INVOCATION

Pastor Jacob Bratton of The Salvation Army Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Hawai‘i County is an Equal Opportunity Provider and Employer
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

(Note: Council will take a lunch break at 11:00 A.M.)

APPROVAL OF MINUTES September 4, 2019

COMMUNICATIONS

Comm. 312.3: REPORT OF ATTENDANCE OF COUNCIL MEMBERS CHUNG, KANEALIʻI-KLEINFELDER, AND KIERKIEWICZ AT A SITE VISIT CONDUCTED ON AUGUST 30, 2019, OF AN AREA IMPACTED BY THE 2018 KĪLAUEA ERUPTION, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 92-2.5(e)

From Council Member Aaron S. Y. Chung, dated September 3, 2019.

ORDER OF RESOLUTIONS

Res. 302-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT WITH SPECTRUM (CHARTER COMMUNICATIONS)

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $1,710, to increase internet connection speeds to computer server centers at the Hilo Civil Defense Agency and the West Hawaiʻi Civic Center.

Reference: Comm. 466
Intr. by: Ms. David (B/R)
Approve: FC-52
Res. 304-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR BUSES AND DRIVERS FOR THE MASS TRANSIT AGENCY

Authorizes the Mayor to enter into a three-year agreement to operate the Hele-On Bus Fixed Route Transit Services. The selected contractor will provide drivers to operate County-owned buses for specified routes and provide its own buses and drivers to service the remaining routes.

Reference: Comm. 472
Intr. by: Ms. David (B/R)
Approve: FC-53

Res. 305-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES FOR EXPENSES ASSOCIATED WITH CONDUCTING ITS COMMUNITY FORUMS IN WEST HAWAI‘I

Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 476
Intr. by: Ms. David

Res. 306-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES FOR ITS MONTHLY COMMUNITY FORUMS IN WEST HAWAI‘I

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 477
Intr. by: Ms. Eoff
Res. 307-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES FOR ITS MONTHLY COMMUNITY FORUMS IN WEST HAWAI‘I
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 478
Intr. by: Ms. Villegas

Res. 308-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY ENTERPRISES FOR ITS WEST HAWAI‘I COMMUNITY FORUMS
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 479
Intr. by: Mr. Richards

Res. 309-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST THE OFFICE OF THE PROSECUTING ATTORNEY WITH EXPENSES RELATING TO A SUBSTANCE ABUSE PREVENTION SUMMIT FOR YOUTH
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 480
Intr. by: Mr. Richards
Res. 310-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAI‘I COUNTY ECONOMIC OPPORTUNITY COUNCIL FOR THE PURCHASE OF CITRIC ACID TO CONTROL THE COQUI FROG INFESTATION IN COUNCIL DISTRICT 9
Transfers $4,800 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 481
Intr. by: Mr. Richards

Res. 311-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAI‘I COUNTY ECONOMIC OPPORTUNITY COUNCIL FOR THE BUNKA NO Hl FESTIVAL
Transfers $1,100 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 482
Intr. by: Mr. Kaneali‘i-Kleinfelder

Res. 312-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ORCHIDLAND NEIGHBORS FOR ITS VIRTUAL RESOURCE HUB
Transfers $7,665 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Civil Defense Agency, Other Current Expenses account.

Reference: Comm. 483
Intr. by: Mr. Kaneali‘i-Kleinfelder
Res. 313-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION’S ADAPTIVE SWIMMING PROGRAM IN WEST HAWAI’I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Aquatics Pools Equipment account.

Reference: Comm. 484
Intr. by: Ms. David

Res. 314-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION’S ADAPTIVE SWIMMING PROGRAM
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Parks and Recreation, Aquatics Pools Equipment account.

Reference: Comm. 485
Intr. by: Ms. Eoff

Res. 315-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION’S ADAPTIVE SWIMMING PROGRAM IN WEST HAWAI’I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Parks and Recreation, Aquatics Pools Equipment account.

Reference: Comm. 486
Intr. by: Ms. Villegas
Res. 316-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE KEAUKAHA SCHOOL FOUNDATION FOR KEAUKAHA ELEMENTARY SCHOOL’S PRESCHOOL ACTIVITIES IN THE 2019-2020 SCHOOL YEAR
Transfers $3,063 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 487
Intr. by: Ms. Lee Loy

Res. 317-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KEAUKAHA SCHOOL FOUNDATION TO ASSIST WITH EXPENSES RELATED TO THE INSTALLATION OF TWO WATER STATIONS AT KEAUKAHA ELEMENTARY SCHOOL
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 488
Intr. by: Ms. Lee Loy

Res. 318-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO REIMBURSE THE OFFICE OF THE PROSECUTING ATTORNEY FOR EXPENSES ASSOCIATED WITH EDUCATIONAL SUBSTANCE ABUSE PREVENTION WORKSHOPS HELD IN SEPTEMBER 2019
Transfers $200 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 490
Intr. by: Ms. Eoff
Res. 319-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO THE OFFICE OF THE PROSECUTING ATTORNEY FOR REIMBURSEMENT OF EXPENSES RELATED TO THE 2019 STUDENT LEADERSHIP SUMMIT
Transfers $200 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 491
Intr. by: Ms. Villegas

Res. 320-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE LIONS CLUB OF KONA COMMUNITY FOUNDATION, INC., FOR REIMBURSEMENT OF EXPENSES INCURRED AT THE 37TH ANNUAL HAWAI‘I KUPUNA HULA FESTIVAL
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 492
Intr. by: Ms. Villegas

Res. 321-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE FUNDING FOR OVERTIME WAGES FOR EMERGENCY MEDICAL SERVICES PERSONNEL WORKING THE 26TH ANNUAL KWXX HO‘OLAULE‘A
Transfers $2,200 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Hawai‘i Fire Department, Fire Protection Salaries and Wages account.

Reference: Comm. 493
Intr. by: Mr. Chung
Res. 337-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE OFFICE OF THE PROSECUTING ATTORNEY Funds in the amount of $360,000 would be used to support innovative prosecution solutions for combating violent crimes.

Reference: Comm. 509
Intr. by: Ms. David (B/R)
Waived: FC

Res. 338-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I ATTORNEY GENERAL, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE OFFICE OF THE PROSECUTING ATTORNEY Federally-derived funds in the amount of $118,943.41 would be used to reimburse expenses for the purchase of 59 desktop computers and software licenses.

Reference: Comm. 510
Intr. by: Ms. David (B/R)
Waived: FC

Res. 339-19: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $5,000 TO THE DEPARTMENT OF PUBLIC WORKS Donated by Domino’s Pizza to repair and fill potholes on County roads.

Reference: Comm. 511
Intr. by: Ms. David (B/R)
Waived: FC


Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $21,000. The County would own the equipment at the end of the lease.

Reference: Comm. 512
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

**Bill 94:**
AMENDS CHAPTER 25, ARTICLES 2 AND 5, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO GENERAL ADMINISTRATION AND ZONING DISTRICT REGULATIONS FOR INDOOR AND MAJOR OUTDOOR AMUSEMENT AND RECREATION FACILITIES (Planning Director Initiated)

The Windward and Leeward Planning Commissions forward their favorable recommendations for this amendment to the Zoning Code, which would remove the option to obtain a Use Permit to develop major outdoor amusement and recreational facilities in residentially-zoned districts, and add the development of indoor amusement and recreational facilities as a permitted use in the Neighborhood Commercial, Limited Industrial, and General Industrial zoning districts.

Reference: Comm. 450
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-30

**Bill 95:**
AMENDS ORDINANCE NO. 19-74, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020

Adds the Public Works Waimā‘au Stream Bridge Repair project for $1.3 million to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used to replace the concrete deck and bridge railings, which have deteriorated.

Reference: Comm. 467
Intr. by: Ms. David (B/R)
Approve: FC-54
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Appropriates revenues in the Federal Grants – Solutions for Combatting Violent Crimes account ($360,000); and appropriates the same to the Solutions for Combatting Violent Crimes account. Funds would be used by the Office of the Prosecuting Attorney to support innovative prosecution solutions for combatting violent crimes.

Reference: Comm. 509
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the Federal Grants – 2019 Computer Replacements account ($118,943.41); and appropriates the same to the 2019 Computer Replacements account. Funds would be used to reimburse the Office of the Prosecuting Attorney for the purchase of 59 desktop computers and software licenses.

Reference: Comm. 510
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the Contribution from Private Source account ($5,000); and appropriates the same to the Roadside Maintenance Service account. Funds would be used by the Department of Public Works to repair and fill potholes on County roads.

Reference: Comm. 511
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 88:** AMENDS CHAPTER 20, ARTICLE 3 (REFUSE DISPOSAL), SECTION 20-31 OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE DEFINITION OF “PUBLIC PROPERTY”

Amends the definition of “public property” to authorize the Department of Environmental Management to tow abandoned vehicles from property owned by the State of Hawaiʻi and Federal government, pursuant to Section 20-38 of the Hawaiʻi County Code.

Reference: Comm. 353
Intr. by: Ms. Villegas
First Reading: September 18, 2019

**Bill 96:** AMENDS ORDINANCE NO. 19-74, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019, TO JUNE 30, 2020

Adds the Public Works Waiākea Stream Rehabilitation project for $1 million to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used to repair damage caused by Hurricane Lane to the Waiākea-Uka Flood Control Project.

Reference: Comm. 468
Intr. by: Ms. David (B/R)
First Reading: September 18, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawaiʻi County Charter

**Bill 97:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Increases revenues in the Federal Grants – SAFE Program account ($299,824); and appropriates the same to the SAFE Program account, bringing the total appropriation to $354,824. Funds would be used for response and victim services in cases involving crimes against women.

Reference: Comm. 469
Intr. by: Ms. David (B/R)
First Reading: September 18, 2019

Increases revenues in the Department of Health – Tobacco Sting account ($4,000); and appropriates the same to the Department of Health – Tobacco Sting account, bringing the total appropriation to $16,000. Funds would be used to help prevent tobacco sales to minors.

Reference: Comm. 470
Intr. by: Ms. David (B/R)
First Reading: September 18, 2019

Bill 99: AMENDS ORDINANCE NO. 19-22, WHICH APPROPRIATED CONTRIBUTIONS FROM PRIVATE SOURCES TO THE COUNTY’S 2018 LAVA DISASTER RELIEF ACCOUNT

Amends Exhibit A by replacing the Police Department with the Office of the Prosecuting Attorney as the facilitator of the “Safety efforts in Leilani Estates” project.

Reference: Comm. 473
Intr. by: Ms. David (B/R)
First Reading: September 18, 2019

REPORTS

FC-51 (Comm. 465): NOMINATION OF DENISE NAKANISHI TO THE BOARD OF ETHICS

Requires Council Confirmation by: October 12, 2019 (Section 13-4(l), Hawai‘i County Charter)

PSC-9 (Comm. 464): NOMINATION OF GUY SCHUTTE TO THE POLICE COMMISSION

Requires Council Confirmation by: October 12, 2019 (Section 13-4(l), Hawai‘i County Charter)
REFERRALS FOR EXECUTIVE SESSION

Comm. 53.3: ELAINE SURNOW, ET AL. VS. JODY BUDDEMEYER, ET AL., CIVIL NO. 17-00038 JMS-KSC
From Corporation Counsel Joseph K. Kamelamela, dated August 30, 2019, requesting an attorney-client confidential discussion to consult with the Council regarding the above-entitled matter, including a discussion regarding the settlement of this matter.

The Council anticipates convening an executive meeting regarding the above matter, pursuant to Section 92-5(a)(4), for the purpose of consulting with Council’s attorney on questions and issues pertaining to the Council’s powers, duties, privileges, immunities, and liabilities. A 2/3 vote pursuant to Hawai‘i Revised Statutes, Section 92-4, and Rule Nos. 2 and 10 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS
(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTS

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by September 30, 2019. If a response is received after September 30, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Notice is hereby given that pursuant to Hawai‘i Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawai‘i County Council will be conducting this meeting via videoconference. If audio stream between Kona and Hilo is lost for more than a short period of time, the meeting will be terminated. Council Members will be present at the following location:

- Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401.
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Members Aaron S. Y. Chung, Matt Kaneali‘i-Kleinfelder, Ashley L. Kierkiewicz, and Susan L. K. Lee Loy will be participating from the Hilo Council Chambers.)

Public attendance via videoconference will be available at the Hilo location.
Public attendance via courtesy site is also available at the following location until 4:30 p.m. or later in the event public testimony has not been completed:


Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

If, due to unanticipated circumstances, the courtesy site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Live stream of County Council Meetings: Council meetings are available for live viewing. Click on Council Meetings on the County’s homepage at http://www.hawaiicounty.gov.

Copies of this agenda and items listed on the agenda are available on the County Clerk-Council web page at http://www.hawaiicounty.gov/lb-council-meeting. For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meeting should bring fourteen (14) copies for distribution. Public testimony may also be submitted before 12:00 noon on the business day prior to the meeting: (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni Street, Hilo, Hawai‘i, 96720; (2) by facsimile to (808) 961-8912; or (3) by email to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may email a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The email shall indicate the appropriate Committee or Council meeting, the meeting date, agenda item (communication, bill, resolution or report number), and number of testifiers on the video submittal. Each video submittal shall be limited to a single agenda item. Video submittals may contain up to three individual testifiers and shall each be up to three minutes in length. Video testimony will not be played during the meeting; however, it will be distributed to Council Members prior to the meeting. The Office of the County Clerk reserves the right to refuse testimony containing inappropriate content or that is not in compliance with Council Rule 13 (Public Statements and Testimony).