

COUNCIL MEETING

SEPTEMBER 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, September 17, 2025, at 8:34 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 8:37 a.m.*)
Honorable Mel Rapozo

Excused: Honorable Addison Bulosan

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

APPROVAL OF AGENDA.

Councilmember Carvalho moved for approval of the agenda, as circulated, seconded by Councilmember Cowden.

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

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

The motion for approval of the agenda, as circulated, was then put, and was carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember Kuali'i were excused*).

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

MINUTES of the following meetings of the Council:

August 13, 2025 Council Meeting
August 27, 2025 Council Meeting
August 27, 2025 Public Hearing re: Bill No. 2970 and Bill No. 2971

Councilmember Carvalho moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.

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 approve the Minutes, as circulated, was then put, and was carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember Kualii were excused*).

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

CONSENT CALENDAR:

C 2025-191 Communication (08/19/2025) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 9, 2024.

C 2025-192 Communication (08/29/2025) from the Planning Director and the Emergency Management Administrator, transmitting for Council consideration, a Resolution Adopting The County Of Kaua'i Pre-Disaster Recovery Framework, which is a comprehensive, all-hazards framework for managing recovery efforts within the County of Kaua'i, and is a consolidated reference to guide action and decision-making in order to expedite the County's recovery process.

Councilmember Carvalho moved to receive C 2025-191 and C 2025-192 for the record, seconded by Councilmember Cowden.

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

The motion to receive C 2025-191 and C 2025-192 for the record was then put, and was carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember Kualii were excused*).

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

COMMUNICATIONS:

C 2025-193 Communication (08/22/2025) from the Housing Director, requesting Council approval to receive and expend 2025 Housing and Urban Development Family Self-Sufficiency Grant funds in the amount of \$122,252.00. This

recurring grant, funds the Family Self-Sufficiency Program that helps families in the Housing Choice Voucher rental assistance program achieve economic independence.

Councilmember Carvalho moved to approve C 2025-193, seconded by Councilmember Cowden.

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

Councilmember Cowden: Is there anyone here? Okay, sure...very, very brief.

Council Chair Rapozo: No, that is fine.

(Councilmember Kualii was noted as present.)

Councilmember Cowden: I know that this is recurring, right, but this is such an important program, the Urban Development Family Self-Sufficiency Grant. I love this program, but just for anyone who might be watching, could you provide a brief summary of the program?

There being no objections, the rules were suspended.

STEVEN E. FRANCO, Public Housing & Development Program Specialist: Sure, Steve Franco, with the Housing Agency. Also with me is our Housing Choice Voucher (HCV) Manager Jennifer Toguchi and our new Family Self-Sufficiency (FSS) Specialist.

Councilmember Cowden: Housing Choice...

Mr. Franco: Voucher.

Councilmember Cowden: Voucher and "FSS" is...

Mr. Franco: "FSS" stands for Family Self-Sufficiency Specialist.

Councilmember Cowden: Okay, because people do not know that.

Mr. Franco: Yes. Brylynn Aiwohi just joined the Housing Agency in that position. To your question, the FSS program is a case management type of program to set goals for Housing Choice Voucher participants to gain financial independence. That could include job training, seeking better employment, receiving access to community resources, and that type of thing. The intent of the program is

to assist participants to eventually move off of the HCV program and become financially independent.

Councilmember Cowden: So, if I am hearing correctly, if someone gets a United States Department of Housing and Urban Development (HUD) voucher, if they have housing assistance, which puts them at a certain income level, and if they earn more than that amount of income it can go into an escrow account, so that they can save money. What it does is keep people from holding themselves back. What we want is for people to grow through the program. Without a program like this, people sometimes get "stuck." This helps them to not be stuck. Am I saying that correctly?

Mr. Franco: That is correct.

Councilmember Cowden: I know that I am using simple words. Especially when I talk to relatively young people that feel held back, who do they go to ask to get into this program? How do they know to do this?

Mr. Franco: I will let Jennifer Toguchi answer that. Basically, once they are in the HCV program, the Housing Choice Voucher program, they are recommended to join the FSS program.

Councilmember Cowden: So, it is automatic that they get exposed to this program?

Mr. Franco: Yes, they are highly encouraged to be a participant of the FSS program.

Councilmember Cowden: What percentage of people on Housing Choice Vouchers or HUD vouchers typically go on to this program?

Mr. Franco: About ten (10) to fifteen (15) percent, I would say.

Councilmember Cowden: So, it is not for everyone, but it is really a big step for those who are ready.

Mr. Franco: For sure.

Councilmember Cowden: Is this one hundred twenty-two thousand dollars (\$122,000) the same amount, or are we getting any more?

Mr. Franco: I believe it is basically the same as we have had in previous years.

Councilmember Cowden: Okay, well thank you. I just really wanted to help people who might be listening, to know that there is some hope.

Mr. Franco: Sure. No problem.

Council Chair Rapozo: Thank you. If anyone has any questions on the program, this County has a lot of programs, especially in the Housing Agency, the Agency on Elderly Affairs, and the Real Property Division, that many of our community members are not aware of. If anyone has a concern or a question on this program or any other housing program, what is the number to call?

Mr. Franco: (808) 241-4440. They can contact the Housing Choice Voucher program.

Council Chair Rapozo: 241-4440...

Mr. Franco: Yes.

Council Chair Rapozo: ...because we have millions of people who watch this meeting.

Mr. Franco: Yes.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you very much. Welcome to the team.

Councilmember Cowden: Yes.

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

BRUCE HART: For the record, Bruce Hart. I think that one of the things that was not pointed out is that, what happens is that you get into Section 8, and if you earn more, you get less from HUD. So, it has a negative effect in people not being motivated to better themselves. This program helps those people to be able to stay motivated to raise their income level. I just wanted to point that out. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? Seeing none.

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

The motion to approve C 2025-193 was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2025-194 Communication (08/25/2025) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Kaua'i County Code 1987, As Amended, Relating To The Regulation Of Business And Trades, to increase the taxicab rates for touring and chartered time.

Councilmember Kualifi moved to receive C 2025-194 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is the communication that is attached to the Proposed Draft Bill which will come up later, but I will take testimony if there is anyone wishing to testify. Seeing none.

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

The motion to receive C 2025-194 for the record was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2025-195 Communication (09/02/2025) from the County Clerk, requesting Council approval of the indemnification provision and the Governing Law; Jurisdiction provision outlined in the General Terms and Conditions section contained in the contract between General Code, LLC and the Office of the County Clerk. The Office of the County Clerk seeks to enter into a multi-year contract with General Code, LLC, who is the County's sole-source vendor used to codify electronically and in supplement form, the Kaua'i County Code 1987, As Amended, twice a year, with a total estimated annual cost of \$6,385.00 for a proposed three-year term.

Councilmember Kualifi moved to approve C 2025-195, seconded by Councilmember Cowden.

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 approve C 2025-195 was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

C 2025-196 Communication (09/03/2025) from the Fire Chief, requesting Council approval to accept a donation of one (1) Fire Prevention Week Kit, at an estimated value of \$230.00, from State Farm Insurance, which includes one (1) banner, fifteen (15) posters, and one hundred (100) of each of the following: kids activity booklets, adult brochures, tip sheets, stickers, magnets, and bags, in preparation for Fire Prevention Week, with the kick-off event for Saturday, October 4, 2025 from 9:00 a.m. to 1:00 p.m. at the Kaua'i Philippine Cultural Center.

Councilmember Kuali'i moved to approve C 2025-196 with a thank-you letter to follow, seconded by Councilmember Cowden.

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

Councilmember Cowden: I see that the Fire Chief is here, and I did not know if he wanted to tell people what is going on, but if not, no worries. Would you like to? Yes.

Council Chair Rapozo: Well, this is about the gift. You can come up if you would like. This is for Council approval to accept a gift of items...

Councilmember Cowden: To pay for it, yes.

There being no objections, the rules were suspended.

MICHAEL R. GIBSON, Fire Chief: Good morning, thank you, Chair. Thank you, Council. For the record, Mike Gibson, Fire Chief. Just to get it on the record, Fire Prevention Week is coming up the week of October 6, 2025, and we are having our kick-off to Fire Prevention Week on Saturday, October 4, 2025 at 9:00 a.m., at the Kaua'i Philippine Cultural Center. This year's theme is Lithium-Ion Batteries—just the safety and awareness of charging and not over-charging them. Yes, we are just happy to get it on the record that we are acknowledging this donation and Fire Prevention Week this year.

Councilmember Cowden: It is typically very fun for kids, but also parents can learn fire-wise lessons, and there are plenty of things to learn about how to harden communities.

Mr. Gibson: Yes, the lure is to bring in the children for fun and then teach the parents about fire safety. With our wildfires and wind driven fires—how to harden the home and create defensible spaces.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Thank you. Are there any other questions for the Fire Chief? If not, thank you very much, Chief Gibson.

Mr. Gibson: Thank you everyone and have a good day.

Council Chair Rapozo: Is there anyone else in the audience wishing to testify? Seeing none.

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

The motion to approve C 2025-196 was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

CLAIMS:

C 2025-197 Communication (08/25/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gregory Terrance Dominique, for property damage, lost of merchandise, health hazards, financial relief, and related operational cost and expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-198 Communication (08/27/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Delfin C. Castillo, for vehicle damage and personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-199 Communication (09/05/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Rhonda Refamonte, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2025-197, C 2025-198, and C 2025-199 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 objections, the rules were suspended.

LONNIE SYKOS: Good morning, Council. For the record, Lonnie Sykos. This is an issue that has never ended and is constant at County Council meetings, which is damage claims against the County, specifically about vehicles. We do not have a County Auditor, but my question for the Council is: looking

at the percentage of damages based on our population compared to the other counties, do we have a similar rate, a lower rate, or a higher rate? We might look at that nationally as well. Is this just life that is going to happen and there is not much to do about it, or is there something that we can proactively do to reduce vehicle damages? Some of it is going to be potholes, but some of it could be the manner in which the County conducts business in some areas. Maybe we can modify what we do to try to bring this down. Thank you very much.

Council Chair Rapozo: Thank you. Is there anyone else? I will say to the public that this is the process: it comes here and then it goes to the Office of the County Attorney, and then the County Attorney releases a quarterly report on settled claims that are open to the public. Unsettled claims are not open to the public. I can tell you on behalf of this Council that what I have experienced from all members of this Council is that, when we get these claims in Executive Session to discuss, there is serious concern by all seven (7) of us on what is happening. I do not know the rate of accidents on Kaua'i versus O'ahu. That is a good question that I would be interested to find out the answer to. We do get informed of the disciplinary action for these people. Some of these are very negligent, reckless, and it is of concern. We have been very strong in advocating to our Administration to provide proper training and discipline in cases where it is warranted. So, yes, it is a concern. I can speak for all seven (7) of us—all seven (7) of us have shared that concern. Thank you.

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

The motion to refer C 2025-197, C 2025-198, and C 2025-199 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

COMMITTEE REPORTS:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (No. CR-PRT 2025-02) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Received for the Record:

“PRT 2025-02 – Communication (08/12/2025) from Councilmember Bulosan, requesting the presence of the Director of Finance, the Deputy Director of Finance, the DMV Administrator, and the Hawai'i Department of Transportation (HDOT) Highways Division Road Usage Charge (RUC) Program Manager, to provide a briefing relating to the Hawai'i (HiRUC) program,”

Councilmember Kuali'i moved for approval of the report, seconded by Councilmember Carvalho.

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

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

The motion for approval of the report was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2025-03) submitted by the Public Safety & Human Services Committee, recommending that the following be Received for the Record:

"PSHS 2025-02 – Communication (08/25/2025) from Councilmember Cowden, requesting the presence of the Emergency Management Administrator, to provide a briefing regarding the County's response to the July 29, 2025 tsunami threat, with discussion of successes and weak points, including:

- The ability to move assets such as fire trucks;
- Evacuation routes;
- Availability and functioning of shelters;
- Traffic; and
- Persistent areas of vulnerable infrastructure."

Councilmember Kuali'i moved for approval of the report, seconded by Councilmember Carvalho.

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

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

The motion for approval of the report was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2025-17) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended on Second and Final Reading:

“Bill No. 2970 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2025-905, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2025 THROUGH JUNE 30, 2026, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanapēpē Monument – \$215,000.00*);” and

A report (CR-FED 2025-18) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended on Second and Final Reading:

“Bill No. 2971 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2025-906, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2025 THROUGH JUNE 30, 2026, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanapēpē Parcel Monument Improvement – \$215,000.00*);”

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

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

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

The motion for approval of the reports was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

RESOLUTION:

Resolution No. 2025-36 – RESOLUTION ADOPTING THE COUNTY OF KAUAI PRE-DISASTER RECOVERY FRAMEWORK

Council Chair Rapozo: Before we take the motion, because there is going to be a motion to defer, I would just like the public know that the Administration is requesting that this item be deferred until the September 24, 2025 Council Meeting.

Councilmember Kualii moved to defer Resolution No. 2025-36, seconded by Councilmember Carvalho.

Council Chair Rapozo: There is no discussion after a motion to defer.

The motion to defer Resolution No. 2025-36 was then put, and was carried by a vote of 6:0:1 (*Councilmember Bulosan was excused*).

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

BILLS FOR FIRST READING:

Proposed Draft Bill No. (2972) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Electric Bicycles*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2972) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 15, 2025, and that it thereafter be referred to the Public Works & Veterans Services Committee, seconded by Councilmember Holland.

Council Chair Rapozo: This is a bill that I am introducing via Vice Chair Kualii. I also have an amendment that we have prepared after speaking with Mr. Michael Moule from the Department of Public Works. If you could introduce that amendment, please?

Councilmember Kualii moved to amend Proposed Draft Bill (No. 2972) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: This is more to clarify the language in the original Bill, and I would be more than happy to go over it.

Councilmember Cowden: Can we introduce the topic? Are we going to hear what it is?

Council Chair Rapozo: I will tell you what it is right now. We have all heard about the dangers and the tragedies involving electric bicycles (e-bikes) across the State and across the Country. We are seeing more and more here on Kauai, and I think that none of us here have gone a day or two (2) without seeing

these electric bicycles “zooming” on the road or on the sidewalks. In fact, I was just sharing with the people from Hō‘ike Kaua‘i Community Media that when we had this Bill come up at the last County Council meeting and had it deferred, after the meeting I was heading out west for an appointment, and I saw an e-bike on the sidewalk by the old mill with three (3) kids on the e-bike—it was that same day. This just motivated me more to get this Bill fixed up and going. Basically, we used the City and County of Honolulu’s bill as a reference or starting point and “massaged” it into what we believe will work for Kaua‘i. High-speed electric bicycles are not allowed on the road. Period. They are not. So, if you look at this Bill, I am looking at the amended version. We just talked about how “high-speed electric devices are linked to a higher incidence of preventable and severe injuries,” that goes without saying. The original Bill had a County definition of “bicycle” in it. Again, Mr. Michael Moule from the Department of Public Works and our staff sat down, and he shared his suggestions, some of which we implemented. We removed the County definition of “bicycle” because it sits there in the Hawai‘i Revised Statutes (HRS). We are not going to duplicate or compete with a State statute. One of the key changes from the original bill to the amended version is—the prior bill, when you are talking about an electric bicycle or “e-bike”—it means “a bicycle equipped with fully operable pedals and an electric motor of no more than seven hundred fifty (750) watts, capable of speeds up to twenty-eight (28) miles per hour.” That original language would also apply to a bicycle without a motor. If a bicycle is riding down the street, coming down Waimea Canyon Road, or wherever he or she might be going, there is a good possibility that it may go over twenty-eight (28) miles per hour. We do not want to include bicycles—this bill is specifically for e-bikes. So, it is a clarification and so we added the language, “an e-bike means a bicycle that is capable of providing motor power.” So, you have to have an electric motor on your bicycle. Section 3, Article 16 on page 2 of the amendment—we just cleaned up the title and made some clerical or grammatical fixes. On the last page, it defines the design of the helmets required. All persons under the age of eighteen (18) are required to wear a helmet. That is in this law. Yes, I can see that they are not using helmets, and that is why the law is important. Again, Mr. Moule’s suggestion is that we just tie this in to the HRS definition, then there is no confusion. One must meet the specifications of the statutes, which means one must have to be properly fitted and have the chin strap that is connected. You cannot use a football helmet on a motorcycle or an e-bike. The fine is a civil traffic infraction, but it will be one hundred fifty dollars (\$150) for each violation. So, that is kind of what it is. We want to send the message...and prior to this Bill, staff and I, and thank you staff for helping...met with the Kaua‘i Police Department (KPD) and the Office of the Prosecuting Attorney (OPA) to make sure we had a Bill that was enforceable and not just “for show.” One of the biproducts of this Bill is that it will provide an opportunity to make the community aware of the dangers, since a lot of parents do not know the laws. They will now. The police officers and OPA will have the tools in place to go ahead and enforce it. I will open up to the Council first for any questions and then we can have public testimony.

Councilmember Cowden: Thank you so much for doing this. This is something that I think is important. Most of the violators that I see regularly and routinely in my community are maybe twelve (12) years old. They do multiple violations, so it is really hard to negotiate with them, and I do try. How do we see this as being communicated out to parents? It seems like parents are really the ones that need to be engaged. When I watch kids, we have a little team of them on both sides of the street at night, riding down there with multiple kids on them. They ride in both lanes and in on-coming traffic. They are pretty talented but very, very reckless. How do you see this getting out to the parents or to the community because they are obviously just being allowed to do this? I do not know how we enforce that.

Council Chair Rapozo: It will start with a press release, I am assuming. I think it will be picked up. Hō'ike Kaua'i Community Media will probably "mass-blast" this Bill as a training video. Hō'ike Kaua'i Community Media does a great job of informing the public. Hopefully, the schools will educate their kids. Parents have to understand what is going on. Whether it is legal or illegal, who lets their twelve (12) year old child ride their e-bike up and down the road, knowing the dangers of that? You cannot legislate behavior, but we as a County will have to do...and again, we lean on the Public Information Officers to get this out. They should have the mechanism in place to get this out.

Councilmember Cowden: Is this already in the State law?

Council Chair Rapozo: A bill went before the Legislature, it went through, and then I think it was on the Governor's veto list, but I am not sure if it got vetoed or not. Like O'ahu, we did not want to wait for the State to take action. No one wants laws, but when, God forbid that first child gets injured or killed, then it is too late. Is this going to save every life? No, it is a law like every other law, like for speeding. It will be up to the parents to make sure that their kids are not violating the law. If they get caught, it will be a one hundred fifty dollar (\$150) fine. It may not seem like much, but it does sting.

Councilmember Cowden: I just want to make the comment that this is really difficult for the police to easily enforce. I am sure that having a clear law helps. I do get regular communication and calls asking to have this stopped, and "why are the police not doing anything." They are everywhere. Maybe you catch one here and catch one there, but it is not an easy thing to do. So, I just want to acknowledge that I do not hold the police responsible for the behavior, it is really the parents. They treat the parks and the community like a motor-cross field. I have to say that I am impressed with how capable they are at going anywhere and all over the place. It is like they are surfing the community on these little e-bikes.

Council Chair Rapozo: Councilmember Holland.

Councilmember Holland: Thank you, Chair. I am wondering if there is going to be some process to legalize or license high-speed electrical devices in the future. Are there conversations happening around that? My only concern is if people went out and bought—responsible adults—went out and bought one of these for getting around say, Lihu'e, or something? It says, "except otherwise by law." Do we know if there is any kind of state processes trying to create a licensing program?

Council Chair Rapozo: If a motorcycle driver wants to go get a motor vehicle license to operate that vehicle on a highway, then yes, they have to go through the whole process to get licensed. These bikes are not built for highway use, but people are using them that way. These bikes go quickly, these high-speed ones. I would hope that the State would incorporate their current licensing regulations or requirements with those bikes. That is not something that we can do. What we can do is keep them off of our roads and that is what this is.

Councilmember Holland: I guess because there has been such a large movement to bicycle use on roads, with bicycle lanes, and dedicated bicycle use on our roads, I am just wondering how that interfaces with people's ability to use these responsibly—licensed maybe. I am putting it out there that there needs to be some sort of legal process for people to be licensed to be able to responsibly drive them in that way.

Council Chair Rapozo: As long as the high-speed electric bike meets the requirements of a motorcycle under the State law, then they can get it licensed. Again, that would require them taking the test, doing the driver's test, and proving their proficiency at driving.

Councilmember Holland: So, it would qualify as a motorcycle...

Council Chair Rapozo: I am not sure what the State definition is, but that is where it would have to be fixed. If the State would amend or change their statutes to include e-bikes as a motorcycle, that would be the way to go.
Councilmember Kaneshiro.

Councilmember Kaneshiro: This is not part of the amendment, but it is a follow-up to Councilmember Cowden's question. That one section was getting me a little bit confused, that same one: "except otherwise allowed by law, no high-speed, electric device may be operated on any public street, highway, sidewalk, alley, path or trail including a bicycle path as defined in Section 16-1.3." I was wondering...I know that we do not encourage bicycles on sidewalks, but if my kid were riding a bicycle, I would rather them be on the sidewalk than in the bicycle lane. So, similar to that with the electric bikes, I could see people being on the sidewalk, but again, I think that the speed and how they drive is the thing...but if there were a responsible user...do they use those bikes on paths and trails? I am not sure.

Council Chair Rapozo: On the regular e-bikes, we are talking about the bikes that have pedals. They have pedals and they assist the rider. That is what this covers. This Bill does not cover...what that section is saying is, if another law allows them to do it, then it is fine. It is kind of a weird statement, but if, for example, motorized bikes are not allowed on the bike path anyway, that would not be applicable. If a bicycle is...I do not think we even allow bicycles on sidewalks.

Councilmember Holland: I think, technically, you are supposed to ride on the road.

Council Chair Rapozo: Right.

Councilmember Holland: But kids do not know a lot of those rules.

Council Chair Rapozo: I think that is a catch-all section that basically says that as long as it is not legal in some other law, you have to abide by this law. That is kind of what that is.

Councilmember Cowden: A follow-up on his comment because, when I look at that, and again, I appreciate it and I am not trying to undermine this, but when I watch the bikes and I interface with them regularly, because I like to walk a lot, I try to get my ten thousand (10,000) steps a day in, these bikes, when they are on the sidewalk, you cannot even hear them coming. So often I try to stop the kids if I am able, but they will just come up right behind you, and you do not even know. If you were to have turned or switched sides or something like that, you would get hit really, quite hard, probably with a lot of damage. It is often in a very narrow area. I know in Kilauea we have a pathway that is meant to not be used for bikes, because we had someone killed by a cyclist. The bikes are almost always choosing, whether they are a regular bike or an e-bike, they go on those paths. I always just step off the path so that the bike can pass me. Even on our Ke Ala Hele Makalae Path out here, there are a lot of curves, there are a lot of plants, and you have to be super vigilant as a pedestrian, especially with the electric bikes. If they are not allowed on the road, and they are not allowed on the sidewalk, or an alley, or a path or a trail, I do not know that they are allowed anywhere.

Council Chair Rapozo: Those laws already exist; this just specifically discusses the requirements for e-bikes.

Councilmember Carvalho: I just wanted to mention, again, that I think it starts at home with the parents and the kids. Holding accountability is at that point. We can talk about all the different pathways. Electric or pedal...that is the thing right here for me and how do we look at that and manage that, but it is a very important part for our *keiki*, so that to me, is another part that we can talk about.

Council Chair Rapozo: My advice to parents is to buy your child a pedal bike. It is healthy. I enjoy my pedal bike. I still have one with the tag on it in my office. I still have to go and ride that bike. The other thing I wanted to bring up, and I think it kind of covers what you are saying, Councilmember Cowden, Mr. Moule had a concern about this because it was subjective. If you look at Section 3(c), "it is unlawful for an individual to operate an electric bicycle in any unsafe or otherwise hazardous manner, or engage in exhibition driving on any public street, highway, alley, path, trail, or other public right-of-way." Mr. Moule was concerned that it was subjective and that the police officers could abuse that. My feeling is that we have to give the police that discretion. If you, Councilmember Cowden, are walking on the sidewalk and some guy comes up to you at full-speed, and you do not hear him, and you accidentally stepped in his way, and he ran you over and you got hurt—to me, the officer would use his discretion—but in my case, that guy was driving in a reckless or hazardous manner. Can it be abused? Absolutely. It is no different than a reckless driving law that we have for vehicles. It is the same thing. You leave that discretion up to the officer and the evidence that they have to determine if they are going to charge this person. I believe that is important and I would love to have a discussion on that because if you remove that, then there is no discretion. If they do not fit in any of these bullet points on the statute, then there is no violation. I would be curious to hear from the Council before we open up to the public.

Councilmember Cowden: My response on that is that I think that it is good to have it in here. I think that it is good to have as many guidelines there. I think we probably really need to have drivers training in grade school for these things because what I see is many adults use them for transportation, and they are used to driving cars. They understand about being on the right side of the road. They understand about paying attention. I have not really seen hardly any adult riders that are above sixteen (16) that are bad. Most people who are riding these already know how to drive. It is kids that treat them like skateboards or surf boards—both skill sets that I appreciate and have promoted. It really comes down to training these kids. A number of them that I have talked to in my own town that are willing to talk to the Mayor, we have come up with some ideas. What they really want is something like a motor cross area where they can ride the bikes and not be in trouble. That is what they do not have. They are negotiating with me if they could use the fifty (50) acres that we are going to turn into housing—I did ask the Housing Agency—but they said, "No, I do not think so." I understand that, but they need a place to play. Otherwise, the shopping centers, the parks, the school yard, the yards, private property—anywhere, as I say, they are like a school of fish swimming through the reef. They are quite impressive, but they do not recognize any of these rules.

Council Chair Rapozo: Is there anyone else wishing to testify?
Mr. Sykos.

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

Mr. Sykos: For the record, Lonnie Sykos. I want to thank the Chair and all of the Council for pursuing this, because it is a very complicated issue, and it deals with parents and parents' responsibilities. I will simply start by saying that I lived on O'ahu in my early and mid-twenties, and for a season I rode a fifteen (15) speed bicycle from Makiki to Kewalo Basin for my job. I did it solely to save money because the uphill ride in the afternoon was pretty strenuous. I quit riding the bicycle because in just the first couple of months, three (3) times I witnessed bicycle riders end up on the pavement. The first one (1) got hit by a tow truck on Ke'eaumoku Street. The next two (2) were on Ala Moana Boulevard, and one (1) time they drove off the edge of the curb—hit their head on the pavement. The other time they hit a little rock wall and went face-first into the lava rock wall. The last two (2) times the people never woke up before the ambulance came and got them. I witnessed their head hitting the pavement. So, this is a very, very serious risk for the kids riding—for anybody—but especially for the kids riding the bike. My father was an industrial safety engineer, so these types of things, I am very familiar with. I commend you all on what you are doing, but I would say that the biggest problem that we are facing are the parents of these kids. The way to deal with that is, we need a public relations program that is not just the police and the prosecutor, but get the Federal Public Health Nurse. They get national statistics for head injuries from bicycles and motorcycles. My father did not believe that motorcyclists should be forced to wear helmets. His rationale was that if you crashed going more than about thirty (30) miles-per-hour, the helmet will protect you from a head injury, but you are going to die from blunt force trauma to the rest of your body. So, what we are trying to prevent, are kids being protected by their helmet, yet still getting injured. So, I agree that we should look at creating parks for them, because, from my perspective, these are the new skateboards. They are not going away, they are going to get more popular, and right now is when we need to change the public's attitude about "this is not a toy." This is like giving your child a pellet gun or a .22 caliber rifle. This is definitely—they are not toys. Thank you very much.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I want to thank Chair and in fact, I want to thank all the Councilmembers, because I listened as you spoke, to what your positions are. I am pleased that the Lord motivated me to pursue this. Chair, should we thank the Hawai'i Bicycling League, too? Were they a part of this?

Council Chair Rapozo: They did provide testimony and support.

Mr. Hart: Okay, so, I thank them, too. As we all have discussed, it is a serious issue. It is one of the things that I think I would like...this is one of the things that motivates me to come here, to be a part of something like this, and it...either side of this banister, if sitting in one of those chairs, I would be

very motivated in regards to this. I will address Councilmember Holland's concern. I have talked to many of the young teenagers. They spend a considerable amount of money on some of these, what I call, "electric motorcycles." I think that they should be able to go through a licensing process and operate under the same rules and regulations as any other motorcycle, but I also want to impress upon all of them, because I think some of them are listening, that they have to obey the rules of the road. They have to behave in a manner that is consistent with all of the laws and regulations that regulate a regular motorcycle. Having said that, I have no objection. In regard to the bike path, and I spoke to Councilmember Carvalho, even before these e-bikes, I have been concerned that the bike path is more casual. Most of the riders do not consider it a road, but the damage they can do to an individual going, even on a pedal bicycle, they are supposed to have some type of, this is my understanding, they are supposed to have some type of warning—a horn, a bell, or something, or they ought to say something when they are going by. I do not want to eliminate bicycles on the bicycle path, but I do not want to eliminate people either. Thank you.

Council Chair Rapozo: Is there anyone else wishing to testify?
Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. For the Council and for the public watching this, one of the complications that the Council deals with in writing this type of ordinance is the fact that many of these definitions that we are dealing with come from federal regulatory actions. I am seventy-one (71) years old and, in the third or fourth grade, Honda released the "Honda 50" motorcycle. The Honda 50 was not a motorcycle because federal law says that it must have more than fifty (50) cubic centimeters (cc) in order to be allowed on the roads, and thus registered and licensed as motorcycles. So, what you have is at the low end of vehicles, carve-outs, for whatever reason, from the federal government that prevents you from treating an e-bike like it is a motorcycle, because legally, it is not a motorcycle. You legally cannot make it a motorcycle because federal law says that it is not a motorcycle. It is very complicated, and a tip of the hat to Council Chair Rapozo because he not only has the "bull-by-the-horns," but the "bull" is shaking quite a bit in all of this. Keep up the good work. Thank you very much and there is a path forward.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify?

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

Council Chair Rapozo: Again, this is just the First Reading, so this will go to a Public Hearing on October 15, 2025, and then it will go to our committee where it will be vetted. If any members have amendments to include either more or less stringent measures, then that is where that will occur. Is there any other discussion?

Councilmember Kualii: Chair, I have a question. I am fully supportive of all this. I noticed in the amendment it adds, "and mopeds" in Article 16, the title. Seeing the title as being, sort of broad, "play vehicles, carts, motorcycles, motor scooters, and mopeds," my first question is, so this includes golf carts, all-terrain vehicles (ATVs), and "Mules" (utility vehicles (UTVs))?

Council Chair Rapozo: The Section does but this...

Councilmember Kualii: ...yes, so my other question was, so here, all of this detail is just talking about the e-bikes, but in the rest of this bill or law, are there already similar existing language that addresses all the others, or do we have to address that also?

Council Chair Rapozo: They are already addressed.

Councilmember Kualii: And is it as detailed or as specific as this? I mean, I really like the language about giving the officers discretion, I think that is important, but I am just curious as to whether all of this type of...you know, basically we are encouraging safety...and I see some of the same unsafe activities happening with those other vehicles as well, the carts, ATVs, Mules. I will go look at that. If that requires something more, then I will work on that separately.

Council Chair Rapozo: Yes. The concern that I had was the amount of e-bike accidents that were occurring. That was what got me to draft the bill.

Councilmember Kualii: The concern that I have over what I see sometimes is the amount of "lucky there was not an accident," because a child could have died. A baby could have died. A bunch of kids could have died. The reckless behavior, if it is addressed in bills like this, the other sections, I think that it is important.

Council Chair Rapozo: Yes, I think we can take a look at it. Again, enforcement is always another issue. You can have all the laws you want. I pass dirt bikes on the road, motorcycles, just like it is legal, and it is not. Golf carts are now making a comeback on Kaua'i, on the highways. How can you have a golf cart on the road? So, the bill is only as good as the enforcement that is attached. That is where we...I can tell you that KPD...and I do not expect them to go out and—unless on a special project—but under normal, routine work, they do not have the time to be looking for e-bikes on the road. This gives them the tool that if they do come across one, or if there is a complaint, they will be able to take action. That is the whole idea.

Councilmember Kualii: The other thing I would add is that, yes, enforcement might be difficult because of crime and other more important places where we need the cops to be, but if it is all in the law in this kind of detail, and then we do the education, I think at least we can educate parents and neighbors about this

kind of necessity for safety. It is common sense for some, but I think when you spell it all out, and you say that it is against the law, and you say that there is a fine, it might create more education.

Councilmember Cowden: I just have a process question about the Committee Meeting. Will we have anyone here from the Kaua'i Police Department? I would like to hear from them. Maybe also, the Safe Routes to School (SRTS) program because they have a lot of focus on this, and maybe the e-bike group, I forget what they call themselves. I think that getting good ideas really is a presentation to the community. The way it gets out there, and it cannot lie on us or the newspaper. There needs to be a partnership strategy.

Council Chair Rapozo: Again, I rely on the Department of Education (DOE). I rely on the schools. That is where these kids are. I think that they do their informational campaigns for all kinds of things. I think the schools, as well, work with our State delegation to not allow middle school kids who are not legal—legally driving these e-bikes—to park an e-bike at the school. I am hearing that they have parking areas designated for these kids who should not be on e-bikes, to park their e-bikes. This is an effort that goes way beyond the County and will take the cooperation of everyone.

Councilmember Cowden: In clarifying what I was just asking, I am going to support this, and it is not like I need something to help me support it, so it is up to your discretion, but if we invited those people to come make a simple presentation...

Council Chair Rapozo: Oh, no, they will be invited.

Councilmember Cowden: ...that will help us, and whoever is paying attention, to maybe find something that was not right. I know I was hit by a truck when I was twelve (12) and so I have had migraines for forty-four (44) years, and I did not wake up for three (3) days after I got hit, and that was before they put me into a chemical coma. I had a very serious skull fracture from it, so I am really cautious, and I watch these kids do these things recklessly. I also honor their skills. They are pretty impressive.

Council Chair Rapozo: Until they crash.

Councilmember Cowden: Until they crash, yes.

Councilmember Holland: Council Chair Rapozo, thank you so much for introducing this. As part of my discussion and research on this, can I share some things that were put out by the Prosecuting Attorney, because I think that there are actually additional laws that I think people are just not aware of. This was published in February of this year. It says, "In light of recent questions about the laws

regulating bicycles and e-bikes, our Office has prepared an overview of some of the regulations that govern these vehicles. An electric bike in Hawai'i is currently defined as a 'low-speed electric bicycle.' This means a two (2) or three (3) wheeled vehicle with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts with a maximum speed on a paved level surface of less than twenty (20) miles per hour. Individuals under the age of fifteen (15) are prohibited from operating low-speed electric bicycles." So, already I am thinking a lot of these...

Council Chair Rapozo: That is the point about the middle schools. You cannot allow...

Councilmember Holland: It continues, "Bicyclists and e-bike riders under the age of sixteen (16) are required to wear a properly fastened helmet. A bicyclist must ride on the permanent, regular seat attached to the bicycle," which means no "packing." "No bicycle shall be used to carry more persons at one time than the number for which it was designed and equipped. No person shall ride a bicycle equipped with a motor on any sidewalk. Traffic laws apply to persons riding bicycles. Any bicycle used from thirty (30) minutes after sunset until thirty (30) minutes before sunrise must have a headlight, facing forward that emits a white light and is visible at least five hundred (500) feet from the front. If an electric bike goes more than twenty (20) miles per hour, it is no longer classified as a bicycle under the Hawai'i Revised Statutes. This means that it is subject to the rules governing vehicles. Depending on the horsepower, speed, and wattage of the vehicle, this may be classified as mopeds, motor scooters, and motorcycles. Operation of these vehicles may require a driver's license." So, are we just not following the law as it is? "In other words, what may appear to be an e-bike may actually be a moped, a motor scooter, or a motorcycle. For an e-bike that is technically a 'moped,' it is prohibited to be driven at more than thirty-five (35) miles per hour. Any moped operator on a public street, road, or highway, or on any public property must be at least fifteen (15) years old and must possess a valid driver's license or instructional permit. Moped operators under the age of eighteen (18) are required to wear a helmet. New vehicles are being introduced to the market faster than regulations are being developed and enforced. Given the speed at which these vehicles can travel and their weight, the risk of harm exceeds that of a traditional pedal bicycle." House bills which did not pass this year...Prosecutor Like stated, "Safety precautions begin at home," like we discussed. "Children under the age of sixteen (16) are required to wear helmets on bikes and e-bikes; those under age eighteen (18) are required to wear helmets on mopeds. No one under the age of fifteen (15) is permitted to operate an e-bike or moped," at all. "Electric bikes are also prohibited on sidewalks. There has been an increase in crashes involving motor vehicles and e-bikes, often with children suffering serious injuries. Our Office is working with KPD to increase enforcement of these existing regulations, and we encourage parents to familiarize themselves with existing laws, especially the requirement that children wear helmets." So, I find this incredibly interesting, not knowing anything about it prior to this meeting. It feels to me like we already have a little bit of structure, it is just not being enforced.

Council Chair Rapozo: A lot of those details were in the legislature and the bill that was announced...we are going to follow-up whether or not that bill got vetoed. As you can see, a lot of what you just read was in this Bill. It is because of Prosecuting Attorney Rebecca Like and prosecutors were the ones that guided us with the language, along with our County Attorney. This kind of brings this home to our County. One question I do have is that she references twenty (20) miles per hour, and we have twenty-eight (28) miles per hour. I thought that the statute was twenty-eight (28) miles per hour, but we will look at that. We want to be in line with the State statutes, so whether it is twenty-eight (28) miles per hour or twenty (20) miles per hour, whatever the statute is, is what we will incorporate into this Bill at the Committee Meeting.

Councilmember Holland: Thank you, Chair, for this.

Council Chair Rapozo: No, thank you. How many of you in the audience right now remember reading that story in the paper, or saw it on the news?

Councilmember Cowden: Which story?

Council Chair Rapozo: The one she just read. That was a press release.

Councilmember Holland: Press release from February of this year.

Council Chair Rapozo: So, that was my point, which I think goes to your point. We cannot just rely on the newspaper and a press release. It has to be a much more statewide effort to get this done, but the first step is passing the Bill, and then we educate. Are there any other questions or comments? If not, thank you all. We are voting on the amendment.

The motion to amend Proposed Draft Bill (No. 2972), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by the following vote:

FOR AMENDMENT:	Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 6,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Six (6) ayes.

Council Chair Rapozo: The motion carries. We are back to the main motion, and again, the motion is to approve and it will go to Public Hearing on October 15, 2025.

The motion for passage of Proposed Draft Bill (No. 2972), as amended, on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 15, 2025, and that it be thereafter referred to the Public Works & Veterans Services Committee, was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Cowden, Holland, Kaneshiro, Kualī'i, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

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

Proposed Draft Bill (No. 2974) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REGULATION OF BUSINESS AND TRADES (*Taxicab Rates for Touring or Chartered Time*)

Councilmember Kualī'i moved for passage of Proposed Draft Bill (No. 2974) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 15, 2025, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Holland.

Council Chair Rapozo: Thank you. All this Bill does, again this was introduced by myself, it is a...taxicabs on Kaua'i have two (2) rates. They have a rate one (1) where you basically call the cab, go to the airport, and you get charged for miles and time. The Council also approved, years ago, a rate two (2) which allows the people to, basically, rent the cab for a period of time at a minimum of two (2) hours. If they want to do a tour, or they want to go up to Koke'e, and they do not want to deal with paying for miles and time, they can actually secure the taxicab for a set amount of time. All this does is increase the rate, because this rate has not been increased for a very long time. What used to be one hundred twenty dollars (\$120) for a minimum two (2) hour period, my amendment just proposes we go up to one hundred eighty dollars (\$180), because costs have increased. This has been requested by the taxicab people. This was worked on, actually, with former Councilmember Ross Kagawa when he was here a while back. For some reason, it never made the agenda. I am resurrecting this Bill for former Councilmember Kagawa. I fully support it. I think just the cost of fuel and maintenance of vehicles today, I think this is a fair amount. To be honest, I do not know of too many local residents that will be impacted by this. This will be for visitors that want to come in and want to secure...where I see this is very popular is on "boat days." When the boats come in, and the boats want to do a quick tour to the North Shore or to Koke'e, they can

actually rent the cab and the cab, can actually provide that for them at a fixed rate versus a mile and time rate. That is what this is.

Councilmember Cowden: I remember when this was being discussed earlier. I have talked to cab drivers, but not recently. Has this number been bounced off of the cab organization in the very recent past for whatever today's rates are?

Council Chair Rapozo: As recent as two (2) or three (3) weeks ago.

Councilmember Cowden: Okay.

Council Chair Rapozo: One of the taxi operators called me and asked me if we could...I did not know about this Bill...so it was there. They will be here at the Public Hearing to testify. I told them to come to the Public Hearing. The number was vetted. This is kind of what they wanted. Is there anything else? Is there anyone in the audience wishing to testify?

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

Mr. Hart: Again, for the record, Bruce Hart. I remember this. I remember it being discussed and other issues about the taxicab drivers. I am in support of this. Taxicab drivers are an independent, small business. There are times, even though we are local, we need one. I think that this is a good thing, so I thank Council Chair Rapozo for resurrecting it. Thank you.

Council Chair Rapozo: Is there anyone else?

Mr. Sykos: For the record, Lonnie Sykos. Again, my thanks to Council Chair Rapozo for resurrecting this. As one who, when I was younger, traveled widely, I never drove a vehicle in a foreign country, ever. I hired taxicabs, but more often I hired a driver. Which was, you would go find a line of cabs, and start saying, "Who speaks English?" When somebody spoke enough English, that was your driver. The flat rate is attractive, both to the driver of the cab as well as the passenger, because when you get stuck in traffic and it gets tough on the driver watching that meter spin and the person is not seeing the sights or doing what they are doing. Whereas the flat rate is just a flat rate. Everyone is happy and the traffic is not the same psychological issue for money that it is when the meter is running. So, tip of the hat. Thank you very much. When I read this, I was shocked at how low the current rate is. Tip of the hat for the economic development for the working class on Kaua'i for significantly raising the pay for the taxi drivers. They provide a service that Lyft, Uber, and all of that does not provide. So, for myself, I have no access to money on my telephone, I cannot use Lyft or Uber because I do not want my phone hacked and lose all my money. I am old. Nobody cares about that but us old people. So, taxicabs, to me, are really needed. When I go to the airport, I either get one of my neighbors to take me or, usually, I take a taxicab. So, I am very grateful that you are helping to keep the cabs in business on Kaua'i. I am sure they are going to be really happy with the pay raises coming up. Thank you.

Council Chair Rapozo: Is there anyone else?

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

Council Chair Rapozo: I just thought of another funny taxicab story. You mentioned driving in another country. I was deployed to Korea and got an in-country briefing. They tell you, "if by any chance you have an opportunity to catch a cab in Korea, if that cab gets into an accident—run." In Korea, the person that hires the taxicab is responsible for that accident. I just thought that was funny. Councilmember Kaneshiro.

Councilmember Kaneshiro: Yes, I am in support of this. It is always weird for me to think that we are in charge of the taxicab rates. Really, it never reaches us until they call and say, "our rate is low." Other than that, we are not really paying attention to the taxicab rates. For the whole entire state, each county regulates the taxicab rate on that island. I am in favor of this.

Council Chair Rapozo: Is there anyone else?

The motion for passage of Proposed Draft Bill (No. 2974) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 15, 2025, and that it be thereafter be referred to the Finance & Economic Development Committee, was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Cowden, Holland, Kaneshiro, Kualī'i, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

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

BILLS FOR SECOND READING:

Bill No. 2970, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2025-905, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2025 THROUGH JUNE 30, 2026, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanapēpē Monument* – \$315,000.00)

Councilmember Kualī'i moved to approve Bill No. 2970, Draft 1 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? I just want to thank the Planning Department, the Public Access, Open Space, Natural Resources Preservation Fund Commission, the community, and everyone, especially with the amendment to the amount. Obviously, the Council was responding to the request of the Administration and the Public Access, Open Space, Natural Resources Preservation Fund Commission. The community felt that they needed more money to make this right, and the Administration supported the increase in the amount. I just wanted to thank all of them for their support. Councilmember Kaneshiro.

Councilmember Kaneshiro: Yes, I want to say that I am eager to see what comes out of it. I think that they have been reaching out to the artistic community about how might be the best way to show this monument, and both sides of the conflict of it. How do we do this respectfully? I am really excited to see what comes out of it. I am sure we are going to get a lot of great ideas.

Councilmember Holland: I will not say a lot as I said plenty the last time. I am just really excited to see what happens and excited to support this. Thank you.

Councilmember Cowden: My response is pretty simple like that, too. When we look at Pā'ula'ula and putting Kaumuali'i's statue there, I think really added a lot of place-based history. It is beautiful. I think that right there on the side of the highway, will be really nice to do something to honor what happened in history, both for the union, for our sugar workers, and our Filipino community. I hope people pull over, pay attention, learn something, and that it really strengthens the knowledge within our own community.

Council Chair Rapozo: Absolutely. Is there anything else?

The motion to approve Bill No. 2970, 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:	Carvalho, Cowden, Holland, Kaneshiro, Kualii'i, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

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

Bill No. 2971, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2025-906, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2025 THROUGH JUNE 30, 2026, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanapēpē Parcel Monument Improvement – \$315,000.00*)

Councilmember Kualii moved to approve Bill No. 2971, Draft 1 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?

Councilmember Kualii: I just wanted to say that I think this is something really special, and I am just hopeful that our workers, our working families, and our unions like the ILWU—for the history of what the labor movement has meant in Hawai'i—that they will utilize that to have events and have educational things so that our young people will learn more about our history. Thank you, Council Chair Rapozo.

Councilmember Carvalho: Just to follow up on the team effort that it took to place this here, to bring it forward, and the recognition and all of that—that was the important part that resonated for me, so I just wanted to mention that, too. So, thank you.

Council Chair Rapozo: Thank you.

The motion to approve Bill No. 2971, 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:	Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: As there is no further business on the agenda, the meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:40 a.m.

Respectfully submitted,

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:sf

(September 17, 2025)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2972), A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Electric Bicycles*)

Introduced by: KIPUKAI KUALI'I, Council Vice Chair, (By Request)

1. Amend Proposed Draft Bill (No. 2972), SECTION 1 as follows:

“SECTION 1. Findings and Purpose. The Council finds an alarming increase in emergency response calls and injuries directly resulting from accidents involving electric bicycles (“e-bikes”), occurring particularly among young teenagers and children. High-speed electric devices are linked to a higher incidence of preventable and severe injuries and coincide with declining helmet usage, which the Council finds as adequate reasons to enhance public safety by regulating the use of e-bikes in the community and clarifying the permitted use of e-bikes on public streets and roads. Therefore, the purpose of this Ordinance is to create necessary definitions for emerging technologies and an accompanying new section to Chapter 16 (“Traffic Code”), Kaua‘i County Code 1987, as amended, that addresses e-bikes and their safe, allowable use on public roads, thereby reducing the frequency and severity of e-bike-related incidents.”

2. Amend Proposed Draft Bill (No. 2972), SECTION 2 as follows:

SECTION 2. Chapter 16, Article 1, Section 16-1.3 (Definitions), Kaua‘i County Code 1987, as amended, is hereby amended by adding the following new definitions to be alphabetically inserted:

““Electric bicycle” or “e-bike” means a bicycle equipped with fully-operable pedals and an electric motor of no more than seven hundred fifty (750) watts, capable of providing motor power at speeds up to twenty-eight (28) miles per hour.”

“High-speed electric device” means any device with a motor exceeding seven hundred fifty (750) watts or capable of providing motor power at speeds over twenty-eight (28) miles per hour, but does not include a four-wheeled vehicle, moped, or motorcycle that can legally be operated on a road or street.”

3. Amend Proposed Draft Bill (No. 2972), SECTION 3 as follows:

SECTION 3. Chapter 16, Article 16 (Operation of Bicycles and Other Play Vehicles, Carts, Motorcycles and Motorscooters), Kaua‘i County Code 1987, as

amended, is hereby amended by amending the title of Chapter 16, Article 16 and appropriately inserting a new section, Section 8, to read as follows:

“Article 16 (Operation of Bicycles, [and Other] Play Vehicles, Carts, Motorcycles, [and] Motorscooters, and Mopeds).

“Sec. 16-16.8 Operating Bicycles Equipped with Motors on Public Streets, Paths, or Trails.

“(a) Except as otherwise allowed by law, no high-speed electric device may be operated on any public street, highway, sidewalk, alley, path, or trail, including a bicycle path as defined by Section 16-1.3.

“(b) An electric bicycle may be operated only with all of the bicycle’s wheels facing forward and in contact with the ground at all times, and with the operator seated astride, with one leg on each side of a permanent seat; provided that it is not a violation of this subsection if a wheel of the bicycle loses contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the operator.

“(c) It is unlawful for an individual to operate an electric bicycle in an unsafe or otherwise hazardous manner, or engage in exhibition driving on any public street, highway, alley, path, trail, or other public right-of-way; provided that this subsection does not apply to an individual engaging in exhibition riding as part of a parade, tournament, or other activity permitted by the County.

“(d) An individual operating an electric bicycle shall not:

1. Stand or kneel on any seat, ride on the bicycle’s handlebars, or engage in any other non-standard riding position; or
2. Perform a maneuver where one (1) or more wheels are intentionally lifted from the ground; or
3. Engage in any other maneuver that demonstrates reckless or negligent operation of the device; or
4. Carry more persons at one time than the number of persons for which the device is designed and equipped; or
5. Cling or attach oneself to any vehicle being operated on or otherwise present upon a roadway.

“(e) All persons under eighteen (18) years of age operating an electric bicycle shall wear a properly fitted and fastened bicycle helmet that meets the

helmet testing and design requirements of HRS Section 291C-150(a). A violation of this subsection shall be punishable by a fine of not more than twenty-five dollars (\$25).

(f) Violation of this Section shall constitute a civil traffic infraction.

(g) Every person who violates this Section where another penalty is not provided shall be fined one hundred fifty dollars (\$150).”

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