

COUNCIL MEETING

FEBRUARY 4, 2026

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, February 4, 2026, at 8:54 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden (*Excused at 9:56 a.m.*)
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kualī'i (*Present at 9:06 a.m.*)
Honorable Mel Rapozo

Pursuant to Hawai'i Revised Statutes Section 92-9(a)(4), because a video recording of this meeting is available online, this is to provide a link to the video recording (valid as of the approval date of these minutes): https://kauai.granicus.com/player/clip/3007?view_id=2&redirect=true. Additionally, meeting videos are available at: www.kauai.gov/Government/Council/Webcast-Meetings.

(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: Just for the public's information, we will get through our Planning Commission interview and then if there are no objections, we will be taking our Executive Session out of order, so we can get that out of the way. There will probably be about a 30-minute Executive Session.

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

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Kualī'i was excused*).

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

MINUTES of the following meeting of the Council:

January 7, 2026 Council Meeting

Councilmember Carvalho moved to approve the Minutes, 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 to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

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

INTERVIEW:

PLANNING COMMISSION:

- Dan V. Giovanni (*Business*) – Term ending 12/31/2027

ELLEN CHING, Boards & Commissions Administrator: Good morning. Ellen Ching, Boards & Commissions Administrator. Today, I am pleased to introduce Dan Giovanni. Dan was born and raised in Antioch, California. After graduating from Antioch High School, Dan continued his education at the University of California, Berkeley, earning a Bachelor and Master of Science degree in Mechanical Engineering. Dan started his working career as head of the Thermal Section at the Kaiser Aluminum Research Center. The Center was funded with forty million dollars (\$40,000,000) by electric utility companies in North America on initiatives in environmental control and protections.

After four (4) years, Dan founded the Electric Power Technologies (EPT), Inc. and was the President and Principal Consultant for twenty (20) years with a staff of twenty-two (22) engineers. In this capacity, he provided consulting services on operational, environmental, and performance issues throughout the electric power industries in North America and Europe. A primary business focus of EPT was air emissions control from oil-fired steam-electric generating units.

The Hawai'i Electric Light Company, Inc. was a client of EPT. From 1986, Dan traveled to Hawai'i and lived there part-time. In 2001, Dan sold his business, moved to Hawai'i, and became the Manager of the Production Department where he was

responsible for operation and maintenance of generating facilities, and system operation on Hawai'i island. He also had lead responsibility for negotiation and administration of power purchase agreements.

In 2006, Dan was offered a position with the Hawaiian Electric Company, Inc. as the Manager of the Generation Department. He accepted with the condition that he would *not* live on O'ahu, and promptly moved to Kaua'i where he commuted on weekends. As the Manager, he was responsible for the operation and maintenance of power generation facilities on O'ahu. In 2010, he was promoted to Vice President of Energy and Delivery, and in 2013, he was promoted to Senior Vice President of Operations. In this capacity he was responsible for the physical and operational integrity of the electric transmission and distribution systems, power generation at four (4) generating stations, system operation, fuel procurement, energy resource acquisition, and engineering and planning activities on O'ahu. He oversaw approximately six hundred million dollars (\$600,000,000) per year in engineering and maintenance projects and managed a staff of one thousand four hundred (1,400) union and non-union personnel. In 2015, Dan retired.

In retirement, Dan became active with several nonprofit organizations and their Board of Directors, like the American Red Cross; as President of the Kaua'i Humane Society; member of the Hawai'i Community Foundation; and Director for the renovation of the Kōloa Union Church. For more than the past five (5) years, Dan has also served on the Hawai'i Land Use Commission as a member as well as the Chair for two (2) years.

When I asked Dan about traveling, he told me that as a young kid, he wanted to see the world. Through his work, he has traveled to every state in the nation and thirty-five (35) countries including living in Italy. He and his wife Naomi continue to travel to visit with his son in San Francisco and his daughter in New York. One of their favorite destinations is traveling to Japan at least twice a year. On their next trip, they are planning on exploring Kanazawa.

The Planning Commission is one of the most arduous Commissions. The meetings are long and controversial. The preparation or homework can number in the hundreds of pages and commissioners on occasion are sworn at and are unjustly accused of all manner of misdeeds. Dan's qualifications and experience are unmatched, and I am extremely grateful for his willingness to devote his time and talent to the Planning Commission in the business position.

Council Chair Rapozo: Thank you. Dan, do you have anything to add?

Mr. Giovanni: I do. First, I would like to thank Ellen from the Boards & Commissions for facilitating this nomination. I would like to thank the

Mayor for the nomination to the Council. Good morning, Council Chair Rapozo and Councilmembers. I am looking forward to continuing my activities in land use. If you go back as few as eight (8) years ago, I had almost no experience in land use and I appreciate how important it is to our communities and the State of Hawai'i, in general. I joined the State Land Use Commission in 2019, and I served there for seven (7) years as a volunteer. It has been an incredible education for me, and I gained a very significant appreciation for how important land use issues are to our communities. I have served my term. At this moment in time, I am still a commissioner on the State Land Use Commission. I am a carryover candidate and under all circumstances, I will be finished in about one (1) year from now. I have to share with you that activities at the State-level on land use have really slowed down. We have not seen a land use petition for a district boundary amendment for over eighteen (18) months. We have not seen a petition for a special use permit in about eighteen (18) months, so the activity level is very low. Meanwhile, I look at what has happened at the County levels, not only the County of Kaua'i, but all the counties, and the action in land use is at the County-level. That is where things are happening, that is where important decisions are being made. As I look forward, I am eager to continue my involvement and help to make important and informed and legal land use decisions, and to do that, for the area where I live and hope to finish my life, which is Kaua'i. I have been here since 2006. I found a home. As Ellen said, I was a traveler for thirty-five (35) years, all over the place. I did not have a place to lay my head for more than a few months at a time. In 2006, I found Kaua'i and I found home and this is where I will be. I am looking forward to continuing my service in land use decision-making, hopefully I can do that for the Planning Commission here on Kaua'i.

Council Chair Rapozo: Thank you, Dan. Thank you for agreeing to volunteer. Your resume is impressive, your commitment to this community is without dispute. I did have a question. Your application says that...and you mentioned as well that your term expired at the State Land Use Commission, but you are on holdover.

Mr. Giovanni: I started in 2019, when I was nominated by Governor Ige to complete the term of someone who had to leave early, so I served approximately two (2) years, and then Governor Ige nominated me for another 4-year term, so that is six (6) years. That, and about a year ago, then Governor Green has not yet nominated a new candidate...either has a choice to renominate me for a 2-year period for 8-year max or just let me run that out...or nominate someone else. I serve at his pleasure as a holdover candidate. If I am approved to serve on the County Planning Commission, I would relinquish my time, my remaining twelve (12) months on the State-level.

Council Chair Rapozo: Okay. That was going to be my next question, I did not think you could be on the State Land Use Commission while...

Mr. Giovanni: No can do, boss.

Council Chair Rapozo: Okay, so, should you be confirmed, then you would step down from the State Land Use Commission?

Mr. Giovanni: Yes. Just for your information, I already informed the executive director of the State Land Use Commission that I have applied for this position, and I have asked him to inform his superior, who is Jimmy Tokioka at the Department of Business, Economic Development and Tourism (DBEDT). They are aware of where I stand in the process.

Council Chair Rapozo: Okay. Thank you. Are there any questions for Mr. Giovanni? Councilmember Holland.

Councilmember Holland: Thank you for being willing to serve. This is a very difficult role at times with conflicting desires for what the future of Kaua'i looks like. The importance of the Planning Commission cannot be overstated and the future of Kaua'i really depends on the decisions that I think is one of the most important commissions we have. It is a struggle in all things for us to balance how we address affordable housing needs and how we meet the needs of local families, that have been pushed out, which is a huge priority of our constituents, and at the same time keeping Kaua'i, Kaua'i. Keeping agricultural lands...for the same reason you did not want to move to O'ahu, keeping Kaua'i with that spirit. I wonder how you feel about navigating that and what that looks like and what your values are around the preservation of the character and way of life, while you also navigate the difficulties of us needing appropriate expansion for local families. ♡

Mr. Giovanni: I am going to answer that in a couple parts. First, I want to acknowledge the perspective that you just shared in your introduction to your question. It is almost the answer that I would give back. We have to take great care in balancing the need for preserving our values on this island, values that I have come to know and experience and love myself. With the need to develop, continue to develop and have a commerce on this island that can support, and economy on this island that can support the people who live here. Balancing those things when you are making land use decisions for small and large developments is not all that easy. First, I would always respect what I call, "the laws of the land." Any significant petition that comes before the Planning Commission, whether it be at the State level or at the County level, we have to respect that. Ka Pa'akai Analysis was critical. Respecting the water issues and the public trust doctrine is essential. Being respectful of the Hawai'i Revised Statutes (HRS) Chapter 343 and all of the environmental requirements as well. Therefore, what I have learned is that you cannot make quick decisions, you have to make educated decisions, ones that will stand the test of time and stand the test of challenge. When you make a controversial decision and you do it in a manner that short circuits consideration of those ethical rules and laws, oftentimes in this state it is easily challenged. It results in, at a minimum, significant to delays. You have to be real careful with how you proceed and

be well-informed, and then you can make a balanced decision. I will try my best to do that. I have done that for...that is the way I have guided my decision-making at the State level and I hope to carry that forward here.

Councilmember Holland: Thank you for your answer.

Council Chair Rapozo: Thank you. Are there any further questions for Mr. Giovanni.

Councilmember Cowden: I have a comment.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I am really thrilled to see you in this position. You and I have worked together for many different boards and topics for probably at least eight (8) years. You have been so helpful and so perceptive and really good at being able to...more than read the room, read the community in what is needed. I have a lot of faith in you. I appreciated the number of meetings that I have been in at the Land Use Commission. I feel like you are very qualified for this and what I want to acknowledge is when you are like second in line or just before we had Jonathan Scheuer who was in there, and Jonathan Scheuer is so great at education and so I have been there when Jonathan Scheuer has done so much for understanding the history of Hawai'i, prior to Statehood, understanding the importance of respecting at a genuine, core level, the history that the Hawaiian *lahui* has brought forward. When he was in the leadership position, it was like going to school. You are clearly someone he had a real confidence in. I watch your participation in the decision-making and you ask really excellent questions and I have a lot of confidence in you, that you are going to be very balanced and with the future and our needs here for our younger generation, strong and respecting what has been, and it needs to continue to perpetuate. I feel really confident that he would be excellent, especially in the business position, your engineering background and all of that—excellent.

Mr. Giovanni: Thank you.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: Thank you for being willing to volunteer. I think the Planning Commission is probably one of the most difficult commissions to be on on-island and I really get worried about getting Planning Commissioners that want to volunteer because as Ellen said, the public can be quite harsh on them. They are there volunteering, they are trying to make the best decision they can, and we really need to find good people, down to earth, fair and reasonable, and I know Dan to be that. I am glad you are willing to put your "feet in the fire" there. It is a breath of fresh air to have you there, because I get concerned about us filling Planning

Commission spots because people do not treat them well and it is a very important position. It is a volunteer position that you folks spend time on, reading up on issues, and I appreciate you for being willing to step up. I am more than happy to support you and your work as well.

Mr. Giovanni: Thank you. I have pretty thick skin, so I think I can tolerate...I meant to say and I want to say now that I think this County is blessed by having had a very strong Planning Department in producing plans, general plans, community plans that we can rely on to help guide us. Other counties do not have that position. I really think Kaua'i stands apart in that respect and it is going to make the job a little bit, not easier, but a little bit more straightforward as we make our decisions.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Dan, I have known you for a long time and I really appreciate you and the work that you have done. You bring a wealth of understanding, commitment, and dedication to the table. I look forward to your presence. Thank you for stepping up. There have been many different issues that have addressed all of us, in general terms, but in speaking specifically on this area, you bring a wealth of understanding and knowledge. I am happy that you are stepping up to the plate on this end and at the same time knowing the understanding you have, and so you will lay it out and then work as a team and make those final decisions. *Mahalo* and thank you.

Council Chair Rapozo: Thank you again, Dan. Obviously, we will be supporting the nomination. I think you will make a great addition to that commission. Based on what I heard so far, nothing is going to be final until the next Council Meeting where we actually approve the Resolution, but I would probably call your executive director and let him know to start looking.

Mr. Giovanni: Okay. Thank you, Council Chair.

Council Chair Rapozo: Let us just do the Consent Calendar and then we can go into Executive Session.

CONSENT CALENDAR:

C 2026-25 Communication (12/29/2025) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Jennie Lynne Chahanovich to the Fire Commission – Term ending 12/31/2028.

Councilmember Carvalho moved to receive C 2026-25 for the record, seconded by Councilmember Bulosan.

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

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

The motion to receive C 2026-25 for the record was then put, and unanimously carried.

Council Chair Rapozo: With that, we have an Executive Session agenda item today that needs to be dealt with before we entertain Proposed Draft Bill (No. 2981). Councilmember Cowden has requested an Executive Session, and she has a National Association of Counties (NACo) meeting that she must attend to, that is very important. If there is no objection, I am going to ask that we take the Executive Session out of order so we can get that out of the way, so we can proceed with the meeting uninterrupted moving forward.

There being no objections, ES-1157 was taken out of order.

EXECUTIVE SESSION:

ES-1157 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide a briefing, discussion, and consultation regarding Proposed Draft Bill (No. 2981), A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Bulosan moved to convene in Executive Session for ES-1157, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any public testimony? Seeing none. As I stated earlier, I anticipate a 30-minute executive session, so if I could please ask your indulgence, so we can take care of that. Roll call.

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

The motion to convene in Executive Session for ES-1157 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: With that, we will reconvene in five (5) minutes in Executive Session chambers.

There being no objections, the Council recessed at 9:16 a.m., to convene in Executive Session.

The meeting reconvened at 9:56 a.m., and proceeded as follows:

(Councilmember Cowden was noted as excused.)

Council Chair Rapozo: County Attorney.

There being no objections, the rules were suspended.

TYLER SAITO, County Attorney: Good morning. The Council has concluded its Executive Session on item ES-1157. The Council has consulted with its attorney. For the proposed reasons stated on the agenda, there is nothing to disclose as disclosure would frustrate the purpose of the Executive Session. Thank you.

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

COMMUNICATIONS:

C 2026-26 Communication (01/13/2026) from the Fire Chief, requesting Council approval to accept unspecified future obligation terms and the indemnification provisions contained in the Cradlepoint End User Agreement, which will provide secure cellular connectivity for Fire Department vehicles, supporting Automatic Vehicle Location (AVL) and related vehicle communications by enabling transmission of vehicle location and system data.

Councilmember Kualii moved to approve C 2026-26, 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 C 2026-26 was then put, and carried by a vote of 6:0:1 *(Councilmember Cowden was excused).*

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

C 2026-27 Communication (01/14/2026) from the Fire Chief, requesting Council approval of the indemnification provision contained in the Carahsoft Technology Corporation contract, the authorized seller for First Due, for the implementation of the First Due Records Management System (RMS), which is necessary to maintain compliance with the National Fire Incident Reporting System (NFIRS) and to support the transition to the National Emergency Response Information System (NERIS), providing improved data accuracy, operational efficiency, and secure cloud hosting.

Councilmember Kualifi moved to approve C 2026-27, 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 C 2026-27 was then put, and carried by a vote of 6:0:1 (*Councilmember Cowden was excused*).

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

C 2026-28 Communication (01/14/2026) from the Fire Chief, requesting Council approval of the indemnification provision contained in the Carahsoft Technology Corporation contract, the authorized reseller for Clarion Events, for training content related to the First Due Records Management System (RMS), which is necessary to maintain compliance with the National Fire Incident Reporting System (NFIRS) and to support the transition to the National Emergency Response Information System (NERIS), providing improved data accuracy, operational efficiency, and secure cloud hosting.

Councilmember Kualifi moved to approve C 2026-28, seconded by Councilmember Bulosan.

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

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

The motion to approve C 2026-28 was then put, and carried by a vote of 6:0:1 (*Councilmember Cowden was excused*).

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

C 2026-29 Communication (01/20/2026) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting for Council consideration, A Bill For An

Ordinance Amending Chapter 8, Article 27, Kaua'i County Code 1987, As Amended, Relating To Shoreline Setback And Coastal Protection.

Councilmember Kualifi moved to receive C 2026-29 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: This is the communication that is a companion to Proposed Draft Bill (No. 2984). If there is someone who wants to testify now, I will accept it. Is there any discussion or public testimony?

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

The motion to receive C 2026-29 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Cowden was excused*).

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

C 2026-30 Communication (01/23/2026) from the Director of Parks & Recreation, requesting Council approval of the indemnification clause contained in the Wall Connector Billing Services Agreement from Tesla, Inc., which will allow the County to charge customers a fee for the use of County-owned Tesla electric vehicle charging stations.

Councilmember Kualifi moved to approve C 2026-30, seconded by Councilmember Bulosan.

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

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

The motion to approve C 2026-30 was then put, and carried by a vote of 6:0:1 (*Councilmember Cowden was excused*).

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

CLAIM:

C 2026-31 Communication (01/13/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Turbin Chu Heidt, as subrogee for Melvin Sewell, for personal injuries and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2026-31 to the Office of the County Attorney for disposition and/or report back to the Council, 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 to refer C 2026-31 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (Councilmember Cowden was excused).

RESOLUTION:

Resolution No. 2026-02 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Jennie Lynne Chahanovich*)

Councilmember Kualii moved for adoption of Resolution No. 2026-02, seconded by Councilmember Holland.

Council Chair Rapozo: Is there anyone wishing to testify on the Resolution? Is there any further discussion?

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

The motion for adoption of Resolution No. 2026-02 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Motion passes.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2969) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 27, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO SHORELINE SETBACK AND COASTAL PROTECTION

Councilmember Kualifi moved to receive Proposed Draft Bill (No. 2969) for the record, seconded by Councilmember Bulosan.

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

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

LONNIE SYKOS: Is this the only time? Will this come up in meeting?

Council Chair Rapozo: This is the time. Councilmember Kaneshiro.

Councilmember Kaneshiro: Just to clarify for the public. This is the bill that was sent over to the Planning Commission, but the Planning Commission made some amendments on their end and sent back a different bill. We are planning to receive Proposed Draft Bill (No. 2969), and we are planning to work on the new bill that the Planning Commission sent back having gone through its own process. That bill is going to be coming up soon.

Mr. Sykos: Thank you for that clarification. I asked the wrong question, and you gave me the right answer.

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

Council Chair Rapozo: Roll call.

The motion to receive Proposed Draft Bill (No. 2969) for the record was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Thank you. Next item, please.

Proposed Draft Bill (No. 2981) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Provides the Director of Finance with inspection and examination of real property powers*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2981) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2026, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Holland.

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

Ms. Fountain-Tanigawa: We have one (1) registered speaker, Lonnie Sykos.

There being no objections, the rules were suspended.

Mr. Sykos: For the record, Lonnie Sykos. I read through this Bill multiple times. I certainly understand that the County has numerous issues with the difficulty we are having in getting personnel with the experience in background or some of the more technical jobs that we have. It seems that in this Bill, though, that we are accumulating enormous amounts of power within one (1) position and the amount of power that we are accumulating, I think it should be for an elected official and not an appointed official. In Section 2, it is unclear what the actual authorities and powers will be. We are told that if you want to get a refund of more than five thousand dollars (\$5,000), that goes through a process, but what is in Section 2, less than five thousand dollars (\$5,000) is by the decision of the person with the authority. It is also, to me, because I am not a lawyer, ambiguous whether or not this gives authority to change the amount of money that you owe for real property taxes without filing an appeal. My understanding is if you want your property taxes adjusted or re-examined, that you do it through the appeal process. We are told repeatedly that there is a process to appeal without filing an appeal. We very much would like that to be fully explored and explained in the upcoming review of this Bill and also whether or not this party would be able...if someone came in and said, "Hey, I do not want to pay this much property tax," whether that person would be able to simply arbitrarily reduce their property taxes, and there is nothing in this Bill other than that that person has to report to the Mayor, but there is nothing in the bill that says the public ever gets informed as to the changes in the collection of the taxes. These are all technical details, but very important ones. Thank you very much.

Council Chair Rapozo: Thank you. Is there any further public testimony? Is there any further discussion?

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

Council Chair Rapozo: This is first reading and then come back to the Committee for further discussion and more work.

The motion for passage of Proposed Draft Bill (No. 2981) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2026, 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, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Cowden	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Thank you. With that, can we have the next item, please?

Proposed Draft Bill (No. 2984) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 27, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SHORELINE SETBACK AND COASTAL PROTECTION (ZA-2026-1 – *Planning Commission Recommendation*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2984) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2026, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Carvalho.

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

Ms. Fountain-Tanigawa: There are no registered speakers.

Council Chair Rapozo: Mr. Sykos.

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

Mr. Sykos: For the record, Lonnie Sykos. The last couple of days I read through this multiple times and once again I am very impressed by the output from Ka'aina and his crew that put all of this together, and my single observation, which I already made to the Administration, is simply that the definition for *mauka* and *makai* should be moved up in the definitions, so that the words are defined before they are used elsewhere in this. It is a minor, technical detail, but with everything else I am absolutely amazed. I am so grateful that the County has done such a good job of pushing back against the people that have been stealing our shoreline from us. Thank you very much to both the Administration and the Council.

Council Chair Rapozo: Thank you. Ms. Diamond.

KAREN DIAMOND: Good morning. Karen Diamond. Thank you so much for bringing this Bill up. I want to thank Council Chair Rapozo and Committee Chair Carvalho for bringing this up. It strengthens all the existing regulations that we have for our Shoreline Setback Ordinance, and it reduces exposure to coastal hazards, and it preserves our critical coastal resources. All the changes that many of the Planning Commission members made were really good, well-thought-out changes. I support all those changes. I urge you to support Proposed Draft Bill (No. 2984) that will strengthen our shoreline regulations. Thank you.

Council Chair Rapozo: Thank you, Karen.

Ms. Diamond: *Aloha.*

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

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

Councilmember Holland: I also want to thank the Planning Department for leading this, and Karen, for all your hard work. It is a wonderful thing to be a part of and I am honored to be supporting this. Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I, too, want to thank everyone for bringing this forward, especially Karen Diamond and our wonderful Planning Department. I think it is really important. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: Thank you, Karen, for the site visit. It really opened my eyes to actually seeing what was happening. We always hear about shoreline setbacks and housing, and I think about Kōloa, westside—there is usually a highway in between the shoreline and the house, and I am not exactly sure where you are talking about. You took us out to the North Shore, to a certain area, and yes, it definitely opened my eyes to where it was happening. You can clearly see what was happening out there. As far as the construction goes, there was a ton of construction out there that I did not see going on, almost every three (3) or four (4) houses had major construction going on. Thank you for bringing it to our attention. You had worked on it so hard. It is probably a thankless job to be working on this. I know you are doing it all from heart. I appreciate you for all the changes and updates you have provided.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: *Mahalo* to Karen. We had a lot of discussion on this, overall, and of course, Council Chair Rapozo, but this is something we have

talked about numerous times, and the Planning Department understands the process. I am happy with the process. *Mahalo*.

Council Chair Rapozo: I first want to thank Karen Diamond. Probably the most patient, diligent, resilient, persuasive person I know, and I mean that. Karen has been working on this for decades. Karen has been responsible for legal challenges that protected the people. Councilmember Kaneshiro went out...I was very happy that you were able to get out on that site visit. I had been out there with Karen, I think many of us, if not, all of us have been out there with Karen, and what is happening out there is a disaster. There is so much abuse going on out there, so much abuse. It is flagrant and open. Thank you, Karen. I want to thank Ka'āina, because he is in a tough spot; he works for the Administration and to be willing to draft this language...Councilmember Carvalho and myself, we are introducing this at the request of the Planning Department, so we take no credit for the...yes, there were a lot of discussions and Ka'āina was extremely open to what we had to say and ask, Karen sat in the meetings. It was a true cooperative effort. Ka'āina did not try to dissuade us or take out what we wanted, he accommodated everything we wanted, and the result is this Bill we have in front of us today. This bill will protect our people and our lands. Unfortunately, a lot of the damage has already been done, but that is not a reason for us to give up. Karen and Ka'āina, thank you. I am thrilled that it is here today. I was actually beginning to wonder if this thing floated off into space and are we ever going to see it again? It is important for the public to know that we did receive two (2) written testimonies. One (1) from Pacific Resources Partnership, which is a consultant firm that works with developers, as well as the Carpenters Union. While they support the concept, not very supportive of the limitations that we are imposing. The reason I bring that up is because we will need the community to back this Bill. Those are two (2) powerhouses right there...they will push for us to amend. The way it sits today, and we will obviously have the discussions when we get to the Committee, but the way this is set today on this bill, will definitely help our lands and our people, and the residents that live out there, that have to deal with these monstrosities and these vacation rentals, and all of these things that are destroying the neighborhoods, this will help slowdown or hopefully stop that from happening. Thank you. Councilmember Kualii went out...remember, we went out together on the first visit years ago?

Councilmember Kualii: Years ago, and then I actually went with Councilmember Kaneshiro this time as a refresher: The only other thing I would say is that this is really important, and we see the obvious examples out there in Hā'ena, but I think if we look closely there are places all over the island. I was just in Moloa'a on these small beaches over the weekend and it was very disheartening to see how all of these giant vacation rentals or whatever they are, are encroaching on the shoreline so much that you can hardly walk on the beach. You can tell too that the way they have grown the vegetation...most *naupaka*, right, which is because it is what will grow on the sandy beaches—have grown to the place where the high wash goes, so we are losing beach. There are a lot of rocky beaches, but there are a lot of sandy beaches there too, that they are taking for private use in a way because of how they developed their properties.

Council Chair Rapozo: What Councilmember Kualii is saying is correct, but I want to correct one (1) thing: "Grown"— "artificially grown."

Councilmember Kualii: Yes.

Council Chair Rapozo: It is not growing natural.

Councilmember Kualii: Yes.

Council Chair Rapozo: In fact, the first time we went, Councilmember Kualii, it was you and me when they had the irrigation pipes, the plastic tubing in the sand and the beach. We called the Department of Land and Natural Resources (DLNR) to go and do something about it, and no one does anything about it. That is not acceptable. They are extending their property line, I like to say, "artificially," and taking away our beaches. That has to stop. Councilmember Holland.

Councilmember Holland: Thank you very much. I appreciate what you folks just said. I want to just say that we are so blessed in Hawaii to have these controls to keep the beaches and those public areas accessible to the public and the shoreline access. In other places people can buy the beach to the waterline. People come here and think they can do those types of things, and we must have these controls in place to ensure they are not able to just concur the beach and start to acquire land and grow plants that they know are going to grow out, so, yes, one hundred percent (100%) what you folks say—it is important for us to put our foot down. Thank you.

Councilmember Carvalho: In addition to what you said, Council Chair Rapozo.

Council Chair Rapozo: Go ahead.

Councilmember Carvalho: Just the walking path as well, sometimes they over use...so that is another one...from when they park their car, walk down that area, it should be all available for people so they can access and come back freely without having to have all these plants grown. I just wanted to mention that as well.

Council Chair Rapozo: Thank you. Great point.

The motion for passage of Proposed Draft Bill (No. 2984) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 11, 2026, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

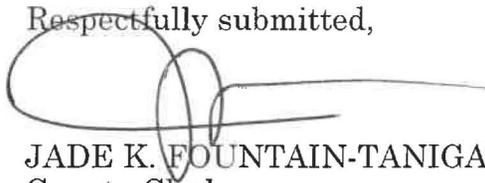
FOR PASSAGE:	Bulosan, Carvalho, Holland, Kaneshiro, Kualii, Rapozo	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Cowden	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: That concludes the business of today. Thank
you.
ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:17 a.m.

Respectfully submitted,

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

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc