

COUNCIL MEETING

DECEMBER 17, 2025

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, December 17, 2025, at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i
Honorable Mel Rapozo

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

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

MINUTES of the following meetings of the Council:

November 26, 2025 Council Meeting
December 3, 2025 Council Meeting

Councilmember Kuali'i moved to approve the Minutes, as circulated, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

CONSENT CALENDAR:

C 2025-253 Communication (12/02/2025) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kauaʻi:

- a. Building Board of Appeals
 - Francis Kaʻawa (*At-Large*) – Term ending 12/31/2028
 - Jason Ornellas (*Fire Safety*) – Term ending 12/31/2028
- b. Board of Ethics
 - Rose Ramos-Benzel – Term ending 12/31/2028
 - Amber K. Mokuahi – Term ending 12/31/2028
 - Kevin P. McGinnis – Term ending 12/31/2028
- c. Board of Review
 - Christopher A. White – Term ending 12/31/2028
 - Graham Odenheimer – Term ending 12/31/2028
- d. Board of Water Supply
 - Micah R. Finnila – Term ending 12/31/2028
- e. Charter Review Commission
 - Bronson Bautista – Term ending 12/31/2028
 - Jan TenBruggencate – Term ending 12/31/2028
- f. Civil Service Commission
 - Robert B. Crowell – Term ending 12/31/2028
 - Beverly Gotelli – Term ending 12/31/2028
- g. Cost Control Commission
 - Stacy M.K. Waikoloa – Term ending 12/31/2028
- h. Liquor Control Commission
 - Gerald Bahouth – Term ending 12/31/2028
 - Chad K. Pacheco – Term ending 12/31/2028
 - Leland Kahawai – Term ending 12/31/2028

- i. Fire Commission
 - Trevor J. Ford – Term ending 12/31/2028
 - Gary Pacheco – Term ending 12/31/2028
- j. Police Commission
 - John C. Calma – Term ending 12/31/2028
- k. Salary Commission
 - Bernadette Y.A. Akiona Arruda – Term ending 12/31/2028

C 2025-254 Communication (12/09/2025) from Council Chair Rapozo, transmitting for Council consideration, a Resolution In Support Of Restoring The Eligibility To Receive Full Pension Benefits After Twenty-Five Years Of Service, Regardless Of Age, For Police Officers And Firefighters.

Councilmember Kualī'i moved to receive C 2025-253 and C 2025-254 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion to receive C 2025-253 and C 2025-254 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

COMMUNICATIONS:

C 2025-255 Communication (11/28/2025) from the Director of Finance, requesting Council approval to apply for, receive, and expend State and Local Cybersecurity Grant Program (SLCGP) funds, in the amount of \$389,500.00, from the United States Department of Homeland Security (DHS), via the State of Hawai'i Office of Homeland Security, to support efforts to enhance cybersecurity capabilities, implementing a modern cloud-native Network Access Control (NAC) platform to protect the County's infrastructure from unauthorized or insecure device access.

Councilmember Kualī'i moved to approve C 2025-255, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-255 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-256 Communication (12/04/2025) from Mark T. Ozaki, Deputy Chief of Police, requesting Council approval of the indemnification clause included in the Versaterm Terms of Use and Services, supporting internal affairs, professional standards, and intelligence functions critical to public safety operations; granting a limited license to use these services and outlining responsibilities related to system access, data handing, and legal protections, ensuring the Kaua'i Police Department can use the software securely and in compliance with applicable laws.

Councilmember Kualii moved to approve C 2025-256, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?
Do you have a question?

Councilmember Cowden: I have a process question. This is indemnification. This means the County is holding someone not liable, right? I was trying to look at the document on this and I did not see it, so I requested a meeting on it. I want to understand a little more about it. It would be appropriate to do that in a private session, right? This is a lot.

Council Chair Rapozo: It is on the memorandum (memo), so if you want, I can have someone come up to explain. It is legalese.

Councilmember Cowden: I looked at it. I want to know. I sent an email, but I think it went too late. I really want to know exactly what this does, because I keep getting community concerns from specific individuals about surveillance technology.

Council Chair Rapozo: Basically, the County takes liability...

Councilmember Cowden: Is this just about the liability for that?

Council Chair Rapozo: That is correct.

Councilmember Cowden: At a later time, I would like to have a meeting to understand what it does.

Council Chair Rapozo: Okay. Are there any other questions for the Administration? Is there any public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-256 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-257 Communication (12/08/2025) from Councilmember Cowden, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To Uses In Districts, to create new definitions for "Employee dormitory" and "Group housing dormitory," respectively update the Use Table in Section 8-2.4, and outline two (2) new sections describing application requirements that are customized to these new dormitory types.

Councilmember Kualii moved to receive C 2025-257 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is the communication that is connected to the Proposed Draft Bill that will come up later. Is there anyone in the audience wishing to testify? I will take testimony at this time. Seeing none, is there any further discussion?

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2025-257 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

C 2025-258 Communication (12/08/2025) from Makana A. Rivera, Assistant Chief of Police, Support Services Bureau, requesting Council approval of the indemnification provision in the Samsara VG55 Terms of Service for vehicle gateways, which were selected by the Kaua'i Police Department due to their compatibility with FirstNet and their robust telematics platform meeting the need for real-time vehicle data and fleet analytics, which are critical to improving operational efficiency, safety, and compliance.

Councilmember Kualii moved to approve C 2025-258, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

The motion to approve C 2025-258 was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

CLAIMS:

C 2025-259 Communication (12/09/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Puuloa M. Teves, for

personal injuries and medical bills, pursuant to Section 23.06 Charter of the County of Kaua'i.

C 2025-260 Communication (12/09/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jay D. Hansen, for vehicle damage, pursuant to Section 23.06 Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2025-259 and C 2025-260 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion to refer C 2025-259 and C 2025-260 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

COMMITTEE REPORTS:

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2025-04) submitted by the Public Safety & Human Services Committee, recommending that the following be Received for the Record:

"PSHS 2025-03 – Communication (11/05/2025) from Councilmember Bulosan, requesting the presence of Amy Miller, President and CEO of the Hawai'i Foodbank, to provide a briefing relating to food insecurity.,"

Councilmember Kualii moved for approval of the report, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2025-23) submitted by the Finance & Economic Development Committee, recommending that the following be Received for the Record:

“FED 2025-03 – Communication (10/14/2025) from Councilmember Bulosan, requesting the presence of the Director of Economic Development and Steven Bond-Smith, Assistant Professor with the University of Hawai‘i Economic Research Organization (UHERO), to provide a briefing relating to the 2025 Economic Outlook Summary for Kaua‘i,”

Councilmember Kualīi moved for approval of the report, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item, please.

RESOLUTIONS:

Resolution No. 2025-45 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Francis Ka‘awa — At-Large*)

Councilmember Kualīi moved for adoption of Resolution No. 2025-45, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-45 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualīi, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-46 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Jason Ornellas — Fire Safety*)

Councilmember Kualii moved for adoption of Resolution No. 2025-46, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-46 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-47 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Rose Ramos-Benzel*)

Councilmember Kualii moved for adoption of Resolution No. 2025-47, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-47 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-48 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Amber K. Mokuahi*)

Councilmember Kualii moved for adoption of Resolution No. 2025-48, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-48 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-49 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Kevin P. McGinnis*)

Councilmember Kualii moved for adoption of Resolution No. 2025-45, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-45 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-50 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Christopher A. White*)

Councilmember Kualii moved for adoption of Resolution No. 2025-50, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-50 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-51 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Graham Odenheimer*)

Councilmember Kualii moved for adoption of Resolution No. 2025-51, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-51 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-52 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER SUPPLY (*Micah R. Finnila*)

Councilmember Kualii moved for adoption of Resolution No. 2025-52, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-52 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-53 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Bronson Bautista*)

Councilmember Kualii moved for adoption of Resolution No. 2025-53, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-53 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-54 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jan TenBruggencate*)

Councilmember Kualii moved for adoption of Resolution No. 2025-54, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-54 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-55 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Robert B. Crowell*)

Councilmember Kualii moved for adoption of Resolution No. 2025-55, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-55 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-56 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Beverly Gotelli*)

Councilmember Kualii moved for adoption of Resolution No. 2025-56, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-56 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-57 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Stacy M.K. Waikoloa*)

Councilmember Kualii moved for adoption of Resolution No. 2025-57, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-57 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-58 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gerald Bahouth*)

Councilmember Kualii moved for adoption of Resolution No. 2025-58, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-58 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-59 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Chad K. Pacheco*)

Councilmember Kualii moved for adoption of Resolution No. 2025-59, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-59 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-60 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Leland Kahawai*)

Councilmember Kualii moved for adoption of Resolution No. 2025-60, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-60 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,

EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-61 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Trevor J. Ford*)

Councilmember Kualii moved for adoption of Resolution No. 2025-61, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-61 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-62 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Gary Pacheco*)

Councilmember Kualii moved for adoption of Resolution No. 2025-62, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?
Seeing none, roll call.

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-62 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-63 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*John C. Calma*)

Councilmember Kualii moved for adoption of Resolution No. 2025-63, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion?

Councilmember Cowden: I have discussion.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I appreciate all the volunteers there are for the different Commissions and Boards. I go to many meetings. I have missed four (4) Police Commission meetings in seven (7) years because it is important. The Kauai Police Department is under so much pressure, probably more than any other department in the County. They are constantly and literally in a difficult position and there has been a lot of turnover, loss, and important discussions. I think this particular commissioner does not have the stamina for the position. He is half asleep, barely awake, and in and out of sleep. I have expressed that concern. There are other potential commission people who I think have experience and stronger vitality. I have brought that forward, too. I said this ahead of this meeting, too. I would like to move to defer on this particular item, because it is important that someone is awake and able to engage, especially if they are a decisive voter, which has happened. I want to respect all the volunteers, but I think we need to reconsider this.

Councilmember Cowden moved to defer Resolution No. 2025-63.

Councilmember Kualii: If we second this, there will be no...

Council Chair Rapozo: There is no discussion with this motion. If there is no second, the motion fails.

Councilmember Kualii: Before we do that, can we ask questions?

Council Chair Rapozo: No. The motion needs to be addressed.

Councilmember Cowden withdrew the motion to defer Resolution No. 2025-63.

Councilmember Kualii: May I ask a question?

Council Chair Rapozo: Sure. Ellen.

There being no objections, the rules were suspended.

ELLEN CHING, Boards & Commissions Administrator: Good morning. Ellen Ching, Boards & Commissions Administrator. Before I address any questions, I want to wish everyone Happy Holidays and a very Happy New Year.

Council Chair Rapozo: Same to you. Thank you. Councilmember Kualii.

Councilmember Kualii: Unfortunately, I have not attended any Police Commission meetings. I assume you do sometimes. I do not know if you always do.

Ms. Ching: I always attend. I have attended every Police Commission meeting since I have been appointed.

Councilmember Kualii: Councilmember Cowden expressed a concern of a particular commissioner potentially sleeping during meetings. Have you observed that in any way?

Ms. Ching: I will say that Councilmember Cowden has expressed that concern. My disappointment is that when she discussed it with me, she made a statement that this commissioner was sleeping through the meetings. From where I sit, which is closer, that was not my observation. I did take her concern under consideration and have spoken with other staff members and commissioners who are sitting right next to this individual. They confirmed what my observation was. Yes, he closes his eyes during meetings, however when he hears something of importance, he takes notes, is awake, participates, and is very active in the meetings. He does not speak a lot, but when he does have something to say, it is of importance and is material. Quite frankly, I feel very disappointed.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Are there any other questions?

Councilmember Kualii: No. Thank you, Council Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have multiple pictures. It is a routine process.

Council Chair Rapozo: Do you have any questions?

Councilmember Cowden: I sent an email over. I sent an inquiry over. Why did you choose to not respond?

Ms. Ching: Did you send an email?

Councilmember Cowden: I sent it through the staff expressing this concern ahead of time. I did not receive a response.

Ms. Ching: My recollection and my observation is that the email was not addressed to me.

Councilmember Cowden: I had to do it the way our protocol goes. I cannot address it directly to you, so I sent it over. Did you receive it?

Ms. Ching: With all due respect, when you have asked for my response or for information in the past, you have addressed that through the office's protocol and it has come to me with a request for information. That is not what I received.

Councilmember Cowden: Okay. I will conclude by saying that it is evident.

Council Chair Rapozo: Thank you. Thank you, Ellen. Are there any more questions?

Ms. Ching: I would like to make a statement. At best, I see this as, "Is the glass half (1/2) empty or is the glass half (1/2) full?" It is perception and to perceive something and not to really look at whether it is true or not, and present that as a fact versus an allegation, to me that is a really serious assertion. It is unfair and disappointing at best.

Council Chair Rapozo: Thank you. Is there anyone else in the audience wishing to testify? Is there any further discussion? Roll call.

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

The motion for adoption of Resolution No. 2025-63 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Holland, Kaneshiro, Kuali'i, Rapozo	TOTAL – 5,
AGAINST ADOPTION:	Bulosan, Cowden	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes, five (5) ayes, two (2) noes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2025-64 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Bernadette Y.A. Akiona Arruda*)

Councilmember Kuali'i moved for adoption of Resolution No. 2025-64, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no public testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2025-64 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kuali'i, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item, please.

Resolution No. 2025-65 – RESOLUTION IN SUPPORT OF RESTORING THE ELIGIBILITY TO RECEIVE FULL PENSION BENEFITS AFTER TWENTY-FIVE YEARS OF SERVICE, REGARDLESS OF AGE, FOR POLICE OFFICERS AND FIREFIGHTERS

Councilmember Kuali'i moved for adoption of Resolution No. 2025-65, seconded by Councilmember Carvalho.

Council Chair Rapozo: Before we open the floor, let me share why I introduced the Resolution. Unfortunately, I was hoping to get this in front of our Hawai'i State Association of Counties (HSAC) package, but I just did not have enough time to put something together. My hope is that we pass this today, here on Kaua'i, and then share it with the other counties to show they are onboard, showing the State Legislature that it is a statewide effort. What this relates to is prior to 2012, police officers here in Hawai'i were eligible for a special retirement program, which was really twenty-five (25) years of service at any age could retire with the full benefit. That was an amazing tool for recruiting and retention. You could get some of those who came out of high school or college enter this profession and then after twenty-five (25) years retire. Either stay in or start another profession or career. That is an incredible opportunity, and it worked well. I do not think many of us remember back before 2012 when we had issues of recruiting and retention, right? Remember there were lines and people were denied seats of a recruit class because we had more candidates than positions. In July 2012, the Legislature changed that and required now police officers, firefighters, and correction officers have to work a minimum of twenty-five (25) years and be fifty-five (55) years of age, which means if they came in before thirty (30), they would not be able to retire with twenty-five (25) years. The retirement age of sixty (60), if they wanted to retire with ten (10) years of service. I do not need to convince anyone that across this State and many places on the mainland as well, the recruiting and retention of police officers is getting very difficult. It is. We spend a lot of money on recruitment campaigns, marketing, we hire firms now, we do videos, we do them all, and they help, but they are not doing the job that needs to be done, which is to fill our vacancies. Again, O'ahu is in...they are looking at some serious issues. We have some serious shortages here as well. This Resolution asks our Legislature to reconsider Act 163 and return to that 25-year retirement system, so that our police officers can retire, then the marketing campaign in the videos will work, because you will now be informing people of the benefits of joining KPD or KFD. That is what this is. I am not going to read the Resolution. The statistics are right here, but the shortage...again, I do not have to convince anyone that we have a shortage and that we have an issue with recruiting and retention. That is what this Resolution is about. If there are any questions of the Members, I will answer them. Go ahead.

Councilmember Cowden: Thank you. I am going to agree, and again, from attending pretty much all the commission meetings for the Police Commission, we see early rollovers, we see a management rollover, upper management rollover. I am sure a number before their retirement age or they hold their age really well. It is a problem. I will absolutely acknowledge that. I think we have less problems in KFD. Of course, I want to take care of KFD, too. Have you spoken with...I imagine the concern is if someone gets an extra fifteen (15) years of retirement, it is very expensive. Is that the reason why it was changed?

Council Chair Rapozo: I believe that is why the Legislature changed it, because of the cost. With every reduction comes a consequence and that is exactly

what we are seeing now. I do not think they envisioned, most of those legislators were not police officers and do not understand the job. It does, it will save the Employees' Retirement System (ERS) but look at the price we are paying now across our State with the shortage of police officers. I do not think they even thought of that, they were just looking at ways to save funds. Yes, a retirement system, maybe the adjustment has to happen there to make sure it stays solvent, but at the rate we are going we are running out of police officers, and this is just one way of hoping, anyway, that it will help the recruiting and retention.

Councilmember Cowden: I have another question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: In the "Be It Resolved," this is basically sending it to state leadership, the governor, and the committees that put this forward in the Legislature, as well as the unions. Is there a bill waiting to go before the Legislature that would be doing this?

Council Chair Rapozo: I believe they are contemplating, and I believe it was there last year as well; it just did not go anywhere.

Councilmember Cowden: It just did not go anywhere, so we are trying to get it to go somewhere.

Council Chair Rapozo: Correct.

Councilmember Cowden: When we go to the Legislative Opening Day, we will be promoting it, if there is...

Council Chair Rapozo: As an individual County, we will be. I am hoping if we can get the four (4) counties to support this and introduce and pass their own resolutions, then we can somehow do something with HSAC where they can present, even though it is not on the HSAC Legislative Package, this is a Resolution that was passed by all four (4) counties, but did not make it in time for the package. Individual counties or collectively as four (4) counties, we can lobby.

Councilmember Cowden: Okay, well, thank you.

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

There being no objections, the rules were suspended to take public testimony.

MARK T. OZAKI, Deputy Chief of Police: Good morning, Chair, Vice Chair, and Members of the County Council. I want to thank you for entertaining this

Resolution, on a personal level and professional level. My name is Mark Ozaki, Deputy Chief of Police. I am going to speak on a professional level. We would have more officers attending, but these council meetings have been going at light speed, and we thought we would be here for another hour half. This is the team we have now. The Kaua'i Police Department (KPD) is in full support of this, and for all the reasons you already said. Our team here, who are hands-on with recruitment, will have some things to say, but there are so many examples of why this proposal is important and why it is a crucial recruiting tool. We have several examples. We have people who want to come in, and they inquire that they have retired from the military. Then they find out that they must work a number of years before they qualify for retirement. They do the math and are not sure they want to work another ten (10) years or wait until they turn sixty (60). By the time they get out of the military, they are like forty-eight (48) or forty-nine (49) years old, you can do twenty (20) years in the military.

Council Chair Rapozo: Thirty-eight (38).

Mr. Ozaki: Thirty-eight (38), now?

Council Chair Rapozo: Yes, if you enter the military right out of high school, at thirty-eight (38) years old, you can retire from the military.

Mr. Ozaki: If they want a second career, basically they must work another regular recruitment type of age, or we have people that come in the department in their early-20s. We are recruiting people as soon as they are legally able to hold and carry a firearm at twenty-one (21) years old, then they do the math and ask, "I would have to work how much more years?" We are just losing a good officer who is going to the federal government (feds), we just found out yesterday. If he stayed at KPD, he would have to work another thirty (30) years before he qualifies with his age and the years of service. If he leaves now and starts a brand-new career in the federal law enforcement, in twenty (20) years, he will have a full retirement. It makes sense for these young officers to look for other options. It is very difficult to recruit when they have other options. They are very knowledgeable about what is going on. This generation does the math; they want to see what is going on. I wanted to let you know that we support this Resolution.

Council Chair Rapozo: Thank you.

MAKANA RIVERA, Assistant Chief: Assistant Chief Makana Rivera. I wanted to make some comments regarding what the Council Chair said about the size of recruit classes. I can attest to 2012, yes, I think in my class, there were thirteen (13) in the academy, and others not more than ten (10). Our numbers have dramatically declined. Currently, we are averaging about four (4) per academy. Some as low as two (2). It has been bad. There were some other changes made, so the contribution was at two and one half percent (2.5%) prior to 2012, and now it is two

point two five percent (2.25%), so there is a reduction of cost there. What they have also done is based on your actual base salary, not including any overtime, so there are some other cost-reducing factors that were included in the changes. I think this is an important and valuable point to bring up, but we are only asking to change the age, and not the contribution or any other cost factors. Thank you.

STACY PERREIRA, Captain: Good morning. Captain Stacy Perreira. I was part of the last class before the changeover. I was in a class of nine (9), and since then I do not think we have had anything close to that number, in terms of recruitment. Like what the Assistant Chief said, we are only having classes of four (4) or less since...I cannot even remember when. It does make a huge difference in retirement. I came in at a later age, at thirty-five (35). I thank God every day that I do not have to stay for thirty (30) years from age thirty-five (35). I started up my career as a civilian with the County, so I have eight (8) years with the County prior to becoming an officer. Those will contribute as well at a lesser rate but coming knowing if I came in at thirty-five (35), having to do thirty (30) years, plus age, that is a tough thing to swallow. I probably would not have done it. That probably would have deterred me from moving forward and becoming an officer. Retirement is huge. We may not think of it in our early years, but losing one of our officers, he has been there for at least eight (8) years now and we are losing him to the federal government, federal government across-the-board is twenty (20) years, I have a sister-in-law hired by the Transportation Security Administration (TSA), and she only has to work twenty (20) years. We are competing with other federal agencies here on the island as well, in terms of retirement. They are going to look for something like TSA where they can just do twenty (20) years, rather than KPD at thirty (30) years as it sits right now. Thank you.

Council Chair Rapozo:

Are there any questions? Mr. Sykos.

LONNIE SYKOS: For the record, Lonnie Sykos. I am here as a fiscal conservative representing the public. All of you running for office, if the State were to agree to do this, how are you going to pay for it? In our County budget, right, we are going to end up spending significantly where money in salaries to people who are retired, which I am not opposed to. My question is, where is the money going to come from? We do not have enough money for our sewage problems, we do not have enough money for our potable water problems, we do not have enough money or a plan for any of our major problems, and this is going to be a significant amount of money coming out of someone's budget every year. I appreciate KPD's position in this, but my question is, fairly recently we had some major...what is it called, a company came in and did a survey with KPD to try and look at the underlying problems within the department. We, the public, are unaware of anything but a few generalities, but my question for KPD is are your internal problems that you make us aware of at the Police Commission meetings, through the survey that was done, is the primary problem "this" money for retirement or are there other systemic problems and will this money affect the systemic problems? I am all for hearing the day that KPD says,

"We are happy," but we do not hear KPD saying that they are happy. I would like to help KPD get happy, but my question is, is this the best use of money? I really do not have an opinion on this. I am against it from the generic position that they have a collective bargaining agreement, that we have to pay for in the collective bargaining agreement does not include this. This is a matter of civics, this is an end-run around the collective bargaining agreement. To everyone else employed by the State and the County, if the Legislature were to go through with this...this is your opportunity to get a pay raise outside of your collective bargaining agreement. That is the "Pandora's Box" that you are opening. You are telling everyone, "Figure out how to end-run collective bargaining and get more money." Again, I am very supportive of KPD, not against this Resolution, but I think there are really big issues involved that are not being addressed. Thank you.

Council Chair Rapozo: Is there anyone else? Councilmember Cowden.

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

Councilmember Cowden: I am going to support this. I appreciate our testifier. One way of paying for these costs is through the expense cost of repeat recruitment for training...the recruitment effort takes a long time, the training effort is a good solid year, when we have the turnover in staff, that we have the extra overtime cost, I appreciate that you bought up the Gallop poll, there was also a State of Hawai'i Organization of Police Officers (SHOPO) poll, and then an HSGA poll. Am I saying it wrong? HSGE? The other union. I cannot believe I am stuttering on that one. We had three (3) polls, and I thought that they revealed some really critical challenges that were there, and the choice made recently I think really helped to block correcting that problem. I think that we have to do whatever we can to take care of our police department. It is absolutely essential. It is a difficult job. We just were at a blessing for the fire station. Yesterday, I was happy to be out there. Both police and fire have a lot of job trauma, for sure, but fire is across-the-board treated as "heroes," and the way their schedule goes, they are able to stay in good shape and able to have another job. They are able to create an extra pattern of income. That is not the case with KPD. That is why I asked if they were collected, like if it was just police, that is an even easier "yes," because with the police, it is "all hands-on deck" situation. We really need to be able to have more people able to be happy, because in KPD, they are heroes to some, but they really are in the crossfire. It is emotionally difficult. There are many, many ways that that job is probably the most difficult job in our County. It is like the Ocean Safety Officers, they are the bull riders of the county, they really put their lives at-risk in a very difficult way. I appreciate you all. I will be supporting this.

Council Chair Rapozo: Thank you. Is there anyone else? Councilmember Holland.

Councilmember Holland: I will also be supporting this Resolution. I think for many of the reasons that Councilmember Cowden said. Our officers need all the support that they can get. I think it is more than fair, especially if the federal 20-year limit is the cutoff there, it is more than fair. We need to be encouraging the best of the best to join KPD; it plays such an important role in our community. We want good people. It is a "no brainer" to me, it is an absolute yes. Thank you very much, Chair.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: *Mahalo.* I appreciate what was said from our police officers. I totally support the Resolution. I like the connection statewide, like Chair said, that we need to take it "full forward." For Kaua'i, it is at that time we need to keep moving forward and I think this is a big part to support our police officers and continue a good opportunity for you folks and then take it to the State-level like Chair was saying. I think that is a good one. Once we have everyone together, then we can really keep it solid overall. I just wanted to say that "Overall." I support the measure. Thank you.

Council Chair Rapozo: Councilmember Kualifi.

Councilmember Kualifi: I want to also thank everyone who came up to testify. I was especially interested in hearing the specific data about the cost and how it is already been reduced when the contribution amount went down from two point five percent (2.5%) to two point two five percent (2.25%), and that they are calculating it now just based on the base salary and not any overtime. The State and the County have different ways to get cost-savings, but we should not do it in a way that hurts our recruitment. You have been very clear and that it is hurting. Thank you.

Council Chair Rapozo: Thank you. Is there any further discussion? I appreciate Mr. Sykos' testimony because he brings up some valid points, because it does come with a cost, but as Councilmember Cowden spoke of earlier, some of the cost savings will have been in overtime, I think significant cost in overtime. For me the bigger advantage is...and we are not asking for this to be created, this was what was in place. When this was in place we did not have the recruiting issues or the challenge we have today. Without going through a three-hundred-thousand-dollar (\$300,000) study by a consultant, you can say that there is a correlation between retirement benefits and recruiting and retention. Of course, it is not scientific. In that study you talked about, a couple of the things that stood out for me were the employee burnout and the overworked employees that create morale issues. Yes, you have leadership challenges, yes, that affects morale and productivity, but at the end of the day when you run into a police officer, eighteen (18), twenty (20), twenty-two (22) hours, because there is no one else to come in, that is going to impact morale as well. That is going to impact their lives at home, their lives at work...the intangibles to me that we have to all consider. Yes, it comes with

a cost. According to the data I received from KPD, between 2017 and 2021, forty percent (40%) reduction or vacancies increased. Where are we going to be in the next five (5) to ten (10) years if we do not fix or try to fix the problem? I want to run a scenario because the Chief brought up the military career, so just think how this works. You retire at the age of thirty-eight (38), by the time you take the test and all of that, you get hired by KPD at the age of forty (40), let us just say that because it is easier to do math. That person would have to work to get his 25-year minimum would have to work until he or she is sixty-five (65) years old to be eligible for the 25-year retirement—sixty-five (65). Now, if they wanted to work just for the 10-year vested benefits, they would have to work until the age of sixty (60), which means they would have to work twenty-two (22) years to qualify for the 10-year retirement with the State. That is why the military person coming out looking for another job who is disciplined, well-trained, and ready to go, is going somewhere else. It makes no sense to come to the County and work until he or she is sixty-five (65) years old to collect the 20-year pension. These are unintended consequences; I do not think the Legislature did this...they did this strictly to save money, not realizing the consequence was going to hurt us in the long run. The State does not pay for police officers. The State of Hawai'i does not pay for police officers, the counties do. They do not pay for the fire departments, the counties do. I appreciate the support of this Council and I am hoping we can reach out to our colleagues across the state and get this introduced and passed at every single county so we can get this in front of the Legislature. Thank you all for being here today, and I appreciate it. I am sorry for the last-minute notice. I wanted to get this out before the end of the year, so it gives us time to circulate this to the other counties, and this is our last meeting of the month.

Councilmember Cowden: I wanted to say one last thing, "HGEA," we had three (3)...

Councilmember Holland: No acronyms, Councilmember Cowden.

Councilmember Cowden: I do not like acronyms, yes. We had three (3) polls that was rigorously discussed, and they were very important...

Council Chair Rapozo: Thank you. If there is no further discussion, the motion is to approve.

The motion for adoption of Resolution No. 2025-65 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: We have the bill for first reading coming up, but I would like to take the caption break here, so we can go right through.

There being no objections, the Council recessed at 9:19 a.m., for a caption break.

The meeting reconvened at 9:32 a.m., and proceeded as follows:

(Councilmember Kualii was noted as not present.)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2979) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN DISTRICTS

Councilmember Bulosan moved to refer Proposed Draft Bill (No. 2979) to the Planning Commission, seconded by Councilmember Carvalho.

Councilmember Cowden: I have a presentation on this. This Bill is meant to go ahead with a bill we put out earlier, Bill No. 2973.

(Councilmember Kualii was noted as present.)

Councilmember Cowden: ...in fact even my own house, when I bought that, I bought it for employees. Next slide, please. My motivation, you folks heard about this before, this is something that was put in by a hotel to house farm workers and this recent example, it is a 36-bedroom complex. It does not match the form or character of the area, the surrounding neighborhood. Within the current definition of “family” in the County Code, this development could be possible in almost every neighborhood. If the lot was large enough, it could be a single-family house in any neighborhood, you put one (1) kitchen in and two (2) parking stalls, and that is enough for it. Next slide, please. There are two (2) complementary bills. What was introduced and passed first reading a couple months ago was to amend the definition of “family” to mean “an individual or group of two (2) or more persons related by blood, adoption or marriage, and living together in a single housekeeping unit as a dwelling unit.” It used to say, “Family may also include a group of not more than five (5) individuals unrelated by blood, adoption, or marriage,” and now I put it up to ten (10) in that last bill. What happened in 2023 is the definition of family had been reduced back to just two (2) or more people living together in a single residential unit. The outcome of that is that you could put fifty (50) people as a “family” in one (1) building and it is just a single-family residence, and it would be a ministerial permit in any place that you can have a single-family resident. I am trying to put the number back in. When

I made it be ten (10), it was still awfully generous but let us face it there are many crowded houses because there are not enough places. Having it at ten (10) would not typically undermine any of the existing houses that have been bought for that purpose. The second bill, which is what we have together today, which is Proposed Draft Bill (No. 2979), this is housing that would be employer-owned or nonprofit-owned. We used the term “dormitory” because most of the housing words have been used up in other applications. It does not mean a room with bunk beds. It could mean that, but typically that is not how this Bill was designed. Everywhere there is a “U,” that means they have to get a Use Permit so they would go through the Planning Commission to be able to put it together. Group housing, typically right now that would be a domestic violence shelter, a reentry home could be a respite home, a recovery home, those are things that the neighborhood would need to know. This has a “P” for Permit in the Commercial zones. We have a lot of commercial areas with shopping centers that are underutilized and it would go there. Industrial is not in there because we are not supposed to put housing in the Industrial, you cannot even put a single-family house in there.

Application requirements for dormitories—these can be very simple Security Plan, Solid Waste Management Plan, Parking Plan, Tenant Agreement, Infrastructure and Residential Standards, and Project Plan. It is just when it is put in they would say the basis of...it is right next to a shopping center, most people working in there, living in there, works at the shopping center, whatever it is, but what it would be is showing that they have looked at all the issues that are affecting that housing. On the first five (5), all came out of problems with that example that I used for what motivated this. Number 6, Project Plan, that came out of the discussions I had, four (4) discussions with companies and large landowners that maybe might bring over fifty (50) people, one hundred (100) people, three hundred (300) people, and need to house them. Currently, those are mostly housed in purchased housing in neighborhoods, purchased or rented housing. It displaces the existing population.

These are just examples. I put a picture of Kealaula, it could be something simple like a Kealaula type of housing where it is a little bit more than a studio with a kitchen or a one-bedroom with a kitchen. Nantucket, Massachusetts, which is Martha's Vineyard and Vail, Colorado, different places, Martha's Vineyard has many needs for this. It is very similar to us where you can ride on a bridge over to that island, I believe. They have done a lot with doing housing for people who are coming from somewhere else rather than using their residential housing for that. Next slide, please.

This is a win for business. Lodging for employees or groups designed with a clear understanding of the terms and purpose of residence. So, when someone is done with that piece of work, it is really clear that it is time for them to go. Win for tenants—Lodging with privacy at low to no cost with clear understanding or terms and purpose. I would actually hope that this might inspire people who do live here to

want to work for these companies because they will look at the housing. Win for community—retention of housing supply for residents along with input and understanding of what developments are placed in neighborhoods. Next slide. That is basically simple and obviously what is required here is it to make business sense for someone to build it. It would not get built if it did not make sense for the landowner, I talked to large landowners or for the company that is wanting to do it, but it is trying to make another possibility so we do not have 36-room container units happening like that, that are basically houses wherever we would allow a house. Trying to create a better opportunity than no opportunity by shutting it down with redefinition of family. Trying to allow for another option. I had very good conversations with four (4) different groups that gave us good feedback. The concern is the cost of building now is getting so expensive, but they were very supportive. If you look in your packet, we have Bill No. 2979 and we have a few housekeeping errors.

Councilmember Cowden moved to amend Proposed Draft Bill (No. 2979), as circulated, and as shown in the Floor Amendment which is attached hereto as Attachment.

Councilmember Kualii: Will you take questions from your presentation.

Councilmember Cowden: Yes, sure. Are there any questions?

Councilmember Kualii: I have one (1). For the earlier Bill that you mentioned. There is some confusion by the public at large about what a family is, and I think it is because of how the language is already in some of our laws. When referring to that, I think by using the word “dormitory” the way you use it here, it is also now taking a word that most people understand to be one (1) thing and try to say it is something else. In your presentation when you say Kealaula is a dormitory style construction, it is not. Kealaula is individual units that are...whether they are attached as a duplex or not, some are single and some are duplexed-like, but they are standalone units that have their own bathrooms, so no one would call it a dormitory...

Councilmember Cowden: Okay.

Councilmember Kualii: When I was in college, a dormitory is, you have a big building, you have lots of private rooms, but you share the bathroom, it has private stalls, but you go down the hallway, and you share the bathroom. If you mean that, I think you will get resistance along the lines of since the Coronavirus Disease 2019 (COVID-19), everyone needs separate areas to not infect each other, right? Dormitory seems like opening yourself up for that shared bathrooms, and I think it is just the matter of the issue with the word.

Councilmember Cowden: Okay.

Councilmember Kualii: In other places you talk about structure, you talk about building, and the confusion over family, now, is going to be over dormitory as well, I think.

Councilmember Cowden: On page 1, in Section 2 on the definition of employee dormitory group, housing dormitory, it says, “means a building providing sleeping and residential quarters for five (5) or more individuals and their families,”—they do not have to have a family, “provided by the related employer. An employee dormitory contains multiple private or semiprivate single or shared rooms with communal kitchen facilities and recreation areas.” It is not competitive. I think you are bringing up a good point, when it is looking at Kealahou where they have separate kitchens. It could be little buildings, but they should not have separate kitchens. This does not assign...

Councilmember Kualii: In your slide where you show Kealahou, you also show like an apartment building or a condo...

Councilmember Cowden: This is a dormitory building in Vail and in those structures, they usually...a unit and a bathroom, with a big kitchen facility that is shared. A lot of these would have interior bathrooms connected with a room just like if you look on the image of the motivation.

Councilmember Kualii: Yes.

Councilmember Cowden: These “container” homes. Every one of them has a bathroom in the unit, so there are thirty-six (36) bathrooms in that container home.

Councilmember Kualii: Slide 4, container homes, if you will, would that be a dormitory?

Councilmember Cowden: Yes, it would.

Councilmember Kualii: Okay.

Councilmember Cowden: A place like this would be...it is like how do we create something like that, though, it is not suggesting it has to be containers.

Councilmember Kualii: Are those separate units with separate bathrooms and separate kitchens?

Councilmember Cowden: Yes, they are. There are thirty-six (36) units with bathrooms. There is a shared kitchen...what they ended up doing is putting in six (6) kitchens. There are two (2) parking spaces, it was originally a single-family house and then because it is open space, there was room to make it be six (6) houses.

You could do that with just one (1) kitchen. You could make a container that is entirely a kitchen and that would be one (1) house. I am trying to put guardrails around what is a single-family residence, because this type of structure, if there was only one (1) kitchen in there, it could be placed in any neighborhood. If it did not have design criteria, it could even look like that. The goal is...when I put the bill out, before Bill No. 2973 that we claimed the definition of housing and put it up to ten (10) people, plus if there is a family in there and then ten (10) unrelated adults, that is a large population, but I was asked to hold off on that, because it does not allow for something like what is here on Slide 4 where there are thirty-six (36) units. That there is a real need for that by agricultural companies. I held it off and reintroduced this group housing.

Councilmember Kuali'i: The part I do not understand is from one side you are saying...you are trying to create a bill to correct a prior law, if you will, with a bill to not allow this, but then you want to create a bill to allow it.

Councilmember Cowden: I want to...

Councilmember Kuali'i: In a different way.

Councilmember Cowden: I want to reclaim the definition in Bill No. 2973, it reclaims the definition of family. Only in 2023, was family redefined as an individual or group of two (2) or more persons living together in a single residence. There are no guardrails on that.

Councilmember Kuali'i: But the language of five (5) or ten (10), you said it was ten (10) and you are changing it to five (5)?

Councilmember Cowden: It was five (5) in "family," I moved it to ten (10)...

Councilmember Kuali'i: Oh, not more than ten (10).

Councilmember Cowden: ...so that existing houses...there are a number of places when we were looking, there are many houses that are owned by industry to put construction workers in, farm workers in, different people that are coming from other islands, but there might be ten (10), fifteen (15), twenty (20), thirty (30), fifty (50) of these houses in a general area, to be able to be housing people for good projects. It starts to exhaust existing neighborhoods. When families are trying to buy their own home, they have to compete with companies and maybe the military base or wherever else. Big organizations can buy up the housing, so they can outcompete families in the same way that vacation rentals can out compete, especially in the past housing in the beachfront areas. This is a way where, okay, I get it, the people need, they have a place to put fifty (50) employees and they still can buy up ten (10) houses and put five (5) people in them. This is not holding them back

too hard. What I do not want is these places with thirty-five (35) people in little units in the middle of a neighborhood without asking permission from the neighborhoods. When they have to apply for a Use Permit, it might be that it really fits well into an area and people would not have a problem. They could, but rather right now, you really could put the item that is on page 4, you could put that in a neighborhood that did not otherwise have constraints.

Council Chair Rapozo: I have a question.

Councilmember Kualii: That is the part I do not understand.

Council Chair Rapozo: I am trying to understand. You are saying...what is on Slide 4 is the most "non-Kauaian" looking structure that I have ever seen.

Councilmember Cowden: Yes.

Council Chair Rapozo: But you are saying with the current code, that could pop up in someone's residential neighborhood.

Councilmember Cowden: Yes, it could.

Council Chair Rapozo: Thirty-six (36) bedrooms and two (2) bathrooms.

Councilmember Cowden: No, there are thirty-six (36) bathrooms.

Council Chair Rapozo: In this thing? Are there thirty-six (36) bathrooms?

Councilmember Cowden: Each bedroom has a bathroom.

Council Chair Rapozo: Okay.

Councilmember Cowden: But they have two (2) parking stalls, now right now there are six (6) kitchens in there, but they could take...they could just put one (1) kitchen in.

Council Chair Rapozo: Okay, so, and that is currently allowed without a Use Permit.

Councilmember Cowden: Correct.

Council Chair Rapozo: Does this Bill prevent them from doing the same thing now?

Councilmember Cowden: Bill No. 2973, which we already passed first reading.

Council Chair Rapozo: Okay.

Councilmember Cowden: That re-termed the definition of family back to an individual or group of two (2) of more persons related by blood, adoption, or marriage and living together in a single housekeeping unit as dwelling unit, but we have this, "Family may also include a group of not more than ten (10) individuals unrelated by blood, adoption, or marriage." You can have three (3) couples that are not married, choosing to live in a house.

Council Chair Rapozo: With that amendment, this would not be allowed right now, right?

Councilmember Cowden: With this amendment to our family definition, page 4 will no longer be allowed.

Council Chair Rapozo: As it stands right now?

Councilmember Cowden: As it stands. It would not be allowed. I was asked to reconsider that because things like what is on page 4, this 36-unit sleeping quarters is something that is needed. This is wanted particularly by certain industries, and so they asked to not put forward Bill No. 2973. I came back up with a suggestion of this group housing. Councilmember Kaneshiro.

Councilmember Kaneshiro: I am a little confused when you said that project would not be allowed.

Council Chair Rapozo: On Slide 4?

Councilmember Kaneshiro: Yes, why would that not be allowed?

Councilmember Cowden: It would not be allowed if Bill No. 2973, which is on Slide 5, continues forward. Right now, it has been put on hold. I was asked to...it was called to my attention that redefining family to be basically a blood group of people, where people are choosing to live together, essentially, would be interrupting a number of houses that are in process.

Councilmember Kaneshiro: But Bill No. 2973 allows up to ten (10) individuals per dwelling.

Councilmember Cowden: Ten (10) individuals that are related but you can have a family in there, like say you have a big family and then if you have ten

(10) boyfriends or girlfriends, or someone else, you could have quite a lot of people in this family housing.

Councilmember Kaneshiro: The Princeville project has six (6) dwellings with six (6) bedrooms, so this would allow...

Councilmember Cowden: The Princeville project, they changed that after I was complaining about it. I do not want to get into that, but they could have thirty-six (36) units with one (1) kitchen and then have add these single-family residences.

Councilmember Kaneshiro: But right now, they do not, they have six (6)...

Councilmember Cowden: Kitchens.

Councilmember Kaneshiro: ...kitchens with six (6) units.

Councilmember Cowden: Yes, all under one...

Councilmember Kaneshiro: And with six (6) units each, so thirty-six (36) units.

Councilmember Kualii: That is crazy.

Councilmember Cowden: Thirty-six (36), but they could do that with one (1) kitchen, and it would still be a single-family residence, so if there was one (1) kitchen in there...

Councilmember Kaneshiro: But there are not. They have six (6) kitchens, six (6) units associated.

Councilmember Cowden: In this particular example.

Councilmember Kaneshiro: Right. So, that is thirty-six (36) units.

Councilmember Cowden: But they only have two (2) parking stalls. It was originally...

Councilmember Kaneshiro: But your issue was with how many people were living there and if Bill No. 2973 goes through, then they could actually have sixty (60) people...

Councilmember Cowden: But not on one (1) parcel.

Councilmember Kaneshiro: Oh, you are limiting the amount of people.

Councilmember Cowden: What I am trying to do...

Councilmember Kaneshiro: I guess I am not understanding why it would...

Councilmember Cowden: What this does is if you have thirty-six (36) workers come in from somewhere else, that do not know each other, and you are putting them in a unit such as this example here, they each have their own bathroom, they have a certain amount of privacy, so they have their own bathroom and bedroom. This is a bigger topic than we are aware of. More is happening. There are more of these that are going to be built. If you are putting in a respite house, for example, which I am supporting, so Bill No. 2973 as it is going...

Councilmember Kaneshiro: I guess my question is, right now you do not like that they have six (6) units with six (6) bedrooms each with thirty-six (36) units, but if Proposed Draft Bill (No. 2973) passes, they could have up to sixty (60) people or more living there, right?

Councilmember Cowden: These are compromises that are going in there, like in this particular property, I do not think it could. They would have to build a much bigger platform. That is on open space, so it would have to be if they did that on open space...

Councilmember Kaneshiro: That is why I am trying to understand what the "fix" is because you use that Princeville project as an example for what you do not like, but yet the bill that we are doing does not prevent what they are doing now.

Councilmember Cowden: What Proposed Draft Bill (No. 2979) does is it says, if employers are wanting to have accommodations for thirty (30), fifty (50), one hundred (100), three hundred (300) employees, that they would be applying for a permit, and they would be able to do it, but they have to apply for a permit unless it is on a commercial piece of property. They would have to do that on a commercial property. This is a unique space because it is a large, open zoned piece of property.

Councilmember Kaneshiro: I believe that property can build up to ten (10) dwellings, so you could essentially have four (4) more kitchens and however many more bathrooms you want, right?

Councilmember Holland: Can I follow up? I am also a little confused. Outside of the ten (10) people measure, this measure here today before us, this is almost legalizing these types of houses just not to look like this...is that...

Councilmember Cowden: This is saying, okay, we understand that there is a demand for this.

(Councilmember Bulosan was noted as not present.)

Councilmember Cowden: Another example where there is a demand for this is there used to be a desire again to put teacher housing on school properties, because there are teachers who are basically unhoused. We cannot keep our teachers. There is a demand in the medical field. There is a demand in a lot of these places, so this is not exactly an apartment, it is less than an apartment, because it is not intended to be competing with apartments. This is a way to put a structure on to these properties where there is a "U," but it would have to go through a process where there is a plan, like in this example here on Slide 4, there was not a parking plan, no security plan...

Councilmember Holland: So, you are legalizing it with conditions that you are adding in, so it does not look like is the goal. So, you are not outlawing houses like that, but you are trying to tailor what they would look like and what they would...

Councilmember Cowden: For the safety of the tenants, for the security of the neighborhood where it would be placed, so the neighborhood would be, "Yes, we are good with it."

Councilmember Holland: So, the big difference in this measure is that it would go from not requiring a Use Permit to requiring a Use Permit for the similar structure. If your Bill was enacted today, and they came to build this, they would have to go through a Use Permit that they did not have to go through, am I correct?

Councilmember Cowden: Yes. Although, like what Councilmember Kaneshiro is bringing up is because this is a large piece of land, it could potentially have ten (10) units on it. They could have...I do not want to make it too specific about this property because there was a lot I could say on it, but they could potentially somewhere put four (4) more. They are saying this is six (6), so they could put ten (10) all on the same platform on this piece of property that is a much larger piece, because it is open zoned, so they may be saying that is ten (10) single-family residences, is what they would be saying. If it was a large piece, it has room for ten (10) single-family residences, they could put a platform like this...

Councilmember Holland: Even with your bill, though? They would just have to go through a Use Permit to do it.

Councilmember Cowden: And it would have to have ten (10), so what I am really trying to do if you look at Slide 3 and Slide 1. Slide 3 is my own neighborhood, that is Kīlauea Town. There are areas like Kapaʻa Town that might be like this, and Kekaha, on the back. It is towns that is...

(Councilmember Bulosan was noted as present.)

Councilmember Cowden: ...maybe affordable-level housing. These are not resort or luxury houses, these are houses that are already densely populated. These are working class neighborhoods. Instead of having families in working class neighborhoods, what you end up having, you could have employer-owned, is kind of plantation 2.0, right? Employer-owned housing. Almost everyone who lives in that neighborhood is...

Councilmember Holland: How does your measure stop that from happening?

Councilmember Cowden: Well, my bill that I had moved forward before, Bill No. 2973 stops that from happening.

Councilmember Holland: Okay.

Councilmember Cowden: And that created stress for different businesses and nonprofits that have the intention of needing to put in a lot of people.

Councilmember Holland: Can we use the house across from my house as an example?

Councilmember Cowden: Yes, please.

Councilmember Holland: We have thirty (30) people that were working, living in that home, there are thirteen (13) rooms in this house, shared bathrooms, shared kitchen, how does this measure change that for...

Councilmember Cowden: That house would need...

Councilmember Holland: If built today.

Councilmember Cowden: They would have to have a permit.

Councilmember Holland: They would have to have a permit?

Councilmember Cowden: Yes.

Councilmember Holland: And they did not require a permit...

Councilmember Cowden: Correct.

Councilmember Holland: ...for that use of the property prior, okay, that helps me.

Councilmember Cowden: There are just more and more of that in there, so that would have to have it.

Councilmember Holland: Okay, that helps me.

Councilmember Cowden: What this is really doing is trying to put...the Bill that I passed already, Bill No. 2973, is an effort to put guardrails around the house that is utilized inappropriately like the example near your house, which is the house in the recent immigration raid. Those were foreign workers, it is not family related by blood, adoption, marriage, they were all there because there is an employer who put them in there.

Councilmember Holland: But your measure supports that under a Use Permit?

Councilmember Cowden: Under a Use Permit, they could do that.

Councilmember Holland: Right.

Councilmember Cowden: Bill No. 2973 that I tried to pass to not allow it to do that.

Councilmember Holland: Limits it to ten (10).

Councilmember Cowden: I was asked by the Planning Department that said that would be hard on a lot of projects that are going, so I slowed it down and then try to come up with something that could add it. If people want to have thirty (30) or forty (40) foreign workers unrelated to each other move into a neighborhood in a house, they would need to get a permit.

Councilmember Holland: Right.

Councilmember Cowden: That is what it is saying.

Councilmember Holland: Regardless of the way the house looks? It is about that use, okay.

Councilmember Cowden: Yes, it is about that use.

Councilmember Holland: Thank you.

Council Chair Rapozo: Are there further questions?

Councilmember Kaneshiro: I have a question regarding the Use Permit. Currently, if someone was putting up an affordable housing project on residential

property, say the one right across of Taco Bell, right now they can do it permitted, but with this, they would have to get a Use Permit and then they are going to have to provide...

Councilmember Cowden: No, that is very different.

Councilmember Kaneshiro: Would it be considered group housing?

Councilmember Cowden: The housing across from Taco Bell, those are affordable workforce housing, so those are apartments for permanent living that are not owned by an employer. Those properties over there are built with a kitchen and a bathroom in each unit to be able to house a family and they would move in there and it does not matter where they were, it is their income level that puts them in the right category to be there.

Councilmember Kaneshiro: But would it not be considered a group housing dormitory?

Councilmember Cowden: No, it would not, because it is not owned by a nonprofit that has a special function like domestic violence, it would not be owned in that way, those are people who...that is workforce housing that you are talking about. Those are apartments. These with the simpler pieces, they are not built in a way where people would live there year after year. It is not permanent housing. When teachers are coming and they have no place to be, they can be in there for a while. It might be one of these group structures owned by the leasing agent and maybe ten (10) goes to the Hawai'i Pacific Health, who does not have a place to put their people or have struggled to find them. It could go to the Department of Education. It could go to the construction company that puts in different units of it. It is like a workforce motel, effectively. I actually tried to look at that terminology; you could not use that. So, people who are there for a month, maybe three (3) days, maybe six (6) months, but it is not really their home. It is not competitive with something like what goes across the street from Taco Bell in Līhu'e. When they built those places across the street from Taco Bell in Līhu'e, they have all of those plans, they have to do that as part of when they get their permits to build multiple-family housing. They have a plan for their solid waste management, parking, tenant agreements, all of that, they have all of those things when you are building workforce housing. When you just go in and get and expand the intention of a single-family residence, you do not have to have all those things right now. You do not think about where are we going to put our garbage, they could just have one (1) garbage can. The way it is now. This is saying, you need to have that plan. If you are going to be putting fifteen (15)—and they all have cars—in one (1) place, they need room to put fifteen (15) cars. If there is a 15-passenger van that comes and picks them up and they are only living here for three (3) weeks, and they pick them all up at once to take them out to the field to do some harvesting, that 15-passenger van is what goes on their parking plan. They have two (2) vans and maybe five (5) parking stalls and they have forty (40) people

there. That is what will go in there. I am trying to protect neighborhoods from being utilized inappropriately by giving another possibility, and if they want to put these places in neighborhoods, they just have to simply ask instead of doing it without community support. The concern on that is that it is a little harder for companies to come and put those in neighborhoods, because the community might not like it. We want to protect the communities.

Council Chair Rapozo: I definitely support the concept. I think right now...I just had coffee with a developer from O'ahu who is here looking for land to do exactly this because right now the labor...everyone is working right now, so he is flying people in every Monday and flying them out. He was here looking for land to do exactly that. My concern is not so much what that looks like...

Councilmember Cowden: Yes, we can make it nicer.

Council Chair Rapozo: What these operations are doing to our inventory, our stock for our local residents to find housing is critical, there is none because these companies are renting or buying up the inventory for their employees and then driving the rents up and preventing local families from moving in, or getting kicked out because someone just did a long-term rental at a very high rate. I definitely support the concept. I want to be clear that should this pass, what is going to prevent Slide 4 monstrosity from happening? Will they have to follow Bill No. 2979 or can they utilize the existing Code? Are they able to skip this process?

Councilmember Cowden: Thank you for that question. Bill No. 2979 is very open, other than needing to have the use permits. It can be adapted and it can be looked at on how that would happen. With how it would prevent Slide 4 from happening in your neighborhood is that in your neighborhood which I would say is Wailua Houselots, if they bought one (1) parcel, they can have up to, depending on how we deal with the additional dwelling units (ADUs) and additional rental units (ARUs), they can still already cram these neighborhoods. They could do that, they could probably buy three (3) plots in a row and cram each one of them, and they could have a way to building on top of every one of them, but it goes with the density that is available for the property. If you are looking at this, what is being called single-family residence and that was on one of those, they could potentially do four (4) of them, call one (1) a house, one (1) an ADU, one (1) an ARU, and one (1) a guesthouse. I have raised concerns about that, but there are dimensional challenges, setback challenges...

Council Chair Rapozo: Yes...

Councilmember Cowden: ...there is all kinds, it is not that easy to do.

Council Chair Rapozo: Houselots is probably not a good example because the lots are pretty much...

Councilmember Cowden: But if they did right behind Coco Palms, for example, and bought four (4) lots in a row, that would be a place where they can buy four (4) lots in a row and legitimately build houses for employees and it would be right next to the bus, right next to the bike path, right next to stores and restaurants. That would be a way where they could still do it if they called each different lot a single-family house and they put ten (10) unrelated adults in it. They could put forty (40) people in it that way. This is barely a hand brake, but it is little bit of a hand brake.

Council Chair Rapozo: Yes.

Councilmember Cowden: Where right now you can take a half-acre lot and put easily forty (40) people in it with a good-sized kitchen, and have it be a stacked type of monster house and that would be considered a single-family residence, and they would not have to ask anyone in the area. If Bill No. 2973 passed, they would have to ask. I am doing this...I held off on Bill No. 2973 that puts a little bit of a guardrail on family residence, I held off on it, so that there could be some pathway for what is needed otherwise maybe we would not have roads and big buildings, and all these other things that we need. This was a compliment to my...

Council Chair Rapozo: I got it.

Councilmember Cowden: ...when this says no more than five (5) individuals instead of ten (10) is because when we talk to schools and medical and some of these other things, they maybe would not want to have to build for ten (10), maybe they just need five (5) units back there so when a teacher has to move out of her rental unit and it might take ten (10) months for her to find another place, she has a place to go...or "he"—I do not mean to be...

Council Chair Rapozo: Are there further questions on the Bill?

Councilmember Kaneshiro: What is a commercial food production facility?

Councilmember Cowden: That is what we were told to use instead of kitchen.

Councilmember Kaneshiro: What is it, though?

Councilmember Cowden: It is a kitchen. So, people can eat. For example, if the building was right next to restaurants, you still need to be able to get up and eat something like toast and eggs, it would depend upon...the application is very broad. People could have a very extensive kitchen if they have a lot of people coming for a long time to work, maybe they have a buffet breakfast right there. It could be all different types of structures. If you are looking at when they put their plan in, they would just say it there.

Councilmember Kaneshiro: It says, "There shall be at least one (1) on-site kitchen and for developments with a projected tenancy of twenty-five (25) or more individuals, there shall be installed a commercial food production facility."

Councilmember Cowden: Which means...those are the words we were asked to use. That means like a commercial kitchen.

Council Chair Rapozo: This Bill requires the Department of Health to certify it.

Councilmember Kaneshiro: As a commercial kitchen?

Council Chair Rapozo: Yes.

Councilmember Cowden: If you had like twenty-five (25) or more people coming in...

Council Chair Rapozo: If you are going to be cooking like a cafeteria style.

Councilmember Cowden: Yes.

Council Chair Rapozo: But if I am the developer, I would just make a kitchen for each twenty-four (24) people.

Councilmember Cowden: Yes, that is why I used that Kealaula picture, but that is probably the wrong thing, because that looks for just two (2) people. It is not meant to compete with apartment buildings. It is intentionally not meant to compete with apartment buildings, because that would not be appropriate. If a company chose to make apartment buildings for their employees, they can certainly do that under our regular ordinance. This is something less than that. It is temporary. They are sending nurses over for six (6) weeks at a time and maybe it is right next to the hospital, and I have not talked to the hospital about this, I am making that as an example. Maybe it is right next to...

Council Chair Rapozo: Like a convent at a church.

Councilmember Cowden: Like a convent at a church.

Council Chair Rapozo: The convent where the nuns all live, and they share...like I said, I think the demand for this is pretty significant here with these people who are using seasonal workers because it is just too expensive. I think dormitory is the right word, too, because that is what it is. That is where you are sharing a kitchen, sharing the showers.

Councilmember Cowden: Possibly sharing showers. It is up to the design, but it could have bathrooms in each unit.

Council Chair Rapozo: Okay. Councilmember Carvalho.

Councilmember Carvalho: You mentioned teachers and teacher housing.

Councilmember Cowden: There used to be teacher housing.

Councilmember Carvalho: Yes. Slide 4, taking that footprint, that is what you are saying?

Councilmember Cowden: No, we do not want it to look like that.

Councilmember Carvalho: No, not that. Not this exact footprint, but the layout and all that, right? That is what I am saying.

Councilmember Cowden: Yes. Why there is a little bit of...and their families that are in there, again, not meaning to stereotype, but teachers—that is more than one (1) year, typically, and they might have a baby. They might have two (2) little kids, they might have a spouse, so it is still very somewhat shared housing, but they would still certainly have their own bathroom. They can design it in different ways, so it would go in with a different design, but it is not intended to be creating a school campus to go, “Okay, well now we have a density of ten (10) houses on the school campus.” They would have a dormitory structure that could help whatever they chose to have. Maybe they have three (3) to five (5) teachers not able to find a place. What we are finding is that teacher flip almost...they would last about two (2) years because of housing. For newly employed teachers, we are bringing people over from other countries, they could certainly go in this housing.

Councilmember Carvalho: Okay.

Councilmember Cowden: This was to put barriers around single-family residence, Bill No. 2973, I was told that it would be too hard on too many applications, so this is to be able to create the capacity for needing to house workers before Bill No. 2973 moves forward to the Planning Commission. If we choose to just do nothing, what happened to Hanalei and Po‘ipū with vacation rentals is very likely to happen to a lot of our other locations and it is already well underway.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: You are trying to clarify the definition of family, but there are these terms of, “Single-family home,” “single residential unit,” “single-family residence,” which was the SFR...

(Councilmember Carvalho was noted as not present.)

Councilmember Kuali'i: ...and I also see in your slide you have another term, you have, "Single housekeeping unit," so I think the interesting thing to probably work on with the Planning Department and maybe even the Housing Agency is what are the definitions of all of these different terms and are they trying to talk about the same thing or are they trying to create ambiguity so that can happen? A 36-bedroom single-family residence, a standard definition from Google, "single-family residence is a detached house on its own private lot designed as a standalone structure for one (1) family featuring its own entrance, kitchen, and living spaces." This container thing is separate containers with separate entrances to give these separate people their own residences, so how can that be that be a single-family, right? Are those definitions wrong in the prior law, single-family home, single-family residence, single residential unit, and then my question to you is, are you just introducing a new phrase now, "Single housekeeping unit," and why?

Councilmember Cowden: If we...

Councilmember Kuali'i: What does that mean that is different from single-family residence?

Councilmember Cowden: If we move to the bill and then I have on the housekeeping bill to clean up a little bit of the language, but I did not have the assistance of the Planning Department on making this bill.

Councilmember Kuali'i: Yes, and obviously this is going to go to the Planning Department.

Councilmember Cowden: It will go to the Planning Department, but they did not assist, so we worked on it as best we could.

Councilmember Kuali'i: Okay.

Councilmember Holland: It would be helpful if they were here.

Councilmember Cowden: Well, they do not support the Bill, and they have been very clear that they will not support it.

Councilmember Kuali'i: And it is first reading.

Councilmember Cowden: And it is first reading. They did not support Bill No. 2973, which is putting the definitions, the guardrails back on a single-family house.

(Councilmember Carvalho was noted as present.)

Councilmember Cowden: And so when they did not want to do that, I went back to try to come up with something else. Originally, they were embedded in the same bill, because I wanted to put it in the same bill. I just really feel like even if this is not perfect, there is room to fix it. I am happy to have a lot of work done on it. When it gets into motion, then the Planning Department has to give some information on other than that they do not like it. To me, it is so important. I have been working on this for almost one year, and I am watching our working-class neighborhoods being emptied out of the families that make a neighborhood. When you have people coming and living for half a year or one week, two (2) months, it is not the same people that your kids are playing with. It affects how families can live together, it affects the neighborhoods, so I am trying to protect neighborhoods. I would say we are about twenty-five percent (25%) there of what we have gone through with vacation rentals. I am raising my hand and saying we have a problem and that is what we are losing...our neighborhoods. We have a need and that is how do we figure out how to handle the workforce that comes over from other islands, the continental United States (U.S.), and possibly other countries, that seemingly are needed. I am thinking that if there is almost cheap housing or close to cheap housing, maybe they can get more people right out of the college or right out of the community instead of living with mom and dad, maybe they will work for this company that offers housing. I am just trying to find a solution because we clearly, in my view, have a problem that is on the rise. I appreciate you considering this. I do want to move to amend in a minute, but just to consider this to go before the Planning Commission. I hope someone from the press looks at it. It forces the issue to have this conversation instead of three (3) years from now when we are like Maui with Bill 9, having to pull back all these housing.

Council Chair Rapozo: Councilmember Cowden, go ahead and introduce your amendment.

Councilmember moved to amend Proposed Draft Bill (No. 2979) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment, seconded by Councilmember Kualii.

Council Chair Rapozo: Did we receive any testimony from the Planning Department? No.

Councilmember Cowden: I almost appreciate it, because they just consistently told me they do not support it.

Council Chair Rapozo: It is interesting why they are not here. The beauty of this process that we all live in is you get the legislative and executive branch, and a planning bill is up at the County Council for first reading, you would expect the Planning Department to be here. If they disagree, they disagree. If they agree, they agree.

Councilmember Cowden: He is probably being kind.

Council Chair Rapozo: But, again.

Councilmember Cowden: Did he say something? He could come if he wanted.

Council Chair Rapozo: I am not going to invite him. My point is this is a very important day today for a planning bill because this body decides whether or not it goes across the street to the Planning Commission. If what you are saying is that they are not supportive, then they should...whether they are here personally or in a testimony, because I am going based off what you are saying and what I believe is appropriate for Kaua'i and this makes total sense to me. Is there something I am missing, I do not know? Go ahead.

Councilmember Cowden: We captured a couple of small housekeeping errors after we submitted the bill. On page 2 of the original bill, what you will see where we had "Sections 8-3.5 through 8-3.8," it should have been, "Sections 8-4.5 through 8-4.8." It is just correcting it to the accurate spot. That happens in a handful of places, I apologize I must have not typed it right. We were looking at the right places, somehow there was that mistake. It corrects that mistake in two (2) places. Also, where it says, "Five (5) or more individuals," on the definition of Employee Dormitory, it had said, "More individuals and their families," so it made it five (5) or more individuals and their families, which makes it sound like all these things are going to be there. It is really five (5) or more individuals, there must be a person that is employed there and what we were advised was taking out "and their families," because for the most part that is not going to be a part of it. It is just was in there for special circumstances like teachers that might have a family, so we are not going to say that they cannot bring their family or spouse into their unit, but that would go in these tenant agreement plans. That is more detailed and needs to be there, so it does not sound like these are all family homes, because in general that would be the exception, not the rule. If there was say teacher housing behind a school where they had a dormitory program, their tenant agreement might say, "Four hundred dollars (\$400) per month and you can have your child and your spouse," or something like that, or, "No more than two (2) kids." I do not want to get too lost, I mean those can have adjoining units...

Council Chair Rapozo: Yes, I think it is clear.

Councilmember Cowden: There needs to be a plan so if there is a violation, so part of that is having a tenant agreement, and if there is a violation, it is really easy for enforcement that the Planning Department can go over and see that too much is being charged. What you want to guard against is this is somehow being turned into a hostel for people to stay on vacation. You want to guard against it having different challenges, so when by having all those plans in there, if they are

violating that plan, they can give them a normal notice of violation with the normal penalty, which would be swift, if you had ten (10) to fifteen (15) units, with the normal violation penalty.

Council Chair Rapozo: Are there any questions on the floor amendment? Is there anyone wishing to testify on the amendment?

Councilmember Cowden: I took the words, “and their families,” out.

Mr. Sykos: For the record, Lonnie Sykos. Thank you, Council Chair Rapozo for your mention on support for the theory behind all of this. I am in total support of this. I live a couple of blocks away from Council Chair Rapozo and I have gotten different responses from different members of the County, but my current two-bedroom house, I can either turn into eight (8) or sixteen (16) bedrooms under the current ordinances allowing for ADU, and all of that—if I tore my house down. I also have a background in maritime, and I know that for probably one hundred thousand dollars (\$100,000), I can buy a sewage treatment plant and put it underground, then I can have an unlimited number of bedrooms based upon my sewage capacity. I used to run sewage treatment plants on ships, so I know how it works. It is hugely important that we do not allow any more of those container monster homes to occur. It is a reality that people of wealth come to the Hawaiian islands, in general, Kauaʻi, in particular, buy themselves a house to live in and then buy three (3) to four (4) more houses for their staff and their planners and their massage therapists, and chefs to live in while they are on Kauaʻi. When they leave Kauaʻi and go somewhere else, all these other people leave and the housing sits empty and residents do not have any. Thank you very much, Councilmember Cowden, for your year of work on this. The enforcement of the tenant agreement is going to be a huge deal. My age and the fact that I am not from here, I am familiar with this issue. My grandparents lived in a town that once was the central repair facility for Southern Railroad and then Southern Railroad moved that to Atlanta. One of the things that occurred was all of the boarding houses, which is what they were called, eventually closed due to both federal regulations and the fact that the labor force moved three hundred (300) miles. A boarding house, you got a tiny, little room, and you get room and board, which means you get breakfast and dinner, all for a flat rate, and you can stay one (1) day, one (1) week, one (1) month, or ten (10) years. Apartments were very expensive; boarding houses were the least expensive way to live. In this plan, even if you have all these people living in a building and a 16-passenger van comes, if they are going to make their own meals, how do they get to the supermarket? I will be back for my next three (3) minutes.

Council Chair Rapozo: You can continue. You are the only one here, sir.

Mr. Sykos: Okay. Do not be confused about terms like barracks, dormitory, and boarding house, because they are all self-explanatory.

Universities are not the only place that have dormitories, and so one of the things you need to look at is when you create what is going to replace an apartment building. every unit in an apartment has a kitchen, and so if you are going to replace an apartment building, with a different type of sleeping quarters, how are the people actually going to get fed? History tells us that what works financially is that the boarding house provides meals. You have a kitchen...if you have more than x number of people, we are going to require a certified kitchen, which is a very smart thing to do, and now your required certified kitchen, legally can provide meals to all the people in the building. This is not quite ready for primetime and final votes, but this is pretty far down the path of trying to identify what the County wants to promote and what the County wants to inhibit. All of this labor is not the same. You can use completely different living accommodations for people that are coming here, for say a month to three (3) months whether it is planting or harvesting, whether it is masons or electrical workers, people that come short-term can live in more of a hotel-type environment if people are going to be full-time employees, live here permanently, they need more than a hotel has with one (1) chest of drawers and one (1) tiny, little closet. The problem Maui is going to have is all those vacation rental units, they want to turn into apartments, you cannot live in a...there is literally no room to put chests and drawers for your belongings, there is a tiny, little closet, you cannot add another closet. That is problematic. All these details get worked out as this progresses. Thank you very much for bringing this forward. No, I do not want monster houses next to me in the Houselots. I do not think anyone wants monster houses next to them in their neighborhoods. Good job, thank you, and we hope to see a finished product here in the next few months. Thank you.

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

Council Chair Rapozo: Is there any further discussion on the amendment?

The motion to amend Proposed Draft Bill (No. 2979) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. We are back to the main motion. Is there further discussion? Councilmember Holland.

Councilmember Holland: Thank you, Councilmember Cowden. We appreciate you looking into this for so long and trying to navigate a path forward. I am very in support of not having houses like that, and I agree with not having monster houses. I have to fully understand a little bit more about the pathway that will prevent a house like that Princeville, 36-unit house. I support in theory the entire idea you are going for, and the thing I need to dive into is the differences between the Use Permit and not Use Permit with or without this bill to understand what would

stop that. There are a couple issues here, which is the size of the house, which is not limited here as use, but I appreciate it. There was never a hearing across the street or in our neighborhood that I know of when that home transitioned into a working workforce housing across the street from us, and so this makes sense and I appreciate it. I will be supporting today and just trying to better understand the process and following it through the Planning Commission side of things to understand a little bit more. I am learning a lot of about the use things, in general, but just trying to understand what would be the mechanisms by which it would prevent those types of structures from being built in the future. Thank you very much.

Council Chair Rapozo: Is there any further discussion? If not, the motion is to...I am sorry, go ahead.

Councilmember Bulosan: I want to echo also the introduction of this Bill and its intent. I am still a little confused on the execution and also a little concerned that...I would not be in support or it is not clear...I totally understand this is first reading and the process of this work is to go through the community, go through all the necessary processes to flesh out the best legislative piece to help out our community. I respect the time you spent on this. This is very complex the way the Bill is designed and what it is trying to accomplish, because it requires a lot of input and pieces to work. There are so many different angles. I am really looking forward to...I am hesitant, but I am also understanding that this will be referred to the Planning Commission, so they will look at it. When it does come back to us, we will have more eyes to look at it. This is just first reading, so I understand the work that needs to be done to make this a good and healthy bill that will help our community.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Thank you all for having an open mind to considering a bill that has not had support from the Planning Department in its development. Usually, we have a much more robust bill. It is open. Bill No. 2973 is this definition of family and then Bill No. 2979 is just creating another opportunity. We really do not know it all yet, if it would replace the problems that are happening, which is just hopefully is creating it and so we can put some guardrails back on. I am hoping that this makes a difference and it is intentionally loose enough that it is not going to hurt any projects that are underway, because we need workforce and we need housing. I thank you, because if we do nothing, I really feel very confident that we are going have almost only, a big portion of the workers who work here are going to be people that are living in housing owned by their employer. That is a loss of freedom and a loss of identity of the community. I appreciate it going before the Planning Commission. I have a lot of respect for our Planning Department. I have not gotten help in the ten (10) months of asking, but I think putting it in front of the Planning Commission will force that. I am hoping for that.

Council Chair Rapozo: Thank you. Is there anyone else?
Councilmember Kualii'i.

Councilmember Kualii'i: I want to thank you for your work, also. I understand and support the intention of the prior Bill and this Bill. I see this current Bill as a first attempt, pretty rough draft, and I would not be able to support it as-is, but I support it going to the Planning Commission, so that they can work on it. It makes sense that it needs work, because the Planning Department has not participated. It is always important to try our best to get their participation. Between now and whenever we hear back from them, I would follow up on my own to try to learn a little bit more about what is going on with all these different terminologies and why they can misuse what the original intention on some of these terms are, especially what a family is, single-family home, single residential unit, single-family residence, and then now this other term single housekeeping unit. How those differentiate from each other and how they are being used in different circumstances. Thank you.

Councilmember Cowden: I want to follow up.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Those words, just for the public listening and for the Planning Department, I believe they have seen this presentation, it is just for making the presentation in trying to not have too many words. Those confusing words are not in the Bill.

Council Chair Rapozo: Okay, is there anything else?

Councilmember Kualii'i: I would imagine they exist in the County somewhere, because that is where it all started, right. You had to redefine family because family...

Councilmember Cowden: Yes.

Councilmember Kualii'i: ...is used in the term. Single-family residence.

Councilmember Cowden: Okay, that is fair, but the Bill does have them.

Council Chair Rapozo: Most planning bills are complicated. Most zoning bills are very complicated. I read the Bill and it is pretty straightforward; it is exactly what we talked about. I cannot remember the bill number when it was on the floor, but I made the comment, "Let us not treat the symptoms, let us fix the bill." I do not know how the thing in Princeville passed, to begin with. Even today, I struggle with how that passed. I do not know. I have to believe there were some variances or some exemptions. I do not know how that happened, but it did. Rather than treat the

symptoms, let us find the problem and the problem is that these people are buying or renting out units in our inventory preventing our local families from getting homes, which then leads them to leave or be homeless/houseless. Again, I am anxious to see the Planning Commission take this apart, but for me it is creating a dormitory class, that is what we are doing. If you fall into that definition, this is the only question I have and I will see where the Planning Commission goes, but how are we going to make sure that you cannot get around this new bill and utilize existing allowances and then they can still get away. The question or the fact needs to be, if you are operating a residence that is a dormitory for your employees, then you need to follow this and you need to have a Use Permit, because that is the most critical part. The fact that you can just roll into someone's neighborhood and bring thirty (30) employees that starts being your new neighbors that are out early and in late, no, people should have a say in that. This will provide an opportunity for these employers to go out and buy a piece of land, build some dormitories, and call it what it is. Do not pretend that it is a long-term rental or an apartment, but you are flying people in and out on a weekly basis. I support it one hundred percent (100%). I am curious to hear why the Planning Department does not support this idea. There may be some things in there that conflict with existing ordinances, that I am not aware of, but at this time I am definitely in support. I am looking forward to their important recommendation.

The motion to refer Proposed Draft Bill (No. 2979), as amended, to the Planning Commission was then put, and carried by the following vote:

FOR REFERRAL:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST REFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: There is no further business.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:50 a.m.

Respectfully submitted,


JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc

(December 17, 2025)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2979), A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN DISTRICTS

Introduced by: FELICIA COWDEN, Councilmember

1. Amend Proposed Draft Bill (No. 2979), SECTION 2, by amending the definitions of “employee dormitory” and “group housing dormitory” to read as follows:

“Employee dormitory” means a building providing sleeping and residential quarters for five (5) or more individuals, provided by the related employer. An employee dormitory contains multiple private or semiprivate single or shared rooms with communal kitchen facilities and recreation areas.

“Group housing dormitory” means a building providing sleeping and residential quarters for five (5) or more individuals, provided by an organization whose mission is to fulfill a beneficial social purpose. A group housing dormitory contains multiple private or semiprivate single or shared rooms with communal kitchen facilities and recreation areas.”

2. Amend Proposed Draft Bill (No. 2979), SECTION 4, in pertinent part as follows:

“Section 8-32.1 Employee Dormitory Application Requirements

Development standards shall be the same as those for single-family detached dwellings in Sections 8-4.5 through 8-4.8, inclusive; but a complete application for an Employee Dormitory shall also include:”

3. Amend Proposed Draft Bill (No. 2979), SECTION 5, in pertinent part as follows:

“Section 8-33.1 Group Housing Dormitory Application Requirements.

Development standards shall be the same as those for single-family detached dwellings in Sections 8-4.5 through 8-4.8, inclusive; but a complete application for a Group Housing Dormitory shall also include:”

(Material to be deleted is bracketed, new material to be added is highlighted.)

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