projects and so, this is a first request for a deferral. I am going to ask the Committee to recognize their request and defer this item, but before we do that, let me suspend the rules.

There being no objections, the rules were suspended.

Ms. Iseri-Carvalho: Anyone in the public who wishes to testify on this matter? There being none, I'll call the meeting back to order.

There being none wishing to testify, the meeting was called back to order, and proceeded as follows:

Ms. Iseri-Carvalho: Any further comments? If not, if I could get a motion to defer?

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Yukimura, and unanimously carried, CA/IGR 2008-16 was deferred.

There being no further business, the meeting was adjourned at 4:26 p.m.

Respectfully submitted,

Wilma Akiona

Wilma Akiona, Secretary

APPROVED at the Committee Meeting held on October 29, 2008:



SHAYLENE ISERI-CARVALHO

Chair, Community Assistance/Intergovernmental Relations Committee

