

COUNCIL MEETING

APRIL 9, 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, April 9, 2025, at 9:06 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 Cowden.

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:

March 12, 2025 Council Meeting
March 25, 2025 Public Hearing re: Bill No. 2943 and Bill No. 2944

Councilmember Kuali'i moved for approval of 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 motions carries. Next item, please.

INTERVIEW:

BOARD OF WATER SUPPLY:

- Clyde T. Kodani – Term ending 12/31/2027

Council Chair Rapozo: With that, next item, please.

CONSENT CALENDAR:

C 2025-86 Communication (03/28/2025) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2949, the Mayor's Proposed Operating Budget for Fiscal Year 2025-2026 regarding the appropriation to Kaua'i Soil Conservation in the Department of Public Works – Administration, Grant-In-Aid, as he is a Director for the East Kaua'i Soil & Water Conservation District.

Councilmember Kualii moved to receive C 2025-86 for the record, seconded by Councilmember Bulosan.

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

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

The motion to receive C 2025-86 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

COMMUNICATIONS:

C 2025-87 Communication (03/18/2025) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$203,743.00, and to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 23-V2-03 (Victim/Witness Program) for the period July 1, 2025 through June 30, 2026.

Councilmember Kualii moved to approve C 2025-87, seconded by Councilmember Bulosan.

Councilmember Cowden: I have a simple question.

Council Chair Rapozo: Okay. Is there a question for me or for the Office of Prosecuting Attorney (OPA)?

Councilmember Cowden: It could be either. It states, "Project 23-V2-03," this is a continuing project.

Council Chair Rapozo: Yes, it is.

Councilmember Cowden: It says, "Expansion," but this is basically refunding what we already had, there are no additional aspects to it.

Council Chair Rapozo: Yes, this is a recurring grant.

Councilmember Cowden: Recurring grant, so the word, "Expansion" was a little bit confusing for me, but this is what we have done to provide a lot...I do not want to use the word "therapy," but counseling. Probably "counseling" is the right word, for our victims and understanding how to go through the process?

Council Chair Rapozo: Yes, this is much appreciated because it really takes a nice chunk out of the salaries and benefits that would otherwise come from the real property tax.

Councilmember Kualii: I have a question for OPA. Along the lines of what has already been said, obviously the VOCA funding, in general, has been funding that we have received over the years, for many years, right?

There being no objections, the rules were suspended.

REBECCA V. LIKE, County Prosecuting Attorney: Rebecca Like, Prosecuting Attorney. Yes, that is correct.

Councilmember Kualii: Has it been fairly consistent? Is it going up, is it going down?

Ms. Like: I believe it has been fairly consistent. It is going down.

Councilmember Kualii: Over the more recently decrease, if you will, are we anticipating major decreases? With everything that is going on in the Federal government and with this new Administration, have we had any signs of...

Ms. Like: No indication yet.

Councilmember Kualii: It is pretty significant in that it helps us with three (3) full positions, right?

Ms. Like: Correct.

Councilmember Kualii: Thank you.

Councilmember Cowden: I have one (1) more question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Just for clarity, these counselors, when someone gets impacted, the counselors help them understand the process.

Ms. Like: Correct and update them of critical stages in the process; upcoming court dates, what their rights are as victims, and what resources they have access to.

Councilmember Cowden: If a person is convicted and goes into incarceration, maybe they get called before they are up for probation or parole...

Ms. Like: There are certain critical points in the criminal justice process that we update victims on, so it depends on the type of case. If an individual is up for parole, yes, the victim gets updated, they have a chance to participate in the process. Not all victims want to be updated or want to know all the information, so we provide them with information about (inaudible .875 24:30), which shows...people can register to get alerts if someone is getting released.

Councilmember Cowden: For clarification, because I know when I talk to victims sometimes, they are expecting protection, but this Victim/Witness Program does not protect them.

Ms. Like: No.

Councilmember Cowden: It does not keep them from whoever they testified against. It is not protection, it is just helping them understand the process.

Ms. Like: Correct.

Councilmember Cowden: It is not even emotional counseling, it is helping them understand the process...maybe for a child, right?

Ms. Like: There is a therapeutic element, but I would not characterize it as "counseling."

Councilmember Cowden: Yes. Okay. Because that is where I think we are "off" and there is confusion, people might think they are going to get protection or restitution, but this particular project does not do the restitution. There is a victim restitution program but there is no protection.

Ms. Like: Correct.

Councilmember Cowden: Okay.

Council Chair Rapozo: Are there further questions for OPA? If not, thank you. Is there anyone in the audience wishing to testify?

BRUCE HART: For the record, Bruce Hart. I have lived here for approximately fifty-two (52) years. More than three (3) decades ago, I went through, under Prosecuting Attorney Craig DeCosta, terroristic threatening in the first where a man, down at Lydgate Park threatened to "run me through" with a machete. I did not find the Victim/Witness Program to be deficient in what it is mandated to do. I found it to be deficient in what it is capable of doing. Years later, I was the victim in a harassment trial. I did not find that the system was adequate. I do not mean the Victim/Witness, I mean the overall system. To be fair, OPA is not geared and does not have the funding or the resources to provide what I feel victims of violent crime in our community should receive. That one did not turn out well. The first one under Craig DeCosta did turn out well, it was a traumatic experience. Through that I met former Deputy Jennifer Winn who won that case and Victim/Witness Counsel Marla Torres-Lam, who has now retired, and I have a great deal of respect for. It is true what Ms. Like said that this system updates you, it allows you become somewhat familiar with the process. Since then, I have been a victim of a man who came to my carport, back in 2021, and threw a bomb into my carport. We are not talking about a firecracker; we are talking a bomb. This resulted in what I believe to be a severe undercharge. The man should have been charged with Reckless Endangering I and he should have been charged with an explosives charge, but that did not turn out well. The man is at-large in the community today. The most recent that has happen to me is that...this is just months ago, back around Christmas. I am riding my bicycle on my own street and someone comes out of the dark and "slugs" me in the mouth.

Council Chair Rapozo: Hang on right there. Is there anyone else wishing to testify? If not, you can have your second three (3) minutes, but Mr. Hart, make sure you keep it within the Victim/Witness realm, because that is what is posted.

Mr. Hart: Okay. The only part of the process that I found was in the restitution. I was allowed in the "throw a bomb" in my carport to be able to speak to the Court and even though the Defense objected to me speaking, the Honorable Judge Michael K. Soong overruled his objection, and I was able to speak. That was the one (1) satisfaction out of the entire system. What I want to end this with is that this is not to degrade OPA or the Victim/Witness Program, I have great appreciation for both. What my hope is, is that our State Legislators will enact law that gives the victims some violent crime rights, because as it is now, they do not really have any rights, not legally. They are ethical considerations, and the program is set up to help victims and I believe OPA and the Victim/Witness Program does the best they can do. I hope. Thank you.

Council Chair Rapozo: Thank you.

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

Council Chair Rapozo: Is there any discussion?

The motion to approve C 2025-87 was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

C 2025-88 Communication (03/19/2025) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds for the Domestic Violence Prosecution Unit for Fiscal Year 2024 STOP Violence Against Women Act (VAWA) Formula Grant, in the amount of \$50,216.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to support a 0.65 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and supplies, for the anticipated period of June 1, 2025 to May 31, 2026.

Councilmember Kualii moved to approve C 2025-88, seconded by Councilmember Carvalho.

Council Chair Rapozo: Are there any questions or is there any discussion? Councilmember Cowden.

Councilmember Cowden: I know this is just funding for a little bit more than a half of one (1) position. My understanding from attending Police Commission meetings is domestic violence tends to be tied for number one or number two in our leading crimes. It is usually either drugs or domestic violence, often both at the same time. Do I have that understanding correct?

Ms. Like: Rebecca Like, Prosecuting Attorney. I do not have those numbers in front of me, but I do not have any reason to dispute the information that you provide.

Councilmember Cowden: That is usually what I surmise from the police report. How many prosecutors...we do not just have half of one (1), we are just getting paid for half of one (1), right?

Ms. Like: Right.

Councilmember Cowden: How many prosecutors focus on domestic violence?

Ms. Like: There is one (1) deputy prosecuting attorney who is full-time assigned to Family Court and those are misdemeanors. While he handles misdemeanors and (inaudible), that includes protective order violations and domestic violence and misdemeanors below or below level. We have multiple attorneys who handle felony domestic violence. We do not have a specific attorney assigned to handle just the felony domestic violence cases; there are a number of attorneys.

Councilmember Cowden: So, a number of attorneys run it. I wanted to make sure we did not have only one and a half person working on that. Building off of what Mr. Hart said about victim's rights. That is not OPA *kuleana*, right, to have the victim rights, but I received a lot of complaints when, especially in domestic violence, very much gratitude to the Young Women's Christian Association (YWCA) for their women's shelter, but oftentimes it feels like the women are the ones who get incarcerated because they have to hide. Is the challenge for quick prosecution mostly

with the courts, because it can really delayed, so if you are terrified, you might have to "sit" in YWCA for months.

Ms. Like: It is hard for me to provide information on that. I would say in regards to the deputy who is responding, that is not typically an issue because as part of the grant, too, we have to provide information on how quickly we are screening these cases, and these cases are screened relatively quickly. I could see cases that require additional investigation that are more complexed or severe, being a little bit more delayed just because of the investigatory process, but I do not think that is an issue in regards to this position.

Councilmember Cowden: Okay.

Council Chair Rapozo: Are there any further questions?
Councilmember Kualii'i.

Councilmember Kualii'i: Along the same lines of my questions on the VOCA funding with regards to this VAWA funding, is the funding like VOCA trending down slightly?

Ms. Like: I am not certain, I would have to get that.

Councilmember Kualii'i: I am looking back there in case she might know...oh, okay.

Ms. Like: She is here for the other agenda item.

Councilmember Kualii'i: Oh, okay.

Ms. Like: I can follow-up and get that information to you.

Councilmember Kualii'i: Okay.

Ms. Like: I think it is relatively consistent at least for the last couple of years. I know that it has been about half rate, about half the salary of the deputy.

Councilmember Kualii'i: And then the same thing about whether the funding is threatened or not.

Ms. Like: I do not have any indication that it is. I think it is pretty solid.

Councilmember Kualii'i: So, when I look at both these amounts, and it is good to see it now when we are in the middle of budget too, in looking at positions and all of that, the VOCA funding funded three (3) positions, and so that is a pretty significant part of your entire Victim/Witness Program, correct?

Ms. Like: Absolutely.

Councilmember Kualii: Therefore, on this VAWA funding, with the 0.65 position, it is actually a small part of that program because you said it gets assigned to all deputy attorneys, the domestic violence prosecution...how big is the domestic violence prosecution unit?

Ms. Like: We have one (1) deputy who that is all that they do.

Councilmember Kualii: One (1) full-time?

Ms. Like: Correct, and this funds 0.65...

Councilmember Kualii: Oh, of that position.

Ms. Like: ...of that deputy's position, however, other deputies in our office handle the felony domestic violence cases and part of the reason for that, which probably comes as no surprise to you, we do not want someone prosecuting a victim and a defendant, so sometimes we have people on both sides in relationships or we have cases involving both parties, not "always." Some of the misdemeanor cases are also handled by different deputies so we do not have individuals communicating with the victim, who they are also prosecuting, if that makes sense.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Are there any further questions? If not, thank you. Is there anyone in the audience wishing to testify?

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

The motion to approve C 2025-88 was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

C 2025-89 Communication (03/21/2025) from Assistant Chief Elliott K. Ke, requesting Council approval to renew software licenses with Bosch for crash data for Hyundai and Kia compatibility, which enables investigators to identify, acquire, and analyze data from vehicle systems, identifying patterns of life, people of interest, links between individuals, sequence of events, timelines of activity, and locations of interests during collision investigations.

Councilmember Kualii moved to approve C 2025-89, seconded by Councilmember Bulosan.

Council Chair Rapozo: Do you have a question?

Councilmember Cowden: Yes.

There being no objections, the rules were suspended.

ELLIOTT K. KE, Assistant Chief: Good morning, Chair, Vice Chair, and Councilmembers. Kalani Ke, Kaua'i Police Department (KPD).

Councilmember Cowden: Thank you so much. This is a renewal of software licenses, so we have it already.

Mr. Ke: That is correct.

Councilmember Cowden: It is Hyundai and Kia compatibility; do we have this for other car companies too?

Mr. Ke: We do have different technologies for different vehicles. My understanding is that it relates to those manufacturers.

Councilmember Cowden: This is interesting for me. It seems like surveillance software when it says, "which enables investigators to identify, acquire, and analyze data from vehicle systems, identifying patterns of life, people of interest, links between individuals, sequence of events, timelines of activity, and locations of interests during collision investigations," so, that is when two (2) cars hit each other, so is this sort of like there is a black box inside Hyundai and Kia that you are able to read? How does it analyze all that data?

Mr. Ke: I do not know what year it was, but especially modern vehicles have multiple control modules in the vehicles that manage the monitor different factors, data. This technology allows our investigators to plug in to the different types of vehicles to pull out the data and besides the evidence at the scene, this is probably the next most important critical information that they use to put together their technical investigations. Based on my understanding of this technology is, when certain factors are met in a collision, data is captured and stored, and it could be things like brake application, speed of the vehicle, potentially passengers in the vehicles steering...all of those things play a key role in the technical investigation of the Traffic Safety Unit to make determinations on what occurred.

Councilmember Cowden: So, all of the mechanics of the car, that seems like that is really important. I was just wondering when they patterns of life, people of interest, do they look like they go to the bar every night and they were on their way home from the bar, I do not know why they would want to know "sequence of events." If it is the event of how the car moves, they had to dodge and car and then dodge another car, if it is car performance that seems more relevant than people who hang out.

Mr. Ke: I believe "sequence of events" is like what you described, what occurred prior to. "Patterns of life" potentially could be occupants in the vehicle and locations, I do not know what types of data a lot of cars capture nowadays, but a lot of things are captured with vehicles...

Councilmember Cowden: With driving with computer and they are listening to your phone, yes.

Mr. Ke: ...for example Bluetooth connections, what phones were connected to the vehicles, things like that, all are stored in the systems and that is all information that we “pull out” to try to figure out who was in the vehicle, who was driving, etcetera.

Councilmember Cowden: And maybe if they were on their phone texting.

Mr. Ke: Could be, yes.

Councilmember Cowden: Thank you. That was a “jump” from what I was aware of was being looking at. You certainly do want to be able to understand why accidents are happening and I just had the opportunity to learn a little more about what we are able to do and why.

Council Chair Rapozo: Are there any further questions? If not, thank you, Chief.

Mr. Ke: Thank you.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Is there any discussion?

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

The motion to approve C 2025-89 was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

C 2025-90 Communication (03/21/2025) from Assistant Chief Elliott K. Ke, requesting Council approval of the terms contained in the Berla’s Terms and Conditions regarding Attorney Fees and costs, enabling investigators to identify, acquire, and analyze data from vehicle systems with the iVe Toolkit.

Councilmember Kualii moved to approve C 2025-90, seconded by Councilmember Bulosan.

Council Chair Rapozo: Same item, different...this is to approve the attorney fee verbiage. Are there any questions from the Members? Is there anyone in the audience wishing to testify?

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

The motion to approve C 2025-89 was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

C 2025-91 Communication (03/24/2025) from the Director of Economic Development, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 16, Article 10, And Chapter 17, Article 2, Kaua'i County Code 1987, As Amended, Relating To Use Of Public Electric Vehicle Chargers, implementing user fees, timing restrictions, and other parameters for public use of electric vehicle charging stations operated by the County of Kaua'i, to ensure adequate investment in the County electric vehicle charging network by authorizing the County to recover the costs of operating and maintaining its charging stations and equipment.

Councilmember Kualii moved to receive C 2025-91 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is the Communication, and the Bill will come up later, but if anyone wants to testify now, I will allow testimony to be carried over.

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

The motion to receive C 2025-91 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

C 2025-92 Communication (03/28/2025) from Mayor Kawakami, transmitting for Council consideration, A Bill For An Ordinance To Amend Ordinance No. B-2024-896, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2024 Through June 30, 2025, By Revising The Amounts Estimated In The General Fund, relating to the State of Hawai'i Organization of Police Officers (SHOPO), Bargaining Unit (BU) 12, temporary hazard pay.

Councilmember Kualii moved to receive C 2025-92 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: This is the Communication, and the Bill will come up later, but if anyone wants to testify now, I will allow testimony to be carried over.

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

The motion to receive C 2025-92 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next item, please.

CLAIM:

C 2025-93 Communication (03/20/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Desaray Saito-Brown, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2025-93 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

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 2025-93 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:FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2025-05) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended on Second and Final Reading:

"Bill No. 2944 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*New tax classification "Long-Term Affordable Rental"*),"

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

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.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2025-04) submitted by the Committee of the Whole, recommending that the following be Approved on Second and Final Reading:

"Bill No. 2943 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 7, CHAPTER 20, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CRIMINAL TRESPASS ONTO COUNTY LANDS,"

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

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.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2952) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 10, AND CHAPTER 17, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USE OF PUBLIC ELECTRIC VEHICLE CHARGERS

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2952) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 14, 2025, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Bulosan.

Council Chair Rapozo: Can we have the Office of Economic Development (OED) up? There was an opportunity to meet with all of us beforehand, I appreciate that. For the sake of the public, maybe you can provide an overview of what we are trying to do.

There being no objections, the rules were suspended.

CHRISTINA KASER, Specialist III – Energy: Christina Kaser, for the record. Good morning, everyone. The day has come. It is long overdue, but the intent is to charge the public the usage fee for the County-owned public electric vehicle charging stations. The code amendments are in two (2) parts. The first is to introduce penalties. The only time penalties are referenced is in relation to the Civic Center chargers. This cuts that out and makes a new section for all County-owned chargers. The second part is the charge to the public for the usage fee. The rate will be designed to power, operate, administer, and maintain the County's public EV charging stations. I am here to answer any questions.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I am reading, I do not see that there are any infrastructure costs when you are evaluating the rate. Am I missing something? It does not sound like there is infrastructure cost, like when we have three (3) chargers

for almost one million dollars (\$1,000,000), there is a lot of infrastructure cost on these things. This is basically maintenance; this is not anything to do with the start-up of the infrastructure.

Ms. Kaser: I feel like the language does allow that to be built into the rate given the word administer, but if the Office of the County Attorney (OCA) feels like there is not enough flexibility in the way the code is currently proposed, then you can always build that in.

Councilmember Cowden: Can we ask OCA?

Council Chair Rapozo: The Bill is clear that the Director can set the rate at whatever they want. I guess the better question is, what was the intent of the Administration, because in the example that Councilmember Cowden cited, absolutely, but if you were to incorporate that cost into the rate for that meter, over a short period of time, no one would use that meter, because the rate would be too high. I am assuming that the plan is long-range, we are going to recoup, much like we do with sewer systems and water systems, we are paying a portion, but over time we expect to recoup the expense that it took to put in the infrastructure. I am not sure what the intent was from the Administration with the Bill.

Ms. Kaser: I will just say right now the intention is to recoup the cost to power, the software, and then what type of maintenance needs that we are currently paying. It is to take care of the existing network that we have. It would not be appropriate to charge the public a reserve fee for a fund that we do not currently have planned projects for. It is also as Council Chair Rapozo was saying we are going to have to play around with the rate a little bit, so the way the code is written is that we can change the rate quarterly or as often as deemed necessary. I think we are going to have to find that balance of how high do we set this rate to where people are not even using the chargers. Across the island, what I have seen is, roughly fifty cents (\$0.50) a kilowatt (kW) or three dollars (\$3) per hour. Once we did all these calculations, looking at the cost to recoup the power and the software, and does replace the units themselves, it would be about fifty cents (\$.50) per kW.

Councilmember Cowden: Yes, and I am not expecting that three hundred thirty thousand dollars (\$330,000) goes into the people who are charging over the next five (5) years. I wanted to ask the County Attorney, the word "administer" too me, that means the office staff, guidance, and overlooking, I do not see a word in here that embeds in any type of intention for infrastructure over time. Am I missing something? What is the case?

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. (Inaudible) the language is very board. When you look at it...none of these things are defined, so you just take the normal definition of them, but the County cost to power, right, that could mean power, actual electricity the County's cost to power, which would also include infrastructure. All these terms of very broad terms. "Power, operate, administer," all those...just cost to power could include infrastructure. "Administer," potentially include the infrastructure. "Maintain" definitely includes

the infrastructure. We are using four (4) very broad terms to encompass whatever they want to set the fee at.

Councilmember Cowden: I will make my statement at the end.

Council Chair Rapozo: Are there any further questions? If not, thank you. Is there anyone in the public wishing to testify?

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

Councilmember Cowden: I support the effort to be doing costing on it, fifty cents (\$0.50), about three dollars (\$3) per hour to charge, that is good to know and wanting to know how that works. I was wanting to get numbers like that, but I am also just trying to bring it forward that as we are moving towards the mandated goal of 2035...is that fifty percent (50%) of the cars or one hundred percent (100%)?

Council Chair Rapozo: One hundred percent (100%).

Councilmember Cowden: One hundred percent (100%) of car by then, so if we did one hundred percent (100%) of the cars, that is a crazy amount of cost of infrastructure to be putting in. We are looking at our water infrastructure is being attenuable, our wastewater infrastructure being attenuable, so when we have this goal towards moving to something like EVs and we are not even building in the cost of putting in the infrastructure, which sounds quite profound, and then something that came up when we were talking to the Transportation Agency about the buses, if the Kaua'i Island Utility Corporation (KIUC) is concerned about how they would be charging (inaudible) at night, they are probably concerned about how they would be charging all cars at night, but that is when the majority of the cars are going to be being charged. If people do not have to pay for the infrastructure when they are going to the different chargers as they are moving around the island...people are asking for little meters in different side street parking, people are asking for that in design. We cannot afford that. I think it is really important that we actually have the conversation of, "Are we looking at anything that is even viable when we are doing it?" Yes, let us start by charging, but it seems like a really untenable goal and we see that with Presidential Administrations, it zigzags, so the last one said everyone need to go electric, and the current one saying to drive whatever we want. When we are charging all these vehicles and cars at night, it is just going to be on diesel or jet fuel anyway. I think just raising the "red flag" that we have not thought of about EV movement very well in terms of what we can actually manifest, and it is what I would consider an unfunded mandate. We did get the federal dollars, thank you so much, for that grant. Thank you to Senator Brian Schatz for helping us get it. It is kind of like the phone chargers, they keep changing. We are probably going to have a lot of issues. As I am looking to three (3) people on the phone...three (3), so I do not know if anyone is listening to what I am saying, but that is important to me.

Council Chair Rapozo: Thank you. Is there anyone else? I will just say for the public that may not have an idea of what we are doing, we have electric chargers that right now the public gets to use for free. There was a concern on this

Council and the Administration that this Bill will allow charging for electric chargers, but there are also things in the Bill that I think the people need to pay attention to, and one of them being in Article 10, Section 6, which gives KPD the authority to remove a vehicle. In order to tow a vehicle, if you are not parked wholly within the designated charging station, but it is not an electric vehicle electric vehicle charging station but it is not an electric vehicle, then they should tow those cars, they should “yank” those cars. “Such vehicle is an electric vehicle parked at an electric vehicle charging station, but is not actively charging,”—it is a charging station, not a parking stall. “Such vehicle is an electric vehicle parked at an electric vehicle charging station longer than four (4) hours,”—I am sorry.

Councilmember Kualī'i: It is to be removed, right?

Council Chair Rapozo: Three (3) and four (4) were taken out. So, basically we just added in the Chapter, Article 10, Section 17. Basically, if you are not using the charger to charge your vehicles, you are in violation. If you are in there longer than you need to be, you will be charged or cited for the violation. Former Councilmember DeCosta made a comment about how come these folks get to fill up their tanks for free and the people who drive gas vehicles do not. That was the start of the discussion. At the end of the day, these stalls should be available for use for people that need to charge their cars, and it is not just a parking lot. Thank you for sending this over. Is there any further discussion?

The motion for passage of Proposed Draft Bill (No. 2952) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 9, 2025, and that it thereafter be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2953) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2024-896, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*SHOPO Temporary Hazard Pay*)

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2953) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 14, 2025, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or questions for the Administration?

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

The motion for passage of Proposed Draft Bill (No. 2953) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 9, 2025, and that it thereafter be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Next item, please.

BILLS FOR SECOND READING:

Bill No. 2943 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 7, CHAPTER 20, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CRIMINAL TRESPASS ONTO COUNTY LANDS

Councilmember Kualii moved for adoption of Bill No. 2943 on second and final reading, and that it be transmitted to the Mayor for his approval, 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 Bill No. 2943 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

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

Bill No. 2944, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*New tax classification “Long-Term Affordable Rental”*)

Councilmember Kualii moved for adoption of Bill No. 2944, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, 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 Bill No. 2944, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

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

ADJOURNMENT.

Council Chair Rapozo: Thank you for that. If there are no objections and no further business, this meeting is adjourned.

There being no further business, the Council Meeting adjourned at 9:57 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc