COUNCIL MEETING

FEBRUARY 18, 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, and Meeting Room 106, Historic County Building, Līhu'e, Kaua'i, on Wednesday, February 18, 2026, at 8:47 a.m., after which the following Members answered the call of the roll:

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

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/3014?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 and via Meeting Room 106 on any agenda item.)

APPROVAL OF AGENDA.

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

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

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

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

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

MINUTES of the following meetings of the Council:

January 22, 2026 Council Meeting
February 4, 2026 Council Meeting

Councilmember Kualiʻi moved to approve the Minutes, as circulated, seconded by Councilmember Bulosan.

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

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

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

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

CONSENT CALENDAR:

C 2026-32 Communication (01/14/2026) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Dan V. Giovanni *(Business)* to the Planning Commission – Partial term ending 12/31/2027.

C 2026-33 Communication (01/26/2026) from the Housing Director, transmitting for Council consideration, a Resolution Approving Modifications To The Preliminary Subdivision Map For The Lima Ola Workforce Housing Project As Provided For In Resolution No. 2016-53, Approving The Lima Ola Workforce Housing Project Pursuant To Section 201H-38, Hawaiʻi Revised Statutes, And Amending The List Of Approved Statutory Exemptions Approved Therein.

C 2026-34 Communication (01/27/2026) from the County Engineer, transmitting for Council consideration, a Resolution Authorizing Installation Of Speed Tables On Hauiki Road, Kawaihau District, County Of Kauaʻi.

C 2026-35 Communication (02/04/2026) from Councilmember Bulosan and Councilmember Carvalho, transmitting for Council consideration, a Resolution Urging The Hawaiʻi State Legislature To Ensure The Long-Term Sustainability And Funding Of Public, Educational, And Governmental (PEG) Access Media In Hawaiʻi.

C 2026-36 Communication (02/04/2026) from the Director of Finance, transmitting for Council information, Periods 1 through 3 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period of July 1, 2024 through September 30, 2024, pursuant to Section 11 of Ordinance No. B-2024-896, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2024-2025.

C 2026-37 Communication (02/04/2026) from the Director of Finance, transmitting for Council information, Periods 4 through 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period of October 1, 2024 through December 31, 2024, pursuant to Section 11 of Ordinance No. B-2024-896, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2024-2025.

C 2026-38 Communication (02/04/2026) from the Director of Finance, transmitting for Council information, Periods 7 through 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period of January 1, 2025 through March 31, 2025, pursuant to Section 11 of Ordinance No. B-2024-896, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2024-2025.

C 2026-39 Communication (02/04/2026) from the Director of Finance, transmitting for Council information, Periods 10 through 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period of April 1, 2025 through June 30, 2025, pursuant to Section 11 of Ordinance No. B-2024-896, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2024-2025.

Councilmember Kuali'i moved to receive C 2026-32, C 2026-33, C 2026-34, C 2026-35, C 2026-36, C 2026-37, C 2026-38, and C 2026-39 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: Is there any discussion or public testimony? For the students in the room, when you see items on the Consent Calendar, these are items that are ministerial. They are formalities that do not require discussion or action, so we bunch them all together at the same time.

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

The motion to receive C 2026-32, C 2026-33, C 2026-34, C 2026-35, C 2026-36, C 2026-37, C 2026-38, and C 2026-39 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2026-40 Communication (01/27/2026) from the Housing Director, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 6, Kaua'i County Code 1987, As Amended, Relating To The County Housing Development Fund.

Councilmember Kuali'i moved to receive C 2026-40 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: This is the Communication that is tied to Proposed Draft Bill (No. 2985). If there is anyone wishing to testify on this item, instead of waiting for the Bill, I will take testimony now.

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

The motion to receive C 2026-40 for the record was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. Next item.

C 2026-41 Communication (02/03/2026) from Councilmember Holland, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, By Establishing A New Article Relating To Condominium Property Regimes.

Councilmember Kuali'i moved to receive C 2026-41 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Likewise, is there anyone wishing to testify on Proposed Draft Bill (No. 2986), and does not want to wait for the actual Bill?

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

The motion to receive C 2026-41 for the record was then put, and unanimously carried.

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

C 2026-42 Communication (02/04/2026) from the Director of Parks & Recreation, requesting Council approval to purchase unbudgeted equipment of one (1) boom truck, at an anticipated cost of approximately $350,000.00, for use by the Department of Parks & Recreation's (DOPR's) tree trimming crew. The equipment will replace the 2014 Peterbilt truck (Equipment No. 204) with 75-foot boom, which has been out of service since September 2025. The new vehicle will be leased for five (5) years, with the Fiscal Year 2026 funding requirement of an estimated $74,000.00 coming from existing accounts.

Councilmember Kuali'i moved to approve C 2026-42, seconded by Councilmember Cowden.

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

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

The motion to approve C 2026-42 was then put, and unanimously carried.

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

CLAIMS:

C 2026-43 Communication (01/13/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Nicole Baier, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-44 Communication (01/13/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Monica Kunioka, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-45 Communication (01/13/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Shanlee Jimenez, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-46 Communication (01/26/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jana Kaui, for personal property damage, addressing the damage, and reimbursement of replacing her water heater, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-47 Communication (02/05/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Michael Harris, for reimbursement to Hertz Rental Car involving vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-48 Communication (02/09/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard Rapozo, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2026-49 Communication (02/09/2026) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Isaac Dotimas, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kuali'i moved to refer C 2026-43, C 2026-44, C 2026-45, C 2026-46, C 2026-47, C 2026-48, and C 2026-49 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Bulosan.

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

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

The motion to refer C 2026-43, C 2026-44, C 2026-45, C 2026-46, C 2026-47, C 2026-48, and C 2026-49 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

COMMITTEE REPORT:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2026-01) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

"COW 2026-01 – Communication (02/04/2026) from Council Chair Rapozo and Councilmember Holland, requesting the presence of the County Engineer and the Environmental Services Manager, to provide a briefing regarding the inability to remove abandoned and derelict electric vehicles,"

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

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

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

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

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

RESOLUTIONS:

Resolution No. 2026-03 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(Dan V. Giovanni – Business)*

Councilmember Cowden moved for adoption of Resolution No. 2026-03, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony? Let us see if there is any public testimony first. Seeing none, Councilmember Cowden.

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

Councilmember Cowden: I appreciate him being here for the passage of the Resolution and I am very enthusiastically supporting Dan Giovanni.

Council Chair Rapozo: Mr. Giovanni is present today. Normally, we do not see the nominee when the Council votes on the Resolution, so we appreciate you being here. Councilmember Holland.

Councilmember Holland: I wanted to second what Councilmember Cowden stated. Thank you.

Council Chair Rapozo: Mr. Giovanni, thank you for being here. That definitely shows interest. We did the interview, and your experience and background will be an asset. We appreciate you being here today. With that, roll call.

The motion for adoption of Resolution No. 2026-03 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Congratulations, Mr. Giovanni.

Councilmember Cowden: Thank you very much.

Council Chair Rapozo: Next item, please.

Resolution No. 2026-04 – RESOLUTION APPROVING MODIFICATIONS TO THE PRELIMINARY SUBDIVISION MAP FOR THE LIMA OLA WORKFORCE HOUSING PROJECT AS PROVIDED FOR IN RESOLUTION NO. 2016-53, APPROVING THE LIMA OLA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAI'I REVISED STATUTES, AND AMENDING THE LIST OF APPROVED STATUTORY EXEMPTIONS APPROVED THEREIN

Councilmember Kuali'i moved for adoption of Resolution No. 2026-04, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, Mr. Roversi from the Housing Agency.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director: *Aloha*, Council Chair, Council Vice Chair, and Councilmembers. Adam Roversi, Director of the Kaua'i County Housing Agency. I do not want to go on for too much, but I will give a quick background of what the 201H process is and the details of what it is we are asking for. Hawai'i Revised Statutes (HRS) 201H-38 is a State law that allows for the expedited process for the approval of affordable housing projects. More specifically, it allows for a developer, which can include the County Housing Agency, in this situation, to request waivers of any statute having to do with zoning, land use regulation, building, subdivision code, et cetera, all with the idea to make affordable housing projects more affordable and quicker to approve. Importantly, one of the primary things that the 201H process does is that it makes the County Council, where a project is located, the primary approving entity as opposed to the normal course of going to the Planning Commission's Subdivision Committee or Zoning Committee

and going through the Planning Commission process. In the 201H application situation, the County Council takes the place of the Planning Commission as the decision-making body. Where necessary, a 201H application will also go to the State Land Use Commission if the State land use districting is an issue for a particular project. The County's Lima Ola Subdivision is a 75-acre, one hundred percent (100%) affordable housing subdivision in Lima Ola, which we discussed many times at the Council. In 2016, the Housing Agency submitted its initial 201H application to the Council in the form of a resolution. There is a large application packet with all the exhibits attached to it that has the Environmental Assessment (EA) documents, proposed subdivision maps, zoning maps, flood zone maps, and whatnot. Attached to that was a resolution that Council approved in 2016. In substance relevant to today's discussion, that resolution approved the preliminary subdivision map for Lima Ola as well as a table of listed requested exemptions from normal subdivision and Zoning regulations. Some of those exemptions were things such as allowing grass swales instead of concrete curbs because that saves money and the cost savings allows the affordable housing to be more affordable once it is actually built, because the subdivision infrastructure costs less. One of the provisions in that 2016 resolution, which I am paraphrasing, says Council essentially approved the preliminary subdivision map that was attached to the application at the time, which the caveat that if the map were to be changed in a substantial way, it should be brought back to Council for re-review and approval. That is one (1) of the two (2) items that we are here before you today. As the project was always envisioned to be developed in phases over time and I was not here when the initial 201H application was submitted, my understanding is that the Housing Agency at the time wanted to understand how the development would proceed with the demand for single-family versus multi-family homes and with the cost of infrastructure development before finalizing the subdivision map. As one of the exhibits to the Resolution we have before you today, we have what is now a final preliminary subdivision map, which we are asking Council to review and approve. It has been presented to both the Planning Department and the Department of Public Works for preliminary comments. We have not received any indication that there are any issues with this map.

The second item we are requesting via this Resolution...as I mentioned, in the 2016 application, there was a table of specific ordinance provisions that the Housing Agency was requesting exemptions from. Council approved those. This is all sort of premised on being ready to go out to bid for Phase II. We are ready to start construction of Phase II at Lima Ola, but in order to do that, we need to have an approved subdivision map to receive a building permit. That is why were are here asking for approval of the subdivision map. Going through that process and interacting with the Planning Commission, the Planning Commission raised concerns that the Housing Agency in its original 2016 application had not specifically requested exemptions from some of the procedural requirements for subdivision approval, which are all things that happen before the Planning Commission. As an example, one of those things was a one-year time limit between the approval of the preliminary subdivision map and the completion of the subdivision. The Planning Commission's position was that we missed that time limit already because we started this process in phases many years ago, so they suggested that we would need to follow a normal course because we did not request an exemption at the time for those procedural Planning Commission approvals, even though that is sort of the whole

point of 201H—Council approves, not the Planning Commission. They suggested to us that we needed to go back to the Planning Commission. We have our amended our table of requested exemptions to expressly state that those procedural requirements for the Planning Commission approval are waived and the County Council, as 201H intends, is the approving entity. The substantive element before you is approval of the subdivision map. The procedural element is expressly stating that Council, not the Planning Commission, is the entity who approves the subdivision map, and you are waiving the ordinance provisions requiring the Planning Commission's approval. I am happy to answer any questions.

Council Chair Rapozo: That was well-stated. Is this the subdivision map that we are being asked to approve?

Mr. Roversi: That is correct. The lower half (1/2) that is not shown is already approved. That was finalized as part of Phase I. The preliminary and the final map of Phase I is already approved in normal course. Now, we are moving to Phases II, III, and IV. The map in front of you will approve the rest of the project regarding Phase II, Phase III, and Phase IV, so no future Director should have to come back to Council.

Council Chair Rapozo: When looking at the chart that you gave us, the proposed alternate standard minimum lot size is eight thousand (8,000) square feet. Are you asking us to change it from ten thousand (10,000) square feet to eight thousand (8,000) square feet?

Mr. Roversi: That portion of the table is unchanged from the original resolution. The only thing that is new in this table from the 2016 resolution that Council approved is the last item, which is underlined. It is "Procedures for Approval of Subdivisions."

Council Chair Rapozo: I am looking at the lots that are on this map. It shows the lots as being five thousand (5,000) and seven thousand (7,000) square feet, but according to this table, the minimum lot size is eight thousand (8,000) square feet.

Mr. Roversi: The row you are looking at is regarding multi-family lots. If you look on the first page of that table, the fourth item from the top discusses single-family lot sizes. It says the minimum average lot size is typically six thousand (6,000) square feet. The waiver requested for single-family lots would be a minimum average lot size of five thousand five hundred (5,500) square feet. That is on page 1 of the table exhibit. It references Kaua'i County Code 1987, as amended, Chapter 8, Article 4 in the left-hand column. These items are unchanged from the original.

Council Chair Rapozo: I understand. I am just trying to understand that if you say the minimum for multi-family lots is five thousand five hundred (5,500) square feet...

Mr. Roversi: That is the average minimum for single-family lots.

Council Chair Rapozo: For multi-family lots, is it two thousand four hundred (2,400) square feet?

Mr. Roversi: No.

Council Chair Rapozo: It is five thousand (5,000) square feet.

Mr. Roversi: The typical minimum lot size for multi-family lots is ten thousand (10,000) square feet and the requested various was eight thousand (8,000) square feet.

Council Chair Rapozo: I got it. Thank you. Councilmember Cowden.

Councilmember Cowden: I want to acknowledge that almost all of these changes are in the first column, and you are just being very specific of what the document is that is being changed, such as the General Plan and zoning maps.

Mr. Roversi: To be clear, the only new thing we are asking for is the very last row on this table. Everything else was already approved by Council in 2016.

Councilmember Cowden: Why is it underlined?

Council Chair Rapozo: Because that is the addition.

Mr. Roversi: I think they were underlined in the original version that was presented to Council in 2016 and we did not change the format. We just gave you back exactly what Council approved in 2016. I should have made it clearer in the way we presented the table to you that the only new item in the table is the very last row on page 2. Everything else, even though it may be underlined was previously approved.

Council Chair Rapozo: You sent it over correctly; I just did not notice the underline. The underline tells us that it is new. You did it right. Does anyone else have any questions for Mr. Roversi? Councilmember Kaneshiro.

Councilmember Kaneshiro: While we are looking at it, are you able to explain what types of units will be in Phase II and Phase III of the subdivision?

Mr. Roversi: Yes, I can.

Council Chair Rapozo: You need bionic eyes.

Mr. Roversi: It is a tiny drawing. The easier to understand map, although it does not have the level of detail as the subdivision map, is the zoning map that was presented to you. It is being present to you not because we are asking

for any changes to it, but because it is an easier to understand map and was included in the 2016 application. It is partly colored in blue. The blue is the multi-family area. I do not know if that is any easier; it is also rather small.

Councilmember Holland: Ours is in black and white.

Mr. Roversi: In Phase II, we will build out one hundred seventy-five (175) new units. Seventy-five (75) of those will be single-family homes located in the center oval that you see in the map. In Phase I, we already built out the bottom three (3) rows of single-family housing in the center of that large oval. Those are thirty-six (36) single-family homes which were part of Phase I. All the three-bedroom homes in Phase I have been built and sold. We are currently working on fourteen (14) two-bedroom homes that are in Phase I. Phase II will be another seventy-five (75) single-family homes, marching up the hill in the center of that oval. Around the perimeter, there are three (3) multi-family lots that will be developed in Phase II with roughly another one hundred (100) rental units. The notion is that the multi-family lots will be affordable rental units and the single-family lots in the interior will be slightly higher priced gap housing units for people who do not qualify for the lower income rental properties.

Council Chair Rapozo: Go ahead, Councilmember Cowden.

Councilmember Cowden: Is there an estimate on when this build out will start and when it will end?

Mr. Roversi: We are prepared to go out to bid within sixty (60) days of Council's approval of the subdivision. We have almost all approvals and are awaiting final permits, but those are in process. Using Phase I as an example, we expect the subdivision construction, which are the roads, waterlines, sewer lines, and grading, to take a little less than one (1) year. A lot of the mass grading for the property was done as part of Phase I, so we mass graded a lot of the area. Phase I took one (1) year for the subdivision, so we are hoping that Phase II will be a bit quicker, because a lot of the harder work has already been done.

Councilmember Cowden: Are you using the same contractors and everything else, so you do not need to put everything out to bid again?

Mr. Roversi: No, it will need to go out to bid separately. We have to go through a separate contractor procurement bid process for a new set of these two (2) plans.

Councilmember Cowden: So, it could change?

Mr. Roversi: That is correct.

Councilmember Cowden: But it might not, in which case it would be rather quick?

Mr. Roversi: I do not know that the selection of contractor will do a lot to impact the schedule. We are stuck with the way the procurement code tells us we need to go through the process.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Thank you. Councilmember Kuali'i.

Councilmember Kuali'i: I know that at the bottom, which is not shown on this map, there is the community spaces and the green spaces. The top area, which is shown in this map, will there be any additional green space or community space?

Mr. Roversi: The lower park area is all that is designated in the master plan as the community park space. I believe it is around three (3) acres. The northern half of the project or the remaining half (1/2) of the project is all designated for housing, both multi-family and single-family housing. Another park space is not planned.

Councilmember Kuali'i: Is what we are not seeing on this map, in the open area that does not have blocks of housing, all additional land available for additional housing?

Mr. Roversi: Those are intended for multi-family projects. Through a Request for Proposal (RFP) process, as was done in Phase I, the areas left as block lots are intended to be conveyed to a development partner who will build multi-family projects on those parcels.

Councilmember Kuali'i: Regarding community space and green space, are there sidewalks throughout?

Mr. Roversi: Yes. Both sides of the road, especially for the big center oval have wide sidewalks. When it is finished, I think the walking loop will be over one (1) mile long.

Councilmember Kuali'i: That is what I was just thinking. Instead of having to walk on the road, like most of our neighborhoods, which is fine, too.

Mr. Roversi: Every street has sidewalks on both sides of the street.

Councilmember Kuali'i: Okay. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Will all seven (7) significant lots have multi-family or senior housing?

Mr. Roversi: That is correct. In Phase I, for example, there were three (3) multi-family projects. One (1) was specifically for *kūpuna*, one (1) was

a workforce housing project, and one (1) was a supportive housing project for homeless families modeled after our Kealaula project. The exact nature of the future phases, as to whether there will be an additional senior project or more supportive housing projects, has not been determined, yet.

Councilmember Cowden: Are those blocks around it not ready to be built this year?

Mr. Roversi: Three (3) of the multi-family lots will be in Phase II. These are the lower lots which abut Phase I. All the phases go up the hill; Phase I is at the very bottom, Phase II is the next band, which includes single-family homes in the center and three (3) multi-family lots on either side, and Phase III and Phase IV continue up the hill.

Councilmember Cowden: Is the cul-de-sac on the bottom left Habitat for Humanity?

Mr. Roversi: That is correct. That is the existing 'Ele'ele Iluna subdivision built by Habitat for Humanity. For your knowledge, Habitat for Humanity acquired twenty-five (25) acres south of Lima Ola and they are working to expand their existing subdivision or start a new subdivision south of Lima Ola.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Councilmember Kuali'i.

Councilmember Kuali'i: When does the northern road connecting to Kaumuali'i Highway come in?

Mr. Roversi: Our hope is to build that as part of Phase II. At the very least, as a construction entry way for the creation of the subdivision. Technically, when we did the Traffic Impact Analysis (TIA), the need for a second northern intersection is triggered by the housing units that will be built in Phases III and IV, but if we have the funding to do it now, our preference is to construct that as a fully developed intersection with a new signal that can be used by the community. That will depend a little bit on bids. We have also applied for some federal funding, so depending on how the money comes in, we could potentially develop it as only a construction right-of-entry for the development of the subdivision, so none of the equipment and dump trucks are going through the existing community and all the work will be away from where people are currently living, but our preference is to fully develop it and finalize that intersection construction.

Councilmember Kuali'i: Is the northern road the norther border of the property?

Mr. Roversi: Yes.

Councilmember Kuali'i: Is beyond that more coffee fields?

Mr. Roversi: That is correct.

Councilmember Kualiʻi: Thank you. Thank you, Council Chair.

Council Chair Rapozo: Are there any other questions for Mr. Roversi? Thank you, sir.

Mr. Roversi: Thank you.

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this Resolution? Seeing none, is there any further discussion? Councilmember Cowden.

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

Councilmember Cowden: I appreciate the effort and recognize that it is 2013 and 2016...it is a long time. From 2016, it is ten (10) years. I appreciate the effort. We have a lot of young people in our room. We are building this for you so that you have places to be and are able to get it when you are old enough to need it. You can get it while you are young, when you need it.

Council Chair Rapozo: Thank you. Councilmember Kualiʻi.

Councilmember Kualiʻi: I, too, want to express my appreciation. *Mahalo nui loa* to Adam, the Administration, the current mayor, prior mayors, and prior Housing Directors who have worked on this over the years. It is clearly Kauaʻi's biggest and most impressive housing project where the County is creating a whole neighborhood. We need more of them, but this is a good start and can be the example. It is an example for all of Hawaiʻi. Thank you. Keep up the good work.

Council Chair Rapozo: Councilmember Holland.

Councilmember Holland: I also want to echo my gratitude. Director Roversi, you have done such an amazing job driving this project forward. You and I were in the dirt during the storming of the capitol...I do not know if you remember that. What an incredible project and what an incredible opportunity for Kauaʻi to have housing. I agree with Vice Chair; we need more projects like this. Thank you for all your hard work in driving this forward.

Council Chair Rapozo: Is there anyone else? Seeing none, roll call.

The motion for adoption of Resolution No. 2026-04 was then put, and carried by the following vote:

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

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

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

Resolution No. 2026-05 – RESOLUTION AUTHORIZING INSTALLATION OF SPEED TABLES ON HAUIKI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I

Councilmember Kuali'i moved for adoption of Resolution No. 2026-05, seconded by Councilmember Cowden.

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

Councilmember Cowden: Will he show us the speed tables?

Council Chair Rapozo: Do you want him to?

Councilmember Cowden: I have a question.

Council Chair Rapozo: Okay. Will someone from the Department of Public Works come up?

Councilmember Cowden: You are putting in four (4) speed tables on Hauiki Road and I was looking at the diagram, but I was struggling a little. Why are you putting the speed tables right there?

There being no objections, the rules were suspended.

MICHAEL MOULE, Civil Engineer VII Manager: Michael Moule, for the record, Chief of Engineering, Department of Public Works. This is through a traffic calming ordinance that was passed several years ago. At the request from a resident in the area, we went through the public involvement process as required by the Code. We went through all the elements required by the Code, including traffic counts. This is the area where the complaint was and this is the area of this street that is fairly residential. Hauiki Road is mostly a fairly rural road without any houses on it; there is a lot of Agricultural (Ag) land. Through this stretch, there are a fair number of houses.

Councilmember Cowden: Okay. I should have gotten a better map in front of me. I did not have an address, so I was just trying to decide. Is this a

neighborhood, because it is not a very...when I look at on Google maps, there are not many people right there, but somewhere in there...

Mr. Moule: There is a road called Kini Place on the map. Where that intersects with Hauiki Road, you will see there are a bunch of houses fronting the road through this quarter (1/4) mile or half (1/2) mile stretch.

Councilmember Cowden: I did a lot of walks with you. The community asked for this...is this a community request?

Mr. Moule: Typically, for traffic calming requests, it usually comes in from one (1) person, sometimes a neighborhood, but we then go out and do traffic counts to determine there is a speeding issue and that putting in traffic calming measures would help manage that speeding issue. We then go out to the public and say what we are proposing for traffic calming measures. We actually went through three (3) different rounds of sending out postcards with different ideas. We are refining the process, because this is a new process. The last time we came back, which I think is the information we sent you, we had more than seventy percent (70%) support from the people who responded.

Councilmember Cowden: This is near what they call, "Skeleton Road." Is that right?

Mr. Moule: No.

Councilmember Cowden: Kini Place...I am looking at it here. All right. I do not have a problem with it. It does not look that crowded to me, but...

Mr. Moule: You come off of Olohena Road and go up Hauiki Road, pass the new Kulana Place with the new Kulana subdivision, and as you come around the top of the hill after Kulana Place, there is a water tank on the left. Right around there is where the first speed table will be. You continue on, there are a couple of curves, and go past Kini Place, the last speed table will be near Kini Place.

Councilmember Cowden: Is it a pedestrian area, too? It must somewhat be.

Mr. Moule: In as much as people walk between houses or for recreation. I have traveled through the area and I see people walking in the neighborhood, usually for recreation purposes, because there are no businesses nearby.

Councilmember Cowden: I appreciate what you did on Kolo Road in Kīlauea. Is it sort of like that?

Mr. Moule: It is. The speed tables would be the same design as those. We will be coming to you to get those permanently approved soon.

We are in the review stages of the resolution to have those permanently approved by County Council very soon.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Councilmember Holland, then Councilmember Kualiʻi.

Councilmember Holland: Thank you for being here. I have a couple of questions. The speed tables are the white lines, right?

Mr. Moule: The speed tables are the actual physical asphalt humps.

Councilmember Holland: Is it an actual speed bump?

Mr. Moule: It is.

Councilmember Holland: Is it the white lines we see on the highway?

Councilmember Cowden: Those are rumble strips.

Mr. Moule: No, it is not those.

Councilmember Holland: Okay.

Mr. Moule: It is the actual speed hump or speed table. There is a technical difference between a speed hump and a speed table.

Councilmember Holland: Is it because it is flat?

Mr. Moule: They are flat on the top. This design has a six-foot asphalt ramp, an eight-foot flat top, and a six-foot asphalt ramp. It is exactly the same design we used on Kolo Road in Kīlauea.

Councilmember Holland: Okay, great.

Mr. Moule: That is what we proposed to use here. For all intents and purposes from the public's perspective, speed humps and speed tables will all look very similar. The speed humps have six-foot ramps with a six-foot flat top and are used in more dense neighborhoods, such as R4 subdivisions or denser subdivisions where there is even more activity and are relatively shorter. We are using these speed tables on these country road types of scenarios such as this and on collector streets such as Kolo Road where there is a little more traffic and you need to be more concerned about fire response.

Councilmember Holland: Great. I just wanted to double-check.

Mr. Moule: They all sort of look the same to the public. They have different speed limits on which they can be driven.

Councilmember Holland: I am dealing with interesting complaints about the rumble strips in Princeville by the Church of the Pacific, because of the sound associated with it. I am dealing with that with the State Department of Transportation, so I wanted to make sure the County was not putting in more of those without thinking about the sound that they cause.

Mr. Moule: We receive a lot of requests for rumble strips and I always tell them they do not want those in their neighborhood.

Councilmember Holland: It is astonishing. Thank you.

Council Chair Rapozo: Councilmember Kuali'i.

Councilmember Kuali'i: She asked the first part of my question. Out of curiosity, what is the cost of putting each one in?

Mr. Moule: I do not know that off the top of my head. We have a bid item in our paving contract for them. I do not manage the paving contracts, so I do not know the exact number. We can check with staff. Perhaps Troy can check with Todd. He is doing it right now. We can get a cost of what is in the contract for that.

Councilmember Kuali'i: Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: This is follow-up to a comment you made. For clarity, when you choose these speed tables, you mentioned fire. When fire trucks go over speed bumps, it is hard on the whole fire truck and we received testimony asking why this would be put in when you take potholes out. I responded saying, "They are a little different on the suspension." Is that right? A pothole is unexpected and very abrupt; these are designed to not be too hard on the canoe that may be being pulled over it, the fire truck, or the ambulance, because having a shock to all of those is hard on the patient in the ambulance...fire trucks are very heavy, but these are designed for fire trucks to be able to...they need to slow down, but they do not break them.

Mr. Moule: That is right. As you are probably aware, we put some test traffic calming measures at Vidinha Stadium and tested them with the Kaua'i Fire Department two (2) different times. Any traffic calming measures will slow down emergency response. There is no doubt about that. We use the flat-top speed table because they have less of an effect on the fire truck. People are familiar with the typical speed bumps, versus speed humps and tables. They are all different. The speed bumps you drive over in parking lots that might be only one (1) to three (3), maybe six (6) feet long are generally not used on public streets because most people need to slow down to five (5) miles per hour (MPH), maybe ten (10) MPH on those. Fire trucks also need to slow down that much and it can really jar the

equipment and personnel inside. Any sort of speed hump, which is twelve (12) feet long, or speed table, which is twenty (20) feet long, as we are designing them, has much less on the fire truck, but the speed table at twenty (20) feet long is used when we know the fire truck needs to go a little further, fire response is in areas that are a little busier, or there are longer roads. We opt for the 20-feet speed table designs because they have the least effect on fire trucks.

Councilmember Cowden: Speed tables are what lend themselves well to crosswalks. Will there be a crosswalk on any of these?

Mr. Moule: There will not. People can cross the road anywhere they like as long as they yield to traffic. That is the way the law reads. There are no specific origins or designations. You want to put a crosswalk by a school to get to the sidewalk on the other side. That does not exist in this location.

Council Chair Rapozo: Is there anyone else with questions for the Department of Public Works? If not, thank you. Is there anyone in the audience wishing to testify? I am sorry? Is it five thousand dollars ($5,000) for a speed hump?

Mr. Moule: It is five thousand dollars ($5,000) per speed table. It seems like that is the amount in the bid.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Seeing none, is there any further discussion? Seeing none, roll call.

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

The motion for adoption of Resolution No. 2026-05 was then put, and carried by the following vote:

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

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

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

Resolution No. 2026-06 – RESOLUTION URGING THE HAWAI'I STATE LEGISLATURE TO ENSURE THE LONG-TERM SUSTAINABILITY AND FUNDING OF PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) ACCESS MEDIA IN HAWAI'I

Councilmember Cowden moved for adoption of Resolution No. 2025-06, seconded by Councilmember Bulosan.

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

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

JAY APRIL: It is nice being here. I am from Maui, my name is Jay April, and I am the Chief Executive Officer (CEO) of Akakū Maui Community Television (Akakū). This is a nice room. In Maui, all the Councilmembers have their backs to the audience, so it is nice to be able to look into your faces and talk to you directly. I have been in this business for forty (40) years. I am one of the founders of the public access concept in the United States, which was one million (1,000,000) years ago. As you know, everything has changed quite a bit. We do not just watch television (TV) anymore. We have social media. There is a myth that social media has replaced public television and public access. That is not true...maybe public access. People go on their phones and TikTok their way through the day, but community television is different, as is public television. We do not use algorithms, we do not addict kids, we do things like this. Nonprofit media and non-commercial media is very important. We have an administration in Washington, D.C. right now that is eviscerating public and community television. They want it to go away. There are several bills in Congress right now that would do that. Are you familiar with the concept of regulatory capture? In my forty (40) years, I have never seen regulatory capture as complete as I have seen it in Hawai'i in the past year. This County is suffering. This is the only County in the entire United States where the local franchising authority, in this case the State Department of Commerce and Commercial Affairs (DCCA), has invoked an obscure rule called Federal Communication Commission (FCC) Report and Order 621 that allows the cable company to claw back franchise fees that are supposed to go to Hō'ike Kaua'i Community Media (Hō'ike) and basically take the money back. You folks are the only county in the whole nation where that happened. It is not happening anywhere else. Why? Because the DCCA has been captured by Spectrum Oceanic, LLC (Spectrum). Spectrum pulls out about forty million dollars ($40,000,000) from this County per year, if you count the internet. I do not know the exact mathematics (math), but you can figure it out. That is a lot of money. They say they are going to use it for an institutional network. Maybe they are, maybe they are not. They are not transparent about it. Several things happened since November. Using this rule, when they came here to present their franchise renewal scheme, they used stale data from 2013. The application that was put forth for the franchise renewal for Kaua'i had no current information in it. Nowhere in the application did it mention something called "Retention of Fees" which is an arbitrary amount that they will take from...the red light is on.

Council Chair Rapozo: Hold on. Who is the other registered speaker?

Ms. Fountain-Tanigawa: Max Richardson.

Council Chair Rapozo: Can we allow him to finish his testimony? Okay. You can finish. You have three (3) more minutes.

Mr. April: Thank you. For the application, I think there was one (1) testifier—the Hōʻike CEO. The application did not have any of the information on what she was supposed to be testifying on. There was no mention of the Retention of Fees, they were using stale data, and they failed to conduct a community ascertainment study. Things changed a lot since the last time there was a franchise renewal. They needed to have an ascertainment study, but they did not do that. They did not do their due diligence on the FCC Section 621(a)(1) rule, which is still being litigated. They did not do any technical or financial audit of the Spectrum Institutional Network (INET) None of that is transparent. They had unwarranted information regarding high-definition television (HD). Every single channel has HD, but you do not. They actually step on the signal in order to downgrade it before it comes to your home. That is an anti-consumer item. This franchise renewal for Kauaʻi sets a bad precedent. The Resolution you have before you is very bland. It basically says we want to restore your funding. You folks are very gracious to fund Hōʻike when they saw this shortfall. This Resolution from all the counties...I am not sure if the City and County of Honolulu's is in. I know what Hawaiʻi County is in and Maui County is in. The idea is to get the legislature to instruct the DCCA to have hearings on this merger between Spectrum and Cox Communications (Cox) so the information can come out and you folks can possibly be made whole. It is a "shot in the dark," but I would love to see you folks made whole.

Councilmember Cowden: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Are you suggesting that we put in an amendment that really clarifies the fact that the County of Kauaʻi is differentiated even from the rest of the State as well as the nation for not having this support? You said this is bland. Do you think that would make a difference?

Mr. April: It is not necessarily bland, but as you read it, it is very straightforward. It says, "Just give us status quo. Put us where we were last year."

Councilmember Cowden: We want HD, too.

Mr. April: You should have HD. Every access channel in the United States of America (USA) should have high definition. We are making a major pivot to a different type of communication—nonprofit, non-commercial, brick and mortar, where people can meet each other. On Maui, we are also doing news, covering the rebuild of Lahaina after the horrible fire, and we have people on Molokaʻi. We have the media identity for the island of Molokaʻi. They are intending to do the same thing to us that they did to you. If they do that, what do I cut? Do I cut daily news? Do I cut out the people of Molokaʻi? This is wrong.

Council Chair Rapozo: Is Kauaʻi being treated differently from the rest of the State?

Mr. April: Yes, Kaua'i is the only county in the entire United States where this has happened. I would appreciate an amendment. That would send a strong message to the legislature.

Council Chair Rapozo: Does anyone else have a clarifying question? If not, thank you very much.

Mr. April: Thank you.

Council Chair Rapozo: Next registered speaker.

Ms. Fountain-Tanigawa: Max Richardson.

MAX RICHARDSON: My colleague Tricia Allen wants to testify. She can go before me if she wants.

Council Chair Rapozo: Come on up.

TRICIA ALLEN: Hello. I am Tricia Allen. I am a staff producer at Hō'ike, but I am also the community outreach coordinator. Thank you for listening to me today. I am terribly nervous, so I have written out what I would like to say because I have to follow Jay, which is a little difficult. I may have started with Hō'ike in 2024, but Hō'ike as a PEG channel has been in Kaua'i homes since 1993. That means for over three (3) decades, families have turned on their TVs and been able to see their neighborhoods, culture, government, and community reflected right back at them in their homes. Voting against this Resolution and limiting funding now would just reduce services. It would mean taking away a living part of Kaua'i's history and civic life. This Resolution is about protecting essential public communication infrastructure for our island. Hō'ike ensures that residents can watch County Council Meetings to stay informed about decisions that affect housing, shoreline protections, public safety infrastructure, and local policy. Transparency only works when people have real access. We provide that access. We also serve students learning media skills, nonprofit sharing, vital services, *kūpuna* stay connected to local programming through us, and residents who want to tell their own stories are able to do so. We preserve culture and we amplify voices, and during emergencies, we serve as a trusted community communication. I feel so strongly about this that I brought two (2) of my own children today. They have the same access to Hō'ike services as any other child on the island. For example, my daughter Sydney who is thirteen (13) years old is on her way to becoming a certified producer, after which she will be able to assist in operating a camera with us during public events like parades, concerts, and awards ceremonies. She is here with my son who is ten (10) years old. Together, they will be attending the Spring Break iPad Bootcamp, which is run by Hō'ike, where they will both learn to plan, shoot, and edit a public service announcement (PSA) using equipment that is very accessible and already in most homes—an iPad. These classes enrich the lives of young people on our island and give them an opportunity to express themselves, which is not only a skill that will serve them well as a professional adult, but also contribute to their mental health as a human being while they navigate their careers as students into careers as adults. Hō'ike does all of this on a rather shoestring budget. We are already operating very lean with limited staff

and carefully managed resources. There is no access or buffer, and any further cuts would directly impact our ability to provide training, maintain equipment, broadcast meetings, and continue long-term service to this island. Stable and adequate funding allows us to plan responsibly, retain skilled staff, keep our technology modernized, and continue serving the public at the level that Kaua'i deserves, like high resolution programming, and not being compared to islands like O'ahu, where the population is much larger and the needs differ greatly from our needs. Community media is not a luxury; it is a public good. It is a need. It strengthens civic participation, preserves culture, and ensures that every resident has access to information and the tools of communication. For this reason, it is important that funding have some long-term stability and extends operating agreements beyond 2026 so that Hō'ike can focus on being a resource, instead of constantly trying to defend its existence. I respectfully urge you to adopt Resolution No. 2026-06 and protect the essential part of Kaua'i's past, present, and future. *Mahalo* for your time and consideration.

Council Chair Rapozo: Thank you. Hold on, Tricia. Are there any questions? I will consider you a resource person because you are our public access person for the island. I have some questions.

Ms. Allen: Sure.

Council Chair Rapozo: It is quite frustrating to hear this. I did not realize it was just Kaua'i and I did not realize it was just with the agreements with Charter Communications (Charter). This Resolution will go where it will go, but what more can we do as a Council? Most of us are flying out to Washington, D.C. tomorrow night for our annual legislative conference. Is there anything we can do there? Is there someone we should speak to there? Locally, I see it is DCCA, but is it the governor's or the legislature's issue?

Ms. Allen: I think it is fair to say that this will be a statewide problem soon for all the PEG stations. I feel Kaua'i is a testing ground. They wanted to see if they could get away with it.

Council Chair Rapozo: Could you explain that again? I read the Resolution and we spoke, but I did not understand it to be what is in this Resolution. Charter comes in for a renewal...

Ms. Allen: I think it is the DCCA, right?

Council Chair Rapozo: Yes, but does Charter go to DCCA for renewal?

Ms. Allen: Yes.

Council Chair Rapozo: Can DCCA take away from our counties and base them on what Charter is asking? Is Charter Communications Spectrum?

Ms. Allen: Yes.

Council Chair Rapozo: They come in and file for their renewal. Does DCCA have the ability to remove some of the things that can be done with locally with public television, such as HD?

Ms. Allen: Yes.

Council Chair Rapozo: And funding?

Ms. Allen: Yes, essentially.

Council Chair Rapozo: Is that a DCCA decision?

Ms. Allen: Yes.

Mr. April: May I?

Council Chair Rapozo: Come up, sir.

Ms. Allen: Jay knows much more than I do about it.

Council Chair Rapozo: We do not normally do this, but because you two (2) are with PEG channels, we need to be educated.

Mr. April: It is a big issue.

Council Chair Rapozo: I want our kids to hear this, too, because this is a community resource. What Hō'ike is doing now for our community is fantastic. Go ahead.

Mr. April: Hawai'i has always one of the most enlightened states in terms of cable regulation. Back in the late 1980s and early 1990s, they created a law in which public access needs to exist in Hawai'i, it is a State law. It is one of the few states that has a law that says you need to have a public access channel. The DCCA administers all these laws and has the authority to decide how to spend the franchise fee. The government says you can take up to five percent (5%) of gross revenue and use it for any reason you want. As a legacy in Hawai'i, three percent (3%) has always been dedicated to public access in each county. The other two (2%) goes to the DCCA, and believe it or not, one percent (1%) goes to the Public Broadcast Service (PBS), which is a lot of money. That is about three million dollars ($3,000,000) or four million dollars ($4,000,000) per year. That is how it has always been. Now, we have two (2) or three (3) cable companies run the table. There used to be thousands of them in the USA, now there are two (2) or three (3). They do not call themselves cable companies anymore; they are telecommunications companies. They want to get rid of the obligation of providing franchise fees. They want you to forget that they are using your public infrastructure and your public rights-of-way. This is basically "rent" for using the public rights-of-way. The innovation that FCC put forth in the 1970s was to create public access channels for counties and cities. We have enjoyed that over all these years. Now, we have a situation where the regulatory capture is so complete that there is a Trumpian rule

put in by President Trump in 2018. It is an obscure rule that is rather squirrely. They have not invoked it anywhere else except in Hawai'i and Kaua'i is the first victim where they can say, "We are going to subtract an arbitrary amount of money from the dedicated three percent (3%) franchise fee, we are going to take that money, and put it into INET. INET is important; I am not saying it is not important, but there are other ways to fund it. They are not transparent about it. They are not telling us who runs it, giving the money back to Spectrum, Spectrum is putting that money in the bank, and is taking interest on it.

Council Chair Rapozo: Is there a requirement or a time limit for INet? Is there transparency with what they are doing with the funds as it relates to INet?

Mr. April: That is a good question. They put a cap on Honolulu's franchise fees years ago. Last time I checked, there was about thirty million dollars ($30,000,000) or forty million dollars ($40,000,000) in various slush funds that go back and forth between Spectrum and DCCA. These funds are not transparent. If you go to the meetings in Washington, D.C., this is definitely an issue for governors. The DCCA is under the governor's administration, so the governor can probably influence the outcome, but we are now in a situation for the first time in Hawai'i's history where the community television resource and public television resource will be severely diminished by this action. What makes me upset is there is no public review or testimony. In the interest of full disclosure, Akakū has three (3) lawsuits against DCCA right now to stop this from happening. It was going to happen to us; we saw it happen to you. I had no knowledge it was going to happen to you, otherwise I would have been here before. I would have been here to testify. I had no knowledge, they did not disseminate that information, it was a surprise attack on Hō'ike, a surprise attack on this County, and they succeeded in taking away a lot of your money. What is it? It is about two hundred thousand dollars ($200,000), yes?

Ms. Allen: It is about one hundred fifteen thousand dollars ($115,000).

Mr. April: That is a lot of money.

Council Chair Rapozo: What is happening at the legislature this session that could benefit public access staff?

Mr. April: The Resolution from you folks is very important as are the resolutions from the other counties, because the counties have not really had any say in this whole situation over the years because it is run by the State. We sometimes comment on Maui that we wonder if the legislature even knows Maui exists. I am sure it is the same thing with Kaua'i. Neighboring islands are getting a short shrift. At the legislature, the DCCA needs to be called into account. I know that Senator McKelvey of Maui is introducing a legislative resolution so he can cross-examine DCCA.

Council Chair Rapozo: I am wondering if they have any bills that would...

Mr. April: As far as I know, there are no bills this session.

Council Chair Rapozo: A resolution is a resolution, but if there were a bill that we could lobby for to require what is in this Resolution...does that not exist right now?

Mr. April: It does not exist. As a comment, Spectrum provides unsolicited contributions to everyone in the legislature, anywhere from one thousand dollars ($1,000) to five thousand dollars ($5,000).

Council Chair Rapozo: I understand. I am just trying to figure out...

Mr. April: That does not necessarily mean anything, but Spectrum is definitely willing to spread the money around. Spectrum has also offered to bankroll Governor Green's presidential campaign, but I do not think we want to go there.

Council Chair Rapozo: No, we do not.

Mr. April: We are talking about the power of a cable company having a lot of money to get their way.

Council Chair Rapozo: That is not just cable companies, but many corporate entities. I am just trying to figure out what we, as the County Council, can do in addition to this Resolution. If there were a bill going through the legislature, it would be much better, but we will use our influence, the best we can, individually and as a Council. Again, we will be in Washington, D.C. and I can assure you we will be following up.

Mr. April: As you know, Kaua'i has a lot of power. You have the Senate President and the Speaker of the House.

Council Chair Rapozo: Yes, that is why I was hoping there was...

Mr. April: You folks have a lot more power than you ever had before, and it would be really valuable to understand this issue and let your feelings be known. I would hate to see these folks go down.

Council Chair Rapozo: Us, too. Councilmember Kaneshiro, then Councilmember Cowden.

Councilmember Kaneshiro: I am trying to wrap my head around this. As far as the franchise fee goes, is it only Spectrum that pays this franchise fee?

Mr. April: Does Hawaiian Telcom, Inc. (HawaiianTel) have a franchise on Kaua'i? I know they have one on Maui. HawaiianTel also has a cable system, which is not as robust, although their service is better and they have HD.

Councilmember Kaneshiro: That is what I am thinking.

Mr. April: They need to pay a five percent (5%) franchise fee as well.

Councilmember Kaneshiro: I think a lot of people are switching from Spectrum. With YouTube TV and other services, people are not really using Spectrum anymore. Do those types of...

Ms. Allen: The franchise fees are at risk anyway because there are less subscribers than before, and hotels do not count towards franchise fees.

Mr. April: Ideally, there will need to be a legislative solution down the road, because franchise fees are not going to be around forever. Many states—Vermont, Ohio, New York—are looking at alternative funding mechanisms, such as making streamers pay fees, so YouTube and other streaming services may also need to pay fees. Different states are looking at different ways of dealing with that.

Councilmember Kaneshiro: Ours may be outdated, because they may be looking at a cable connection. In the past, anyone connected to cable was paying a franchise fee, but internet and everything wireless has come in.

Mr. April: The bottom line is regulation is always behind. Cable and internet are basically the same now. It is all the same wire. To make this distinction that because they call it "internet" or "streaming," they do not need to pay attention to the local community, is a travesty. We may not have any public television left at the end of that.

Councilmember Kaneshiro: If Spectrum is trying to adjust their agreement, does HawaiianTel have a separate agreement or do they follow something similar?

Mr. April: It is a very similar agreement. It is basically the same as the Spectrum agreement, which is five percent (5%) franchise fee of gross revenue and three dollars ($3) per subscriber of capital payment, which is separate from the franchise fee.

Councilmember Kaneshiro: Is the change only happening with Spectrum and not HawaiianTel?

Mr. April: HawaiianTel is not causing a ruckus at all.

Ms. Allen: Not yet, but this could set a precedent.

Council Chair Rapozo: That is my fear.

Mr. April: We do not like the precedent that is being set here.

Council Chair Rapozo: This is the test case.

Mr. April: It is very damaging to the rest of the State.

Council Chair Rapozo: If they are successful with Kaua'i, do you not think they will go to Maui, O'ahu, and everywhere else?

Mr. April: Yes, they said they were.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Point of procedure. Can I say that?

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I would like to put another "Whereas" in here, probably between the last two (2), to emphasize where Hawai'i is unique and where Kaua'i is even more unique, and that we are being...we cannot say, "a test case," but that we are...

Council Chair Rapozo: Instead of "test case," we should just say, "guinea pig."

Councilmember Cowden: "Pilot program," or whatever. I want to put another "Whereas" in there, but I want to make sure the facts are accurate.

Council Chair Rapozo: Ask your question, we will take a caption break so you can work with them to get the language right, then we can take an amendment to the Resolution.

Councilmember Cowden: I am happy to do that, but I want to make sure that whatever goes in the "Whereas" is absolutely accurate.

Council Chair Rapozo: That is why I suggested working with them, because this is new to me. I am freaking out right now, thinking, "How dare they," but I do not understand this enough.

Mr. April: It is very "weedy."

Councilmember Cowden: I want to make it clear, because if I were one of these people...I read this and I used to be a heavy contributor to Hō'ike, but I did not get that at all. When I read this, I did not understand that we were unique and I think that is a real leverage point.

Council Chair Rapozo: Yes.

Councilmember Cowden: I would probably also put in the Department of Business, Economic Development and Tourism (DBEDT), too, because we have some power in DBEDT and it is parallel to DCCA. This impacts our economic

development, business, and everything else, because Hō'ike makes a lot of difference for small businesses.

Council Chair Rapozo: Absolutely. I agree.

Councilmember Cowden: I would like to add that in, too.

Council Chair Rapozo: We will do that. Do you have any other questions? We will take our caption break. I am glad the kids are here, because Chiefess Kamakahelei Middle School (CKMS) has an amazing media team that has partnered with Hō'ike in the past. They are here and these are the leaders, so I am glad they are here today. Councilmember Carvalho, then Councilmember Kuali'i.

Councilmember Carvalho: I have a point of clarification. You mentioned three (3) lawsuits.

Mr. April: I am sorry?

Councilmember Carvalho: You mentioned the three (3) lawsuits. Can you explain about those?

Mr. April: Yes. We petitioned the DCCA to intervene in the franchise renewal. When we saw what happened to you folks, we said, "Okay, they will do the same thing to us. They will come in and have a hearing in name only." They basically announced their intent that they would arbitrarily take *x* amount of dollars from our franchise fees, so I decided to hire an attorney. It is the attorney I hired twenty (20) years ago when we had similar issues with DCCA. We filed a lawsuit to intervene with the franchise. Along with that, we want them to redo this with a community ascertainment, because they were using stale data from 2013. There was no Spectrum in 2013; if you remember, it was Oceanic Time Warner Cable, LLC (Time Warner). They used Time Warner's application and gave that to you folks saying, "This is what you are voting on." It did not have anything to do with Spectrum and they rubber stamped the thing. We felt that if we could get a contested case with the court, we could expose the inaccurate process. We could prove that there was no due process. That was denied by the court, because Spectrum showed up with the Attorney General and DCCA. The optics were rather amazing—three (3) lawyers together—and they said that we did not have stand in as the public access provider for the County of Maui.

Council Chair Rapozo: As I said earlier, we will be in Washington, D.C. and will work with our national association who has amazing resources.

Mr. April: I could fill you in more if you want.

Council Chair Rapozo: Yes.

Mr. April: As I said, it gets a little "weedy."

Council Chair Rapozo: Do you have any more questions?

Councilmember Carvalho: No.

Council Chair Rapozo: Thank you for bringing that up. Councilmember Kualiʻi.

Councilmember Kualiʻi: At the risk of oversimplifying and stating the obvious, you spoke about Spectrum having to pay franchise fees, but ultimately, the ones paying are us, right? We, the public, are the subscribers.

Mr. April: That is correct.

Councilmember Kualiʻi: We are paying in and one thing that we are getting back are our channels, such as Hōʻike. Now, are they taking that away from us, even though that is our money?

Ms. Allen: That is correct.

Council Chair Rapozo: Are there any more questions for these two (2) individuals? If not, stand by. Councilmember Cowden will be seeing you when we take our break. Is there anyone in the audience wishing to testify? Please.

Councilmember Bulosan: There is Max.

Council Chair Rapozo: Do you have a question? Would you like to speak, Max? Okay, I am sorry. Come on up, Max. By the way, Max is the camera person for Hōʻike. Go ahead, Max.

Mr. Richardson: I normally do not sit here. Normally, I sit over there. My colleague Tricia, who was just sitting here, is covering the cameras for me, so that I can speak.

Councilmember Cowden: Say your name.

Mr. Richardson: For the record, my name is Max Richardson. I work for Hōʻike Kauaʻi Community Media, I am an Information Technology (IT) Specialist, and I am also a staff producer. First of all, I would like to apologize for my cough. I do not know what is wrong with me. Secondly, I am texting with Allegra Gaines, our President and CEO, during this meeting and she wants me to convey her sincere apologies for not being able to be here. She is at home sick in bed with influenza (the flu). She is lying in bed with her phone, watching this County Council Meeting live via YouTube thanks to us. I wanted to give us a shout out there and apologize on behalf of Allegra. She had planned on being here. Six (6) minutes is not enough time for me to enumerate all the reasons why voting in support of this Resolution is clearly morally right and voting against it is clearly morally wrong. I submitted written testimony yesterday which enumerates some of the reasons, but I did not want to write four hundred thousand (400,000) words for you to read or not read, but I will list a couple of key points here. I know the seven (7) people sitting across from me know that supporting this Resolution is the right thing to do and trying to get the State Legislature to legislate this issue is the right thing to do, but

I want to list a few key points of information for the benefit of the public so that people can talk to their State and potentially Federal legislators—your Representatives and Senators. Write to your Congress. There is no traditional local television station on the island of Kaua'i. Most communities have big network affiliates—Columbia Broadcasting System (CBS) affiliate, American Broadcasting Company (ABC) affiliate, National Broadcasting Company (NBC) affiliate—and a small affiliate, such as PBS, or a small local television station that is still for-profit, rents their space on the cable line, and sells advertisements (ads) to make money. The only building on Kaua'i that is producing and putting onto television any type of programming is Hō'ike, the one down the street from here. We are the only company that is going it. We are the only "game" in town and we are not profitable. By design, we are literally a nonprofit company. Naturally, a for-profit business, such as any cable provider, does not want to invest in us because there are giving us space on a cable line on the public right-of-way, which they could be giving to someone who is paying; we do not pay for it. They are also giving us money. We are not selling ads or making any money in return, so I do not begrudge them not wanting to pay that. They are a for-profit business and we are not profitable. However, that is the reason why legislation exists to mandate that they fund that, because otherwise, they would not. There is an authority that is responsible for enforcing that mandate, which is the DCCA. This is wholly my opinion and I am not speaking on behalf of Hō'ike...I am covering the Hō'ike branding on my shirt. Over the past several years, the DCCA has demonstrated what I would classify as a steadfast and enduring commitment to ignoring that responsibility, so Spectrum can do whatever it wants. Spectrum can promise *x* amount of money in a 15-year franchise agreement and each year, can say, "We will give you a little bit less, because we need it for this and that," and the DCCA says, "Okay." In my opinion and in the opinion of Hō'ike, the responsibility becomes incumbent upon the State Legislature to put legislation in place forcing the government to meet its responsibility to govern this private business, because it is not their job to do the right thing. It is not Spectrum's job to do the right thing; their job is to make money. The government's job is to make sure Spectrum does the right thing. The government is not doing that right now. We are barely hanging on as it is, even with our three-percent franchise fee. That is not a lot of money in the world of television. TV is very expensive. Even our power bill is very expensive. Having to buy new cameras every couple of years to keep up with trends, remodel to keep up with trends, and send people to conferences, trainings, and school to refine their techniques to put together quality programming that people will actually want to watch is not cheap. We are stretched thinly with the money we have. If they take much more money away from us, we will go away or we will need to drastically switch our business model. When that happens, who puts this meeting on the air? You folks put it on Granicus, but who puts it on television? Who puts the State of the County address on television? Who puts Council Chair's talk show summarizing these meetings every week on television? Who puts the Hale Līhu'e events on television? Do you think KHON-TV will fly out here to do it? I do not. Public access is important worldwide. Giving the public the ability to access cable television and communicate via television, not just watch it, is important. As the two (2) people before me said, it is even more important on Kaua'i, because if we do not do it, no one does it. Less than one hundred thousand (100,000) people live on this island. No business would ever even try, but if they did try, they would fail. No business can make enough money selling ads to seventy-five thousand (75,000) people to be able to rent two (2) channels

on a cable network. It will not happen. If we go away, Kaua'i TV goes away. I suppose that is all I have to say. That is not all I have to say. I could talk until lunch, but I think I have gone over my six (6) minutes and said the important stuff.

Council Chair Rapozo: Not yet, but your point is well taken. Thank you, Max. We have one (1) more speaker.

ALEXANDRA "LEXI" JONES: Can you hear me? This is such a different microphone (mic), forgive me. My name is Lexi Jones and I am here on behalf of Hō'ike. I currently sit as their Board Chair for the organization and I have been gracious and grateful to sit as a board director for the last seven (7) years, so I have seen the organization go from its previous President and manager to where it is today. I have also consistently been a part of the elements in regard to the conversation surrounding DCCA in regard to how they come into our PEG stations across the islands and make decisions without necessarily acknowledging what the organization is doing for the community overall. They come in with data points they have received from the Charter organizations or commercial organizations to bring to life a bit of inaccurate data. They do not fully understand how many community members utilize Hō'ike overall, whether it is from storytelling and learning new skills from *keiki* to *kūpuna*. This Resolution, as it continues forward, and as you folks have voiced, will allow the sustainable financial standing of it. Overall, the organization has, of course, applied for grants and has received funds in that regard; however, you know how grants can be—you are not fully sure if you will receive the funding the next time around. Our current President and CEO has worked very tirelessly and diligently with our former President to make sure we are "crossing our t's and dotting our i's." The Board has supported her in doing so. She also had conversations with members of DCCA in order to understand why they are pulling funding in the directions that they are. She has not necessarily gotten a clear answer in one direction or another. You folks creating and presenting this legislation, having these conversations, and voicing that Hō'ike is an essential resource for this community will help the long-term sustainability and financial standing. It is with you folks presenting this legislation forward that allows us to continue having this essential resource for the community. I understand that it can be challenging in its own way; however, by reducing the funding more than it already has been, it is leaving a lasting impact. Being a Board director has been a challenge over the course of seven (7) years and trying to help bring funding to life to keep it something that is consistently being put on the table and supporting our current CEO and President. Thank you for taking the time to hear the testimony, especially from the staff of Hō'ike. I wanted to come…I literally ran from the radio station, because it is important for our community, our neighbors, and ourselves to have access to public information, such as this government setting, the mayor, little things, such as a parade, so on and so forth. Hō'ike is essential by giving the voice available to our community. Thank you for your time. This was fun, so thank you.

Council Chair Rapozo: Thank you. Mr. Hart.

BRUCE HART: For the record, Bruce Hart. This is not the first time I have spoken on behalf or in support of Hō'ike. Over the last ten (10) years, I have said several times that this is the only resource of its kind I have ever seen

that the public is able to produce and disseminate to get it out to the entire island and in fact, to the entire world and almost anything that is in their purview. I have used it in the past and I consider it an essential resource. It connects us. There are a lot of people who do not know what Hō'ike is, but there are a lot more who do. Even if they do not use it, they are benefiting from it. I do not see where they would question and it seems to me that those who are trying to take away funding just do not get it. That is selfish, self-centered, and self-serving attitude. It is not that much money. There is a lot more money passed around among projects that I do not approve of. I am in full support. Do all you can. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else in the audience? Yes, sir. Come on up.

Mr. Tacata: Again, my name is Peyton Tacata. At my school, I happen to be the Vice President of the student body, so I represent everyone. We also have a media program which disseminates our morning announcements and information we have from leadership and Administration. If we did not have the morning announcements to share our information, we would not receive any participation. I have seen it. It has been happening. I am a third-year leadership student as well. We love our media, but our information has not been getting out a lot and we have been reaping the consequences. Our contests are not getting much participation. We are holding May Day, but are not having that many court members. Public television is very important. I am connecting these two (2). It is important on the public level as well as the school level, so I am urging all of you, since you represent everyone on Kaua'i, to do everything you can to protect public television. If there was a new law starting and you needed to share that with the public, if you did not have public television, that probably would not reach everyone. If you put it in the newspaper, not everyone reads the newspaper. All I am saying is that I appreciate all the people who work at Hō'ike and everyone who shares information. I urge all of you to protect this very important thing. Thank you.

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

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

Council Chair Rapozo: We will take a take a break to fix this Resolution. If any Member has something they want to add...I want to add our congressional delegation in the "Be it resolved" section as well, especially since we will be up there, although I do not know if they will read it. What frustrates me is the need to have this discussion. That is why I am really upset. As several of you mentioned, it is essential. It is such an essential part of this community. Our job, the government's job, is to make sure we provide access. I love the testimony from our student leader connecting their morning announcements and the fact that if it does not go it, they do not get participation. What an amazing analogy to public access TV. You could not have said it better, because you now understand what happens when that piece of information is not accessible by the public because a private entity is creating this obstacle. Again, our job is to provide access and not subsidize these big corporate giants. I want to frame the Resolution in that way, so if anyone has any

input into that, please have it in the one (1) amendment from Councilmember Cowden, and we will take it from there. Normally, we take a 10-minute caption break. Let us come back at 10:30 a.m. Hopefully, everything can be drafted by then. With that, we will take a caption break until 10:30 a.m.

There being no objections, the Council recessed at 10:12 a.m. for a caption break.

The meeting reconvened at 10:48 a.m., and proceeded as follows:

Council Chair Rapozo: Thank you for your patience. We will move on to the Bills for First Reading. They are working on the amendment for the Resolution, so we will come back to that at the end of the agenda. With that, Madam Clerk, can we have Proposed Draft Bill (No. 2985), please?

There being no objections, Proposed Draft Bill (No. 2985) was taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2985) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY HOUSING DEVELOPMENT FUND

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2985) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 2026, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Bulosan.

Council Chair Rapozo: Mr. Roversi, can you give us a broad overview of what this Bill is trying to do?

There being no objections, the rules were suspended.

Mr. Roversi: *Aloha*, Council Chair. Adam Roversi, Kaua'i County Housing Director. This relates to the County Housing Development Revolving Fund, established in 1982. Its existing current purposes are spelled out in the ordinance. There are four (4) subaccounts. There is a Development Revolving Fund, primarily intended to finance actual housing construction projects. There is a buyback to repurchase homes that have been bought by income-restricted or deed-restricted homes that have been sold to Kaua'i residents for the Housing Agency to purchase them back. There is a subaccount to hold in-lieu fees that are paid by developers as an option under our inclusionary zoning policy. There is a leasehold account to administer our limited equity, limited appreciation leasehold program. For some time, we have been interested in and exploring the creation of Administrative rules to operate a residential deed restriction program. Currently, the housing policy operates primarily based on income restrictions, so when we sell homes or do rental projects, there typically are income-based restrictions on the homes, whether single family or multi-family. This is a parallel program aiming to target a different group

of people, not necessarily income-based, but attempting to secure homes for Kaua'i residents using a deed restriction. This is modeled after the Vail InDEED program (Vail program) used in Vail, Colorado and a number of other Rocky Mountain resort community that faced similar housing pressures as Kaua'i has with a high demand from non-residents who typically have income levels far in excess of local residents who are looking to buy and/or rent housing. The Bill before you expands the potential uses of the Housing Development Fund to include housing preservation programs. I started to ramble a little bit. The intended program that we have in mind is the deed restriction program modeled after the Vail program. The language in the Proposed Draft Bill is left vague enough that it could be utilized to fund other programs, not just this deed restriction program, but as a practical matter, that is what we have in mind. It is worth noting that we have a draft of Administrative rules that lay out all the details of how the deed program will operate that are largely based on the Vail program. It is worth noting that there is some State legislation pending that will provide State funding to counties to operate a deed restriction program, so if you would like to reference HB 1732 at a later time, it lays out in great detail how the State funding will work and be made available to the counties to operate a similar residential deed restriction program. The Bill before you is not really about the details of that program. It is simply making a potential available use of the Housing Development Fund, subject to regular budget processes.

Council Chair Rapozo: Would these projects or programs be specifically identified in the budget for Council approval?

Mr. Roversi: Our intention would be that the deed restriction programs would be specific. An amount of funding would be specifically allocated as a line item in the annual budget.

Council Chair Rapozo: Would any additional programs that may come up require Council approval as well?

Mr. Roversi: That would be my general understanding of the budget process. It may be better to ask the Director of Finance or Ken, but that would be my assumption.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: When you did the sources of the funding, about one and a half (1½) years ago, we raised the Vacation Rental rate for real property tax, and put the allocated increase into a housing fund. Is that another source where it could come from?

Mr. Roversi: Yes. It was three (3) years ago that Council...

Councilmember Cowden: It was twelve dollars and thirty-five cents ($12.35).

Mr. Roversi: Going back in time, the Housing Development Revolving Fund was funded annually based on an ad hoc basis. If the Administration

asked for something, the Council would say, "yes" or "no" and increase it or decrease it. About three (3) years ago, Council passed an ordinance that conveys an automatic two percent (2%) of gross property tax revenue to the Housing Development Fund, so there is now an automatic ongoing funding mechanism, although it is worth noting that since that automatic funding mechanism was created, Council has gone significantly above that minimum, so it just sets a floor. Based on historic revenues, for the last couple of years, that floor is around five million dollars ($5,000,000), a little less or a little more, depending property tax revenue. Those funds are already going to the Housing Development Fund. As an ordinance, it would permit a portion of those funds to be utilized for housing preservation programs, such as this residential deed restriction program.

Councilmember Cowden: Council Vice Chair might correct me, but we did a recent increase in real property tax for Vacation Rentals for up to twelve dollars and thirty-five cents ($12.35) and some of that was earmarked to go into the County Housing Fund. Is that right?

Council Chair Rapozo: All of it. The Transient Vacation Rental (TVR) was specifically for workforce housing.

Councilmember Cowden: I am hoping some of that money, as I said even then...this fund...if people chose to do the deed restriction and some of this money, could they use that for a downpayment on a house that they want to buy?

Mr. Roversi: Without getting to far into the weeds of the deed restriction program, the Vail program primarily, not exclusively, purchases deed restrictions on the existing homes in the community at the time of purchase by a new buyer. A qualified buyer, who is a local resident, is defined as a resident working for a local business, in this case, in Vail. They would come to this program offering a dead restriction on the home they will buy. Typically, it comes in the form of downpayment assistance, so it is being used by your local firefighter, police officer, or teacher. They receive downpayment money and in exchange for downpayment funds, the local government effectively takes an equity stake in their property in exchange of this deed restriction which requires that home to forever either be owned and occupied by or rented to a qualified resident as defined in the program.

Councilmember Cowden: I wonder if, and we do not need to go deep into the weeds, but it is important to keep people in their homes, so when there is pressure on the home, such as having to put in seventy-thousand-dollar septic system or make certain repairs to keep the house up to standard, can they conceivably get the deed restriction put on their property so that they receive the funding and can fix their house?

Mr. Roversi: Potentially. That is another way the deed restriction program in places such as Vail also operates. If someone already owns an existing home, an example could be a retired couple who owns a home, have limited income, and needs to put in a septic system or put a new roof on their house, they could approach the administrators of the program and offer to sell a deed restriction

on their home in exchange for the funds to do that work. That is a potential way the program works.

Councilmember Cowden: ...or maybe even put an additional dwelling unit (ADU) on the property so they have something they are renting at a low cost. They can improve it in a way that helps, because those are requests.

Mr. Roversi: The additional dwelling unit is...as I mentioned briefly, there is HB 1732. Assuming that it passes, which we do not know if it will happen or not, HB 1732 is intended to provide funds up to twenty million dollars ($20,000,000) per year to any county operating a residential deed restriction program. Right now, Kaua'i is the only County in line to do it, so we would be in line for those funds. It requires any county that accepts the funds to follow the preferences listed in the State program. One of their preferences is funding to build an ADU. That is one (1) of the two (2).

Councilmember Cowden: Okay.

Council Chair Rapozo: Is it not the intention of this Bill to convert homes—vacation, second homes, and so forth? Is that not what we are trying to do versus me needing money for a septic system and tapping this fund to install a septic system. That is not the intent of this Bill, right?

Mr. Roversi: It is both. Hopefully, it would incentivize people to convert homes.

Council Chair Rapozo: But I am already living in my house. We are not gaining inventory by me borrowing money from this fund. I thought the intention of this Bill was to take people with a second home here or a vacation rental...we are saying, "If you commit to us being an interest owner of this property and will keep it in perpetuity rented or lived in by a local resident, then that is what this is for."

Mr. Roversi: To be clear, the Bill before you just allows expenditure on programs which are undefined. I am trying to provide potential information on what we are working on based on the Vail program.

Council Chair Rapozo: In Section 1, the Bill specifically talks about the Vail program.

Mr. Roversi: Yes.

Council Chair Rapozo: It is clear to me that is what the intent is, but based on what Councilmember Cowden brought up, I do not want to see all these funds being used by people who already live in their homes and no properties are being converted.

Mr. Roversi: You are ensuring that the property stays occupied by a local family. I use the example of an elderly couple getting on in years. When they pass away and their children inherit the house, they could sell it as a

second home to someone from Ohio. Having the deed restriction program ensures that even when that husband and wife can no live longer there, it remains within the residential housing market and cannot become a second home, because it is not solely about getting new homes into the program, but preserving existing residential homes that could, at any time, be purchased by off-island non-residents. That happens all the time to renters who have mainland landlords who decide to sell the house and kick out the renters. Those are not necessarily being purchased by another Kaua'i resident.

Council Chair Rapozo: We already have the owner-occupied tax credit, the long-term rental tax credit, and the home preservation tax exemption. We have these so that people who are in their homes now can keep them. I am confused. We will get more into it when this goes to the Committee, but I am looking at how we can get someone who has a second home that will not be rented to a local resident and the incentive for them. It is not like there is an unlimited "pot" of money. The County only has so much money, so I want to ensure that the intent is to convert these properties. I believe that is what I read. "The Kaua'i County Housing Agency recognizes that a significant portion of our island's existing housing inventory is not in fact serving the needs of Kaua'i residents. A growing portion of available housing has been and continues to be converted into vacation homes, second homes, and investment property by non-resident buyers." When I read that, I love it, because I agree. That is the target, so for everyone with second homes or anyone who buys an investment property here, there is an opportunity for you to get some benefits if you agree to allow the County to have an equity share so the County can deed-restrict your property. I am for that. I need to think about allowing this where the resident is already in the house and they are looking at another source of revenue or loan from the County to improve their house. That is not what I want to see. I want to make sure the County uses this to expand inventory, because it is a great program. It works great for Vail. With the way Kaua'i is heading, we will be like Vail shortly where there are only vacation homes. We will dig deeper when this goes to the Committee.

Councilmember Cowden: I have follow-up. I watched the Vail presentation twice, so I might not have interpreted it the same way you did. When I watched it, I thought they said that in a place like Vail, so much of the housing inventory is for non-residents, so that when new housing is created or how do they keep a portion of their new residence available, how do they ensure that when they sell or whatever happens...I did not interpret them as saying they are able to use this money to buy out people from vacation rentals, because usually someone who owns that, the value of the house is higher than what this would be lending money to. I thought it was to ensure new purchases stay in residential, working, local...when I say "local," I mean people who live here...residential housing and that sometimes I know people who are forced to sell because they made a mistake and received a fine, or could not pay a tax because there was a penalty and interest. There are things that will take the house away and when the house is sold, it will sell as a second home to someone else; it will not sell to another resident. Do you keep people in here, and how do we do it? I hear you say this is about...but I want to clarify that when I listen to the presentation, I did not hear is as how to inspire people who have vacation rentals to sell to the long-term community. It could happen. It could be a program, but that is not what I interpreted that program was for.

Mr. Roversi: As I mentioned, as a practical matter, the Vail program specifically most often, but not exclusively, purchases deed restrictions at the time of sale of a home in an attempt to help a resident, working family to acquire a home. In exchange for that help, it ensures that house stays occupied by a local resident forever and cannot be turned into a second home or a vacation home. In Vail, that is primarily how it works, but it is not the only way it works. There are other instances where a deed restriction can be purchased.

Councilmember Cowden: Is the money they get in exchange for the deed restriction typically put as a downpayment?

Mr. Roversi: Typically, yes. The downpayment helps buy down the interest rate and those sorts of things.

Council Chair Rapozo: Again, there are limited funds in the "pot," so we cannot help everyone. That is what I am saying. Is there anyone else? Are there any other questions for the Housing Agency? This is only the first reading, but I wanted to have an overview so it can be processed before the public hearing.

Mr. Roversi: By setting up the program, we at least create the opportunity to potentially also utilize a significant pool of State funding.

Council Chair Rapozo: Yes. Is it twenty million dollars ($20,000,000)?

Mr. Roversi: Yes.

Council Chair Rapozo: Thank you. Is there anyone in the audience wishing to testify? Mr. Sykos.

LONNIE SYKOS: For the record, Lonnie Sykos. Once again, my personal and the public's thanks to our Housing Director for another excellent presentation. I have a few comments. Not just on Kaua'i, but throughout the State of Hawai'i, there are still tens of thousands of Hicks Homes. For people who do not know, Mr. Harold Hicks was a contractor who followed Mr. Levitt of Levittown's idea and who came up with about six (6) blueprints for houses. There are subdivisions and individual homes all over Hawai'i built with this single-wall construction. All these homes are reaching their lifetime limit. They may have ten (10) or twenty (20) years. A lot are ready to fall right now. If you own one of these homes, your repair bills will be quite extensive to bring the entire building back to code. If you cannot afford to do that, you will essentially be forced to sell the house sometime in the future. I will use myself as an example. If I could borrow money from the State or the County to do repairs on my house, I would be perfectly happy to sign a deed restriction, but if the State and the County have a fund, but do not want to help me repair my house, what is the fiscal responsible thing for the public to do? It is to sell my house to the highest bidder, because I still need to live. The use of this money for home repairs is a double-edged sword because I can agree that if I was an investor and I have a very expensive house, although not illegal, it would be a misuse of the funds to help someone who is already wealthy to generate more wealth whereas at the bottom end

of the economy where people are struggling...again, it is a K-shaped economy, so if you are on the upper leg, you do not need this money. You may have excess. If you are on the bottom leg, this is the difference between losing your house and selling to an investor or staying in your house, and after you pass away, someone can live there and have a job on Kaua'i. I understand Council Chair Rapozo's arguments about this, because it is a double-edged sword. It is all in the language of how it is applied. Thank you very much.

Council Chair Rapozo: Thank you. Is there anyone else? Is there any further discussion? Again, this is the first reading. Is there anyone else? Councilmember Holland.

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

Councilmember Holland: Thank you for the introduction, Council Vice Chair, and for the conversation. It is interesting and I will need to learn more about it. There is an argument to be said about people receiving support for things such as the increased septic cost if you are committed to building an affordable unit, because we have seen so much delay in people moving forward even though they are zoned for Additional Residential Units (ARUs) and ADUs. They are unable to take care of that because of our infrastructure needs and the doubling in the cost of septic systems over the last five (5) years. I can see in places like that where it is benefitting those trying to establish an affordable unit, but simply could not do it or make the remediations to the property and might be forced to sell. I am also in support of measures and ways that we can encourage people to move out of TVRs and secondary homes to open homes for full-time residents. I understand that, it is interesting, and I appreciate the conversation and the Bill coming forward. Thank you, folks.

Council Chair Rapozo: Is there anyone else?

Councilmember Cowden: I appreciate the opportunity to look at potential programs. When you do not want too much money to be lost in that direction, you put a limit on what is on the budget for the year. Prior to Adam, for the most part, the County used to buy houses when it could find cheap ones on the market and sell them that way, instead of building entire neighborhoods. This is sort of a little bit of movement back where there is a house-by-house piece, but it does not supplant Lima Ola, which we just saw. The County still has neighborhood plans. I will be very supportive of continuing the conversation.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am supportive of the Bill. The added language gives the County more opportunities to try to support housing on the island. The deed restriction program is just a possible program. It is not necessarily a program the County needs to commit to, but it is a possibility. Putting this language in opens the possibility for us to come up with other ideas on how to preserve homes for locals here, so I am in support of it.

Council Chair Rapozo: Is there anyone else? I am definitely supportive of the Bill. In the spirit of transparency, the County is calling this a "Housing Development Fund," which literally means the County is developing housing—new housing. If we want to create a fund that will help preserve people in their home, let us create a fund that says, "Home Preservation Fund," so the public understands what we are doing. When we take two percent (2%) of the General Fund, real property taxes go into the Housing Development Fund, I am under the impression that it is to develop new housing for local people, not to help Mel Rapozo, who needs a septic system, who will tap these funds when that money could be used for a family who wants to move into a home. That is what I see as housing development, not home preservation. We need to be very careful and deliberate about what we want to do with this fund. I fully support it. I think we had a presentation here once from Vail on how they are keeping their homes for the local residents. I fully support that, but if we use this fund for programs that will help existing residents, then we are not developing housing, we are preserving house, but this is the Housing Development Fund. I support both. I wish I could tap into County money to get a loan for a septic system so I can build an extra unit. I cannot do it now, because I cannot afford a septic system. If you have the means to get a mortgage, refinance your mortgage, or get a loan, that is what you should do. You should not have this available money which is designed to help put local families in housing. We will have a lot of discussion when this goes before the Committee. Councilmember Kaneshiro.

Councilmember Kaneshiro: Again, none of these programs are in concrete stone, but I see an opportunity to use these funds for ARU or ADU programs where someone is hindered by the cesspool, but says, "I want to add these units that I can rent to local people, but I need to put in a septic system." That is where the County sort of says, "We will give you some septic system, if these units are deed-restricted and it goes to these units," then the County is adding units by helping them with a septic system. If someone just says, "I cannot afford it and I need money," I do not know if I would be in favor of a program such as that. I see it as adding to the housing inventory in places that can add these units, but they are on a cesspool system and the cost of a septic system is what is hindering it. Again, none are the programs are concrete. Having the availability of the money and this new language will provide more opportunities and ideas to see what the County can do.

Council Chair Rapozo: The scenario you gave is exactly what housing development is and what the Housing Development Fund is for. I would not oppose that. The bigger part, as Adam talked about, is the access to the State funding for counties that have these deed restriction programs. That is why we need to pass this Bill, but when the "devil is in the details," we want to make sure that they intended purpose is achieve with the language that we eventually pass in this Bill. Councilmember Kualiʻi.

Councilmember Kualiʻi: Potentially creating a separate Housing Preservation Fund, if you will, will probably be difficult. We have done the work to get to this point. The Housing Development Fund is a place where, historically, is...it is not where we need it to be, but it is a big step. Housing of all types, which includes housing preservation, is still important, because that is housing for people in the

future. Maybe to address your concern, Council Chair, as we develop this Bill, we could say, "If we approve something other than new unit construction segment within the Housing Development Fund, we can put a limit of no more than twenty percent (20%) or thirty percent (30%) of the fund." I think they are looking to have one (1) option or one (1) program as a part of the bigger part, so it is not a significant part of the entire fund. We will work it out in the details.

Council Chair Rapozo: Yes, there is a lot of work to do. Are there any other comments or discussion? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 2985) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 25, 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, Cowden, Holland, Kaneshiro, Kuali'i, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

Proposed Draft Bill (No. 2986) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RELATING TO CONDOMINIUM PROPERTY REGIMES

Councilmember Kuali'i moved to refer Proposed Draft Bill (No. 2986) to the Planning Commission, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, Councilmember Holland, do you want to give us an overview?

Councilmember Holland: Sure.

Council Chair Rapozo: Is someone from the Planning Department here?

Councilmember Holland: Jodi is here for us today. Thank you.

Council Chair Rapozo: You may want to come up, Jodi. Because it is new, I want to make sure the public knows what it is before the public hearing so they can decide whether or not they want to offer testimony. We can start with Councilmember Holland who is the introducer.

Councilmember Holland: This measure is me picking up the efforts of previous Councilmembers who have tried to work on this. This fills one of the holes

in the Condominium Property Regime (CPR) process that allows for not having a public access provision part. Jodi, I think you better suited to answering the questions. I appreciate the effort we did going back and forth with the Deputy County Attorney Barzilai, Ka'āina, and Jodi about the need for ensuring public access is also included in the CPR process, not just the subdivision process. This is one of the reasons people are able to bypass the subdivision requirements and not provide public access. Incorporating this into the CPR process ensures that if a property is CPR-ed and is adjacent to a public resource, State land, or ocean environment, a determination of access is conducted during the process of the CPR, whereas it was not previously a part of it. This is a way we lost opportunity for access when large parcels were CPR-ed. This is a Bill that would support our hunters, gatherers, cultural practitioners, and fishers by ensuring there is public access, which is something I have been very supportive of for a very long time. It is a product of many people's work and is also something for which the Public Access, Open Space, Natural Resources Preservation Fund (Open Space) Commission has advocated for some time. I appreciate you folks bringing it to the floor and having the conversation.

Council Chair Rapozo: Thank you. Are there any questions for the introducer or for the Planning Department? Councilmember Cowden

Councilmember Cowden: On the surface, I love it, because it is a problem. So much of our land and accesses is pushed off. I have my business brain going. Do any other counties in Hawai'i do this?

(Councilmember Bulosan was noted as not present.)

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director: I am not entirely sure.

Councilmember Cowden: I appreciate that Councilmember Holland stated this came from previous Councilmembers' efforts. When I read this, particularly on page 2, item 7, which is technically Section 2 (c)(7), it says, "Other specifications for improvements may include but not be limited to off-street parking requirements, turnarounds, grading, and greater access width." I will make this up. If there was a CPR of a 100-acre parcel, it would be easy to see how that would happen. A lot of them are much smaller than that, maybe eight (8) acres or five (5) acres. Would that be considered a taking? Is this question for you or Tyler?

Ms. Higuchi Sayegusa: The intent and how the Proposed Draft Bill is written is that it will be case-by-case, we will need to work closely with Office of the County Attorney, determine how and when it is appropriate, to what magnitude, and to make sure there is the nexus and proportionate condition to require an easement in addition to any of the other items, such as parking, turnarounds, et cetera, to ensure there is a connection to that and that it is connected to the magnitude of the proposal, *id est* (i.e.) it will be establishing of a CPR. If it is a large parcel, there might be more connection and ability for us to ask for turnarounds, et cetera, but if it is a smaller CPR, there is smaller spatial land, and is not directly connected to a beach

that does not have access through another nearby location, then there will be less reason to make that ask. Of course, we will work with the Office of the County Attorney, case-by-case.

Councilmember Cowden: In theory, I say, "Hooray," but when someone has a house lot, like in Wailua...I did have one (1), I wrote that CPR, and it is two (2) house spaces, so that would not be likely, but if someone had a bigger piece and it abuts a mountain where people like to hunt and it does shut off a lot of people, if this was a Bill I was passing...I was hoping she was hearing this, because she is the introducer.

Councilmember Holland: I can hear you, but I was getting clarification on one of your questions.

Councilmember Cowden: If this was a Bill that I was supportive of, I would want those details broken down, such as what the criteria is, because this is rather open-ended.

Ms. Higuchi Sayegusa: I want to add that much of Section 2 (c) is basically taken from the existing subdivision ordinance, so these are requirements that are already applied in the context of a subdivision. This would now apply the standards to a CPR, which is, of course, a process that has existed separately and apart from a subdivision code, which would typically allow us to make sure proper infrastructure is imposed. It is based on an already existing process.

(Councilmember Bulosan was noted as present.)

Councilmember Cowden: Okay.

Ms. Higuchi Sayegusa: Of course, it is a case-by-case basis according to what is proposed.

Councilmember Holland: May I add to that?

Councilmember Cowden: Yes.

Councilmember Holland: As Jodi said, this is already the process for subdivisions. We are basically taking the process already existing for subdivisions and making sure people do not bypass it through the CPR process, which is what is happening. It is targeted for larger landowners. Initially, we tried to add an acreage limit of five (5) acres or whatever it was, but we ended up removing that, although I do not remember what happened. We went back and forth with the County Attorney about piecing this into the proper part of the code, but the structure we went with is the same structure from the subdivision requirements, as-is, and are already vetted through precedence and law.

Councilmember Cowden: I had four (4) CPRs. I did not realize the problem until I was in the Council, when you look at what works. This is like the affordable housing way to have a farm. When people were kicked out of Hā'ena, they

moved to Kīlauea and Hanalei on CPRs. We were one of them. It was a way people came in. When we are choosing which part of the infrastructure...having been someone who lived on a CPR, a piece of the infrastructure I want is trying to force in fire flow protection. We have a lot of areas without fire flow protection. When the infrastructure element of the beach or mountain access is chosen, how do we argue that without looking at resident safety? Can that be separated?

Councilmember Holland: I do not understand the question.

Councilmember Cowden: I appreciate your answer, because when I read through this, I thought, "Councilmember Holland did not write this. This somehow came from some existing code."

Councilmember Holland: It came from multiple years of work and Open Space Commission meetings.

Councilmember Cowden: Multiple years of work and existing code...I am hearing that this is coming from subdivision language.

Councilmember Holland: Yes.

Councilmember Cowden: Having been an owner, a liver, and creator of CPR, the cheat for CPRs is you do not need to any of the subdivision things. If the County does some of the subdivision things, then how does the County decide to allow the beach access, but not require...we will say we will hold them to a standard of a subdivision, which basically circumvents County planning...I did not really get that when I was in my twenties...we are also circumventing fire flow protection. Can the County just decide it will take one (1) piece out of a subdivision and not the rest? This is probably a question for the County Attorney, because when I read the argument, that is something I am concerned about.

Council Chair Rapozo: The Bill at hand today is specific to public access.

Councilmember Holland: Yes, this is specific to public access which has been worked on individually.

Councilmember Cowden: Okay.

Councilmember Holland: I am open to the other exemptions being corrected, but this is particularly targeted at how to reach...

Councilmember Cowden: Get to the beach.

Councilmember Holland: And the mountains, for hunters. This was often addressed for hunters who are concerned that CPRs will be divided...

Council Chair Rapozo: Let us focus on the question, then we will move to the discussion.

Councilmember Cowden: Here is my next question. I am not sure if my question is for you or him. How is it not a taking if you have a parking area, a turnaround, and a driveway? I appreciate that the landowner no longer needs to maintain that easement, but how is that not a taking, because that is something we go through on a lot of other...that is why the Open Space Commission needs to buy the easement. They need to spend two million dollars ($2,000,000) to buy an easement, because otherwise, it is a taking. It is a taking of property value.

Council Chair Rapozo: Go ahead. Again, it is the same as the subdivision ordinance. If it was done today, it might be a taking. If you do it after the law is passed, then it would be legal.

Councilmember Cowden: Is that correct?

TYLER SAITO, County Attorney: Tyler Saito, County Attorney. To simplify the Bill and the takings law relevant to the CPR Bill before you, it requires a very individualized analysis by the Planning Department and my office to determine whether or not whatever is being exacted from the private property owner's "bundle of sticks" is roughly proportional to the creation of the CPR. It is hard to give you an answer right now, because it is very individualized. In some circumstances, if it is a turnaround area and a parking lot, it may be roughly proportional to the CPR, but in other instances, it may not, so it will require us to do a very fact-intensive, specific analysis.

Councilmember Cowden: Thank you. When you talk about specific situations, would this need to go before the Planning Commission, because that would not be over the counter?

Mr. Saito: This question about process may be for Jodi.

Ms. Higuchi Sayegusa: As far as how this is applied, when a CPR is being established and under review by...I do not remember what the commission is called, but it is a real estate board of commissioners who oversee the creation.

Councilmember Cowden: It is the Real Estate Commission.

Ms. Higuchi Sayegusa: They, of course, check with the Planning Department for any zoning requirements, whether or not there is density and other things, and it meets minimum requirements, so this would also be checked to see whether or not the size or magnitude of the CPR would have an effect on shutting out access to certain lands, whether it be to the ocean and the beach or *mauka* lands. That would be the case-by-case analysis of if there is access nearby and if the size of the proposed CPR shuts off access to key recreational or gathering grounds. We will need to apply it on a case-by-case basis and, of course, we will work closely with the Office of the County Attorney to make sure that they agree that there is a constitutional backing to require an access be dedicated by easement.

Councilmember Cowden: Okay. Thank you for that. May I ask two (2) more questions?

Council Chair Rapozo: Go ahead.

Councilmember Cowden: It brings me to when we are talking about other bills. A lot of times, when we are trying to figure things out, particularly with real property tax...I have a housing one that I am trying to do, and I am told the Administrative burden is too great, so there is a "no" on what I think are much simpler questions. The Administrative burden is too great. This sounds like it will be an Administrative burden and easy to litigate.

Councilmember Holland: We discussed that in the meeting with Deputy County Attorney Barzilai. She said it would probably only be a few each year. We talked about it, but I do not remember what the final summary was of that. Randall, do you recall? It was a maximum of five (5) to ten (10) per year, so the lift would not be a huge Administrative burden. It was discussed, but they do not think many will trigger this.

Councilmember Cowden: Thank you for that. For me, that triggers another bill I am taking exception to which allows for promulgation of retroactive rules. When I first saw this Bill, I thought maybe we could do retroactive rules on that. When you think of all the lands which have blocked off beach access and mountain access all over the place, we have all these fights that come up and people ask the Open Space Commission. If we can promulgate, which means to basically decide at-will, retroactive rules, if we can promulgate retroactive rules on finance, why can we not promulgate retroactive rules on this and go after all kinds of land that is already in the places where people need to go? Would that be something? If we can promulgate retroactive rules on other things, would someone not say we can promulgate retroactive rules on this?

Councilmember Holland: I am not sure why we...

Council Chair Rapozo: Hold on. The questions are directed to them. We will have the discussion later where we can discuss it, but right now, it is questions for them. That is a legal question.

Councilmember Cowden: They are both attorneys.

Council Chair Rapozo: Do you want them to "spit" an answer off the tops of their heads or do you want to give them the courtesy of researching to provide a decent response?

Councilmember Cowden: They could, but...

Council Chair Rapozo: The Bill on the floor does not mention anything about retroactive enforcement.

Councilmember Holland: It is not retroactive.

Council Chair Rapozo: Let us focus on what the Bill is right now. This is the first reading. There will be opportunities to work on this Bill in the Committee.

We can sit here all day long talking about hypotheticals, but the Bill is very simple. Do we want to give our County the ability to protect or create access for CPRs as it does for subdivisions? That is what this Bill says.

Councilmember Cowden: That is what this Bill says, and as I started off, I said, "Hooray"...that is my reaction when I have lived most of my time in areas where there is...this started in Kīlauea, right? That is where I live. I find that we have a mission creep...

Council Chair Rapozo: What is the question, Councilmember Cowden? We will have the discussion, but what is the question for them? I do not want to keep them.

Councilmember Cowden: I asked my question.

Council Chair Rapozo: What is the question?

Councilmember Cowden: You said my question is not valuable. I am asking the question. Is there a future potential for another amendment that says this will be retroactive, because when we do a retroactive bill right now...if I was someone who was not sitting here, I would say, "Dang, I want retroactivity right there on that," because we lost so many beach accesses that we need to litigate so hard.

Mr. Saito: Councilmember Cowden, I did respond to your question previously in an email. I will rest on that response to you and will not disclose it on the floor in open session today.

Councilmember Cowden: I gave you a response to that email. I gave a response to your response. I thought you said to ask on the floor, so I am.

Council Chair Rapozo: Are there any more questions? I was reminded by staff that this will go to the Planning Commission; it will not come back this way for a while. Are there any more questions for the County Attorney or for the Planning Department? If not, thank you. Is there anyone in the audience wishing to testify? Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. CPR...this is amazing. I think it was forty (40) years ago that I was following this in the news media when a lawyer from Kaua'i decided to CPR land on Kaua'i. The other three (3) councils on the other three (3) islands paid attention and I am utterly against this. It is foolishness. What you need to do is have the Board of Water Supply change the regulation so that you become like the other three (3) counties where if you apply for a CPR, you receive a single 5/8-inch meter for a single house. In order to CPR, you will build a house. The other islands do not have this CPR problem. If someone from the County wants to come here and say, "The State makes us do that," that is a lie. The reason CPRs happen on Kaua'i is solely because you give each unit a water meter. Be like the other counties. Restrict it to only one (1) water meter and there will be no more CPRs. This is absurd. You are focusing on beach access. How about me, the taxpayer, who will need to pay hundreds of millions of dollars to run fire flow water

to the subdivision you folks approved, but you did not approve a subdivision, you approved a CPR? With a CPR, there is no fixing of the road, bringing in potable water, fire flow, or access for dump trucks to retrieve garbage. All you do it take a parcel of land, chop it up, and make a huge profit. Subdivisions bring great benefits to the public, so get rid of CPRs. That is accomplished by changing the regulations in wherever it is in this County—the Department of Water, the Board of Water Supply, or wherever—but you have a regulation that says if you CPR, each unit gets a meter. Just get rid of that. One (1) meter for CPRs and that is the end of the CPR problem. That is my two (2) cents. This is a "can of worms." To me, it is a taking. A condominium by definition has public spaces, public parking, and a public path to get to your room, thus all this access occurs on the public space that is part of the planning for the condominium. No new area is created. It is part of the planning for public spaces that already exists in a condominium. CPRs do not have public space.

Council Chair Rapozo: Thank you. Is there anyone else? If not, is there any further discussion?

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

Councilmember Holland: Thank you for discussing this, folks. I am excited to see where this goes with the Planning Commission. I have been a long advocate of public access. I totally agree that there additional things that the CPR process should not be bypassing. This is how I was advised to go about this process, which is to address this particular public access issue, because a lot of people are concerned about the increase of CPRs. There is also the potential that some of these coming down the pipeline shortly might deny critical access to critical spaces for gathering and hunting, so there is an urgency to this part of it, but that does not mean I object in any way to additional changes to the CPR process or the elimination of the CPR process to allow for people needing to go through all those checks and balances when land is divided. It is just that this conversation is a window of access that is specific to including access rights, which I and many of my constituents are very passionately in support of. Thank you for the discussion.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I want to thank Councilmember Holland for raising the issue, because it is a big deal. Larger pieces of land are broken and sold somewhat like a subdivision and it has grown to be where wealthy people can buy them and can be a wealthy way of managing things. It seems like when it started it was self-directed affordable housing, so it was a way to circumvent all the costs. People were being booted and lost their income, at least on the North Shore, so it is important to look at this. When I raise these issues, I am not trying to shut down the goal. I wonder if the real estate industry was brought into this, because a lot of money is obviously being made that way, so getting their input may be a good way of figuring out how to actually solve this or to address it in a way that works. I know there is so much litigation. Again, I live along...I will give an example: Kauapea Road, which used to be where we all went down to go to the beach. That is how Kīlauea got to the beach. Pretty much all along the whole area, every single beach access is gone and

these have become high-end homes. They have the economic capacity that we do not seem to be able to take on. I see all the little challenges that happen amongst the CPRs even when you have very effluent people being the partners and people do not understand it when they buy it, so it does need to be looked at. Access is really important. It looks like a dream where it says, "You can get through the land," but having been someone who has had decades of watching all that access get shut off and seeing how hard it is to break through that is why I was asking about the retroactive element of it. This is a really complex issue, so it is good that is was raised. We did not see an easy suggestion there and it will be difficult for the Planning Commission. It needs to be looked at with a lot of care, but it is a very important question to raise, so I support that. I will certainly vote, "Yes," to move it along, but it needs a lot of help, otherwise it will have quite a bit of contention, but it is a good step.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am not sure where waterflow came into the issue of it. Basically, if someone wants to CPR their property and they are near a *mauka* or *makai* access, then this gives the County another opportunity to add another layer of protection to say, "We will require some type of access." On an individual basis, similar to the process used for subdivision, any waterflow or getting rid of CPR is a whole other policy discussion in itself. I am not sure what the waterflow requirements are. I thought it came out of the building or fire, so if someone wants to build, then they need to go to those. That is where that change will be. It is not in this Bill that will add another layer for public access. That is just my comment. If there are other things we want to look into, such as waterflow, that would probably be in another type of policy, not this, because I do not see how waterflows has anything to do with us trying to create public access within a CPR.

Councilmember Cowden: Can I respond to that?

Council Chair Rapozo: Yes.

Councilmember Cowden: How it has something to do with it is that rightly what was looked at was how subdivision law is applied to CPRs, so when we look at how subdivision law is applied to CPRs, where it is basically circumventing subdivision law...saying it opens up for all the rest of it is why it came in.

Councilmember Holland: Can I clarify a little bit?

Councilmember Cowden: Yes.

Councilmember Holland: That is not the intent of where we started. We started with how it is that people are not providing access. It just worked out that we can take what is required with subdivisions and apply it to CPRs. I just want you to understand where it came from. I did not come the starting point of trying to get rid of CPRs and subdivisions to end up here. I started at how to ensure access is provided to these spaces as big landowners are breaking them up, and ended with while it is already required for subdivisions, let us take that same language the makes it legal

for subdivisions and apply that to CPRs for access. Before this conversation, I have never talked about the larger solutions for CPRs. I want you to understand the origin of it. It did not come from the form you are thinking.

Councilmember Cowden: Okay.

Council Chair Rapozo: Is there anyone else? I agree with what you said. Whether or not the County should have CPRs is another discussion. Based on Mr. Sykos' comments, I want to see if it is that simple, because that is simple. Staff, without the yelling in the memorandum (memo)...put lower case letters, not capital letters (caps), I am curious to hear from the Planning Department, the Department of Water, and the Office of the County Attorney if that is doable, because it sounds like it can be done. Thank you for that, Mr. Sykos. But the yelling...I know the passion. The impact of a CPR is no different than the impact of a subdivision. Because someone decided to go through an attorney to do paperwork versus going through the County, the impact to the community is exactly the same. It is no different, so why should they be exempt from providing public access? Why should they be exempt from creating a safe environment for the future owners of the CPR units? Interestingly, I need to see how the other counties deal with CPRs. What you brought up is very interesting and I need to look into it. I can see a large landowner...there are two (2) options: go through the subdivision process and go through all the requirements that the County has, including possibly giving the public a right-of-way to the beach that I think I own versus doing a CPR and not needing to have the land looked at.

(Councilmember Bulosan was noted as not present.)

Council Chair Rapozo: Councilmember Holland and whoever else was involved in the past years, I appreciate this Bill. I am glad that it is here. People need to remember that there is no real difference between a subdivision and a CPR. It is the same.

(Councilmember Bulosan was noted as present.)

Council Chair Rapozo: We should be able to apply the same conditions to a CPR that we do...and that is the option of the landowner. If they think it is too onerous, then go through the subdivision process. I look forward to seeing what the Planning Commission does with this and we will have the discussion at a future date. Go ahead.

Councilmember Cowden: I am sorry. One (1) thing that is really different between a CPR and a subdivision that I want to verbalize is when you buy a piece of property in a subdivision, you are only held accountable for the mistakes that you make, but when you buy a piece of property that is a CPR, you are held accountable for the mistakes that everyone else makes. Can you ask Jay to stop talking, Tricia?

Council Chair Rapozo: Who is that? Excuse me. Hold on. Sir? Excuse me, sir.

Councilmember Cowden: You are interrupting the meeting. When you buy a piece of property that is in a CPR, if your neighborhood puts two (2) or three (3) little Ag worker housing on it or violates in any way the planning agreements, every single person on that CPR is held accountable for it, so the fine does not just go to the one (1) piece. I am trying to encourage people as to why there is value in a CPR and there is cost in a CPR, because when you own your home, you actually own your property. You are not in a shared piece with everyone else. You are responsible for all their mistakes. That is how it works. If you have a violation to any one (1) of the parcels, they all share that violation and fine. There are so many problems that have come out of the CPRs regardless of whether people are broke or rich.

Council Chair Rapozo: Is there anyone else? If not, roll call.

The motion to refer Proposed Draft Bill (No. 2986) to the Planning Commission was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Can we go back to Resolution No. 2026-06, please? Hold on. I will not reopen the issue, but before we move forward, the County Engineer has a clarifying comment to make on the cost of the speed tables that he wanted to make sure we received relating to Resolution No. 2026-056. I am sorry, I was supposed to ask him to come up when we first came back to order. Mr. Tanigawa.

There being no objections, the rules were suspended.

TROY K. TANIGAWA, County Engineer: Thank you, Council Chair. For the record, Troy Tanigawa. I wanted to make a correction. The price for a speed table is actually in the range of twenty thousand dollars ($20,000), based on what the cost was for the recent Kolo Road speed tables that were installed.

Councilmember Cowden: Would four (4) speed tables be eighty thousand dollars ($80,000)?

Mr. Tanigawa: That is correct.

Councilmember Holland: That seems like a steal if a bathroom costs the County one million dollars ($1,000,000).

Mr. Tanigawa: Yes.

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

Council Chair Rapozo: Thank you so much. I apologize for not bringing you up right when we came back to order. The motion for Resolution No. 2026-06 is to approve. Is the amendment ready?

Councilmember Cowden: Yes.

Councilmember Cowden moved to amend Resolution No. 2026-06 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment, seconded by Councilmember Kuali'i.

Councilmember Cowden: This amendment is simpler than what we were expecting and working on. The amendment is basically Council Chair's amendment that adds...DBEDT was forgotten. We will just leave it out. Council Chair's amendment is in there. We could not put the other words in because we could not actually verify it. We cannot put something in a Resolution we are sending the government and say something that is not verified. We cannot say, "There was a conference," or "This was said." It may be the case, but we could not say it, so I apologize to the whole room for taking the break to try to do that. We were not successful at verifying it, but we are hoping that where it references the FCC problem and DCCA, but we were not able to prove the Kaua'i part of the story, so I did not want to invalidate that. It would invalidate everything if we call fowl play without proving it. This has our Congressional group—Senators Mazie Hirono and Brian Schatz and Representatives Ed Case and Jill Tokuda—on there. It looks like we missed DBEDT, but it is not the end of the world. We can just send them an email.

Council Chair Rapozo: There is DCCA, which is important. Go ahead, Councilmember Kaneshiro.

Councilmember Kaneshiro: Can we add a "friendly amendment" to add DBEDT in there?

Council Chair Rapozo: If you want to add DBEDT, you can do a "friendly amendment."

Councilmember Cowden: Do we need a new paper printed out?

Council Chair Rapozo: It will be done later.

Councilmember Kaneshiro: I move to amend and include DBEDT as another organization receiving a copy of the Resolution.

Councilmember Kuali'i: Second.

Council Chair Rapozo: The motion on the floor is to amend as circulated, but it includes DBEDT.

The motion to amend Resolution No. 2026-06 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment and includes the friendly amendment was then put, and unanimously carried.

Council Chair Rapozo: The motion carries. We are back to the main motion. Is there anyone in the audience wishing to testify again? Is there any further discussion?

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

Councilmember Cowden: I have a comment I want to make.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: We had a strong conversation, but I want to acknowledge that when I first started to run for office and was going door-to-door, particularly on the Westside...places that I did not know very well. At that time, probably one (1) in four (4) houses had a disabled adult living in the house on the *pūneʻe*. They knew me and said, "Well, Felicia..." because they saw all the things I put on Hōʻike television. They ended up having a 30-minute conversation with me. I said, "Wow, you watch Hōʻike?" They say, "All the time. I have it on all the time, because it helps me to still feel like part of the community. I sit on this *pūneʻe* almost all the time. For my whole life, I went to birthday parties, church, and events, and I hear what is going on." What I learned from that *kūpuna*, typically, who was in the household is how up on community affairs they were and how much they saw of so many things. I realized that puts a very policy-aware person and a very community-aware in that family. We are educating an uncle or aunty in that household who is able to give information to everyone else. Even if people are working and do not watch it, for many families, there is someone who is. They were really well informed and I was proud to be a producer and contributor to Hōʻike. I also used to go to all these meetings here, too, so we discussed policy. It does an awful lot and I am supporting this Resolution.

Council Chair Rapozo: Councilmember Holland.

Councilmember Holland: I would like to add to that. I find this really upsetting. I am also very supportive of Hōʻike and our public radio. To watch the defunding from the Federal level this year and what really feels like an attempt to control media and what can and cannot make the airways is really concerning and should concern all Americans. I am very disturbed by the cuts and the amount that the County needs to fill the gaps of cut funding to we discussed for Hōʻike, but also for Supplemental Nutrition Assistance Program (SNAP) and all these things. It is really frustrating to watch these types of attacks, particularly to public media, which is the way we communicate without having the money to afford expensive productions or commercials. I am very disturbed by this, but very thankful that the measure was brought forward, so I appreciate Councilmember Bulosan and Councilmember Carvalho bringing this Resolution before us. I hope our State and governor who have the influence over some of these decisions really steps up and do the right thing, because this type of attack on media has ranging impacts to us and the youth. I was really moved by the testimony today of the young individual who can see the value of this type of public access to media, so a huge shoutout to Hōʻike and to all the public opportunities for media. I am thankful of this Resolution and I hope it is well received.

Council Chair Rapozo: Thank you. Councilmember Bulosan.

Councilmember Bulosan: First, I would like to thank Councilmember Carvalho for working with me on this and the Council for allowing us to put this onboard. I especially want to thank Hōʻike for partnering with me. I notice it is mostly affecting them, but it is really affecting us and our entire community when we think about community media and how we get information. I want to echo the testimony we heard earlier today about how important this is. When communication goes down, participation goes down. That is the bottom line across any board or situation, so some of these things that we think might not affect us or might not be as important will be seen as it is being affected right now and they see it as it is being affected to them at that school, so it is very important for us, as a County, to make sure that our voices echo out, we keep helping our community media and let them know that we have their back, and keep our State accountable for prioritizing this, because it is not a matter of it being a small part of media, as was mentioned in another testimony, it is literally our only media on the island. We do not have Hawaiʻi News Now hanging out here covering this show. We do not have Ashley Nagaoka making sure that you folks hear us loud and clear; it is Hōʻike and community media. Once we eliminate or continue to defund and not prioritize this, we continue to lose participation in our community, and we cannot lose participation at this moment. This is the most important time for us to increase participation in our community. It is more unaffordable to live here, harder to gather, and harder to be together, so if we were looking for stronger language in this Resolution, it would be that we should be increasing, not decreasing, funding. We should be engaging more and that will probably be part of the regret, but sometimes the first part is acknowledging what is going on and letting our leaders know, "We are seeing this happening to our community, we need you to step up, and we are asking you." I am hoping our Council, with a full unanimous vote, can send it loud and clear to the leaders at the State, but the work is not done here. The work continues after this. As mentioned in the Resolution, there will be continued efforts to perhaps decrease these supports in the future, so we need to make sure we keep making this happen. Thank you, again, to the Council for allowing us to have this on the floor.

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

Councilmember Carvalho: Thank you, again, Councilmember Bulosan, all the Councilmembers, and especially Hōʻike. You folks...come on, let us go. They bring it to the table with the information, the public information, and all of that. The other one is with the students. That was a big one for me and for all of us, I am sure with having them present, having to talk to them, their understanding, wanting that passion they have, and understanding how important community media is. Without repeating everything else, I am totally supportive of whatever we need to do to assure that everything keeps moving in the right direction, whether we need to take it to the Federal, State, or County level or do whatever it takes, we can rock and roll on that. Again, I wanted to bring up the students part, because they were very inspirational in what they said and how they communicated everything else so you folks are moving forward. *Mahalo.*

Council Chair Rapozo: Thank you.

Councilmember Kualiʻi: I want to say *mahalo nui loa* to Hōʻike. You are our only TV station and are a critical part of our community with your work and service. Keep us updated on how we can continue to support you and keep going forward. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am in support of the Resolution. Thank you for bringing it to our attention. We also need to think about the next step head with cable not being that big of a part of everyone's household. Internet is a huge part. You can get internet services without having cable services. I am not sure if the internet provider needs to pay a fee, but I would think that is probably the next step we need to go rather than just concentrating on cable providers, because everyone can stream TV stations now. You can stream from YouTube TV and all these other sites, so eventually, we...not us, it is probably on the State level that needs to take a look at the next step and say, "The cable provider is sort of outdated. We should collect on cable providers, but should also look at collecting on internet providers. We also pay a small fee on cellular phones (cellphones) that goes to 911 emergency services, so this would be very similar when it comes to cable and public broadcast. I do not see it as an unreasonable step. If we are going through the effort of trying to make it fair now, we may as well try to push to get to that next step already, because that will be another fight we will eventually have.

Council Chair Rapozo: Thank you. Is there anyone else? Hōʻike is more than the County Council meetings, although there are a lot of people who religiously watch these Council meetings and Committee meetings. There is also the Planning Commission meetings and the other government things. You also have the kids' fishing tournaments, hunting expeditions, and storytelling, which I love. You never know what you will find on Hōʻike. They just did the Able Prom, which is an amazing event for our special needs community. Their open mics are sometimes quite colorful. There are also all the community meetings that Hōʻike covers and people rely on. I will tell you what one of my favorite things I see at Hōʻike is. Hōʻike does the County Council roundup every week and I can go in the studio. When I come out, you see *kūpuna*, our elderly, senior citizen community, editing videos on Final Cut Pro. I tried Final Cut Pro, but it is too tough for me. You see these seventy-year-old and possibly eighty-year-old individuals cutting up these video clips and making movies right at the studio. That is what this is about. It is not about broadcasting; it is about the community resource that is at risk. That is the mindset that we need. It is not just about the Council Meetings being on TV; it is the resource that people can physically drive to and have access to amazing personnel and staff who can teach them how be become filmmakers and community storytellers. That is the issue we need to push. I have yet to see a *kupuna* holding the camera and shooting a video. I am waiting. I know they are all certified. I have seen them editing and it is crazy. For the public, Hōʻike does have a YouTube channel and I encourage everyone watching to go to YouTube and subscribe to Hōʻike's YouTube channel. You can watch these meetings and all the archived meetings, as well as a lot of material. I do not know where this thing with cable and how these folks are playing will end up. Who knows?

If you already have your subscription, which is free, you will be notified every time they drop a new video. Thank you, Hōʻike. I speak for all of us. I think everyone said we appreciate your service and what you do. We will see how this ends. With that, roll call.

The motion for adoption of Resolution No. 2026-06, as amended to Resolution No. 2026-06, Draft 1 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Thank you. With that, could you read the three Executive Session items, please?

EXECUTIVE SESSION:

ES-1158 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and to request settlement authority in United Public Workers, AFSCME, Local 646, AFL-CIO vs. County of Kauaʻi, Department of Public Works, Grievance #2022-0021, #2022-0056, and #2023-0016 and related matters. 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 Kualiʻi was noted as not present.)

ES-1159 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority to participate in an opioid litigation settlement with Value Drug Company. 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 the national opioids settlements.

ES-1160 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority to settle the lawsuit filed by Aaron Swink, as Next Friend on behalf of J.R.P., a minor born in 2017 and related matters. 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 Kualiʻi was noted as present.)

Councilmember Kualiʻi moved to convene in Executive Session for ES-1158, ES-1159, and ES-1160, seconded by Councilmember Bulosan.

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

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

Mr. Sykos: For the record, Lonnie Sykos. Like always, when the County is involved in litigation, the public is interested in it. I have a question specifically with the United Public Workers' (UPW's) grievances. Are those publicly filed like a law case would be publicly filed?

(Councilmember Bulosan was noted as not present.)

Council Chair Rapozo: The claim itself is filed. That was a claim, right, or is this a lawsuit? It is a grievance, so it that not public? It would not be, because it is a grievance.

Mr. Sykos: The grievance is a personnel matter, not a contractual...

Council Chair Rapozo: That is correct. Upon settlement, though, it becomes public.

Mr. Sykos: I would like to request that before the County decides what to do with the opioid litigation settlement...

(Councilmember Bulosan was noted as present.)

Mr. Sykos: ...which I have no doubt that we will receive some amount from, that you should hold a public hearing on what to do with the money before you decide to disperse the money. For myself, although I see the value in supporting opioid service programs, I find it reprehensible that the actual people harmed by opioids get nothing from the settlement. I think that is horrendous. Again, I encourage you to hold a public hearing before you decide what to do with the money. In regard to Mr. Swink, good luck. I believe he is quite a famous attorney. I do not know what the issue is, but I have great sympathy for the minor born in 2017. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? If not, roll call, please.

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

The motion to convene in Executive Session for ES-1158, ES-1159, and ES-1160 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: With that, we will take a recess for Executive Session. Members, report in Executive Session Chambers in five (5) minutes.

There being no objections, the Council recessed at 12:10 p.m., to convene in Executive Session.

The meeting reconvened at 12:44 p.m, and proceeded as follows:

Council Chair Rapozo: Mr. Saito.

There being no objections, the rules were suspended.

Mr. Saito: Good afternoon. Tyler Saito, County Attorney. The Council has completed its Executive Session on the items listed on the agenda, ES-1158, ES-1159, and ES-1160. The Council consulted with its attorneys for the purpose stated on the agenda. There is nothing to disclose at this time as disclosure would frustrate the purpose of these Executive Sessions. Thank you.

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

Council Chair Rapozo: With that, the is no further business. This meeting is adjourned. Thank you.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:45 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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Attachment

(February 18, 2026)
FLOOR AMENDMENT
Resolution No. 2026-06, RESOLUTION URGING THE HAWAIʻI STATE LEGISLATURE TO ENSURE THE LONG-TERM SUSTAINABILITY AND FUNDING OF PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) ACCESS MEDIA IN HAWAIʻI

Introduced by: FELICIA COWDEN, Councilmember

1. Amend Resolution No. 2026-06 in pertinent part to read as follows:

"BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be transmitted to Senator Mazie K. Hirono, Senator Brian E. Schatz, Representative Ed Case, Representative Jill Tokuda, Governor Josh Green, M.D., Director and Deputy Director of the Department of Commerce and Consumer Affairs, Administrator of the Cable Television Division, Senate President Ronald D. Kouchi, Speaker of the House Nadine K. Nakamura, and the Honorable Mayors and County Councils of all four (4) Hawai'i Counties."

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