COUNCIL MEETING

SEPTEMBER 30, 2026

The Council Meeting of the Council of the County of Kaua'i was called to order by Mel Rapozo, Council Chair, on Wednesday, September 30, 2026, at 8:40 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, Kaua'i, 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 Mel Rapozo

Excused: Honorable KipuKai Kuali'i

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/3143?view_id=2&redirect=true. Additionally, meeting videos are available at: www.kauai.gov/Government/Council/Webcast-Meetings.

APPROVAL OF AGENDA.

Councilmember Kaneshiro 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 carried by a vote of 6:0:1 *(Councilmember Kuali'i was excused)*.

Council Chair Rapozo: Before we move on, I want to recognize former Mayor Maryanne Kusaka, who is in the front row. Thank you for joining us today. The motion carries. Next item.

INTERVIEWS:

PLANNING COMMISSION:

- Francis P. DeGracia *(Labor)* – Term ending 12/31/2028

Council Chair Rapozo: Good morning, Ellen. Good morning, Mr. DeGracia. Is that microphone on? It is on.

ELLEN CHING, Boards & Commissions Administrator: It is a different color than the normal ones.

Council Chair Rapozo: Yes. The storm took out our system.

Ms. Ching: As it did ours. Good morning. Ellen Ching, Boards & Commissions Administrator. Francis is a lifelong resident of Kaua'i. Francis attended Elsie H. Wilcox Elementary School (Wilcox Elementary School) and Kaua'i Intermediate School, and graduated from Kaua'i High School. He then continued his education at Kaua'i Community College (KCC) and earned an associate degree in (inaudible). Francis started his working career with Aloha Airlines, Inc. (Aloha Airlines) as a customer service agent and was promoted to assistant manager and customer service instructor. He remembers those days fondly, the people he worked with, and even the hard times when the company was closing and all those people needed to find a new job. Francis worked there to the very end in 2008. From there, he entered the Carpenters Apprenticeship Program and became a journeyman carpenter in 2014. Just three (3) years later, Francis accepted the position of field representative of the Hawai'i Regional Council of Carpenters. In between that, in 2016, Francis earned a bachelor's degree in business administration from the University of Hawai'i (UH) – West O'ahu. Field representative, what is that? What do you do? I sort of picture it like a seesaw. The contractors call him when they need a workforce and the workforce of carpenters call him when they want a job. Sounds easy enough, I guess, but then I started thinking about it. All these people are calling when they need a job or maybe they are no jobs, when they believe the job site is not safe or they are not being treated fairly. Contractors call him when they believe someone is not performing their job correctly. Francis, in the middle of fielding all these calls, is constantly on the go and constantly tracking projects to keep the job assignments going. Francis takes it all in stride and credits his experience with Aloha Airlines as the perfect training for his current position. Francis and his wife Joli are the proud parents of a daughter who is a medical assistant and a son who is serving in the Air Force, and are even prouder grandparents of three (3), ages (inaudible). I hope to God that is not my cellular phone (cell phone). When he can steal a couple of moments, he enjoys surfing, fishing, or playing music. When asked, "Besides family or pets, if your house was burning down, what is the one (1) thing you would save," the answer is at least one (1) of his many surfing boards. Francis has previously served on the Planning Commission. He has also served as the Planning Commission's Chair twice and as the Subdivision Committee's Chair as well. It has always been best practice to have at least two (2) commissioners with previous experience on a commission for their institutional knowledge of past practice and decision-making. During his tenure, Francis conducted himself and served with the utmost diligence, commitment, and integrity. Always prepared, having literally read hundreds of pages of documents for each meeting, he treated everyone—testifiers and applicants—equally, with dignity and respect, even in the face of anger, threats, and being unfairly accused of corruption and unethical or criminal behavior. This experience, combined with Francis' professional and technical expertise makes him the ideal commissioner. As Kaua'i recovers and rebuilds, the Planning Commission will be faced with many issues. I am so grateful that Francis is willing to contribute his time and *mana'o* to the Planning Commission in the Labor position.

Council Chair Rapozo: Thank you. Francis, do you have any additional comments to your amazing introduction (intro)?

FRANCIS P. DeGRACIA: No. I much appreciate it, Council Chair Rapozo and Councilmembers. I am just looking forward to serving again, if possible.

Council Chair Rapozo: Did you have a year off?

Mr. DeGracia: Yes. It was a recharge.

Council Chair Rapozo: Okay. That is good. Are there any questions for Francis? By the way, this stack is all for you. It is all in support. You lightened the load a little bit. Councilmember Cowden.

Councilmember Cowden: Mine is more of a comment than a question.

Council Chair Rapozo: Are there any questions first, before we go into comments? If not, go ahead, Councilmember Cowden.

Councilmember Cowden: I just want to say that as a person who pretty often attends Planning Commission meetings or who sometimes watches from my desk and who hears the controversy, I think you have always done a really fair, good, and competent job. I am thrilled to see you back in there, because what I often ask people coming in for the first time is, "Have you been to a Planning Commission meeting," because it is not an easy task at all. I know that you will go in fully informed and with the right capacity and skillset. It gives me a lot of hope and happiness to know that the County will have you as a really strong continuing member after a break. You are an absolute double thumbs up for me. I appreciate how involved you are in the community. You almost function like a Councilmember for how much I see you everywhere, so I know that you are very accessible. You have done a great job and I wholeheartedly support this nomination.

Mr. DeGracia: Thank you.

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

Councilmember Carvalho: *Mahalo*. You bring a wealth of knowledge and understanding, and all of your connections...making things move in the right direction. Serving once again is a big part. I appreciate you and your family, and what you have done in so many different ways. We have talked before, but more importantly, the wealth of understanding and knowledge that you bring back to table, then delivering the message out, and connecting everyone is a big one for me. *Mahalo* for stepping up again and I look forward to the service that you will bring to the table. *Aloha*.

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

Councilmember Holland: Yes. I just want to thank you as well. Thank you for being willing to serve again in this capacity.

Council Chair Rapozo: Again, thank you very much for agreeing to come back. We will have the final vote at the next Council meeting. Thank you very much. Thank you, Ellen.

Mr. DeGracia: It is much appreciated.

Council Chair Rapozo: Next.

BOARD OF WATER SUPPLY:

- Julie Anne Simonton – Term ending 12/31/2028

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. Good morning. I am happy to introduce Julie Simonton. Julie grew up in Concord, New Hampshire. After graduating from Concord High School, she continued her education at the University of New Hampshire in Durham. There, she earned a bachelor's degree and master's degree in Civil Engineering. During her studies, Julie did a semester abroad in Budapest, Hungary. Upon her return and graduation, she jumped into the working world by accepting a position with an engineering firm in Boston. After five (5) years in the city, Julie responded to an advertisement (ad) with Aqua Engineers, Inc. (Aqua Engineers). She had never been to O'ahu or Kaua'i, but was up for an adventure. Julie flew to Kaua'i and was interviewed by Ian Kagimoto, Lyle Tabata, and Donald Fujimoto, and was promptly *hānai*-ed by the Kaneshiro family. Twenty-two (22) years later, the rest is history. She was recruited by Pacific Concrete Cutting & Coring, Inc. (PCCC), and in 2011, Julie became Vice President/Estimator. She has never forgotten her family and friends in Concord. She showered her goddaughter Josie with gifts from Hawai'i, including the quintessential grass skirt and coconut shell top. The only problem is that Josie did not want to take it off, even in the dead of winter. In a full circle, Julie's goddaughter Josie followed in her footsteps and graduated from the University of New Hampshire with a degree in Civil Engineering. As of just two (2) weeks ago, Josie now works at PCCC with her aunty. Julie works out three (3) times per week, enjoys a good novel, and loves to spend time gardening. She grows vegetables and tends to her trees—lemons, limes, oranges, grapefruits, avocado, and lychee. She also has five (5) lovely mango trees. Despite spending all-nighters on the porch in her fierce and prolonged battle, she has formally waived the white flag. The parrots have won. She has not had a lychee or mango since. Julie served on the Board of Water Supply (BWS) previously. Her technical knowledge of engineering and her experience in construction and management make her the ideal candidate for the BWS. I am grateful for her willingness to lend her time and considerable talents to serve our community. As we move forward to recovering and rebuilding, I look forward to her contributions.

Council Chair Rapozo: Thank you, Ellen. Ma'am.

JULIE ANNE SIMONTON: I spent six (6) years serving on BWS and I think we accomplished a lot in those six (6) years. With the completion of the water master plan and now moving into it, I would like to continue to contribute, if the Council desires, and to see that plan be implemented and moved forward.

Council Chair Rapozo: Thank you very much. Are there any questions for Ms. Simonton?

Councilmember Cowden: I just have comments.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Julie and Ellen, I am happy to see you come back. I go to most of the BWS meetings, so I want to recognize the depth of understanding that you have on the topic of Kaua'i's surface water treatment plant and how the entire water system, particularly in the Puna district, is so strong and you are a high contributor to BWS' discussions and decision-making. When you left the board...when you termed out, I thought, "Dang," but I want to say that it is an incredible board. You are returning to a group of really strong members. I watched it go through its changes and whatnot, so you are definitely a high contributor, so again, I really appreciate all your knowledge and your time with Aqua Engineers. You are strong. Thank you. You know what you are getting into.

Council Chair Rapozo: Is there anyone else?

Councilmember Holland: I want to thank you as well. Thank you for serving in this capacity. It is very helpful.

Ms. Simonton: Thank you.

Councilmember Carvalho: Same here. Thank you so much. You bring a wealth of understanding and knowledge back to the table, so that is a big part, especially in this area, right?

Ms. Simonton: Yes.

Councilmember Carvalho: Thank you, again, for coming back and for your service.

Ms. Simonton: Thank you.

Council Chair Rapozo: Similar to Francis, did you get your recharge during your time away?

Ms. Simonton: Yes. It took me a beat to agree to come back, but there is a lot to be done, so I am excited.

Council Chair Rapozo: That there is. Thank you very much. Thank you for being here today.

Ms. Simonton: Thank you.

Council Chair Rapozo: We will move on. Next item.

COMMUNICATIONS:

C 2026-236 Communication (08/26/2026) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend State funds in the amount of $300,000.00, and approval of the indemnification clause and cost of litigation provisions included in the agreement with the State of Hawai'i Department of Land and Natural Resources or Department of Agriculture and Biosecurity General Terms and Conditions Sections 7 and 8, for the purposes of improving community response to priority invasive species concerns on private property.

Councilmember Carvalho moved to approve C 2026-236, seconded by Councilmember Kaneshiro.

There being no objections, the rules were suspended.

NICHOL KUNIOKA-VOLZ, Economic Development Specialist IV: Good morning, Council. I briefly spoke to each of you about the grant.

Councilmember Cowden: State your name.

Ms. Kunioka-Volz: Niki Kunioka-Volz, Office of Economic Development (OED), Agriculture Specialist. Thank you for having me this morning. It is a pleasure to be here. As stated, we are looking to pursue a grant from the State of Hawai'i Department of Land and Natural Resources (DLNR) or the Department of Agriculture and Biosecurity (DAB) to help us address some priority invasive species, namely the little fire ants (LFA), coconut rhinoceros beetles (CRB), and coqui frogs. One thing we noticed after talking with the Kaua'i Invasive Species Committee (KISC) is that there is a gap between identification, delimiting, and actually treating for these species. We want to help our community fill that gap with a bit of a cost-share program, if you will. We are looking to work with some pest control operators. We know there are two (2) on island right now that have gone through LFA training to address LFA...and maybe some landscaping or land-clearing companies to do some habitat modifications so that the pest control operators can actually go in and address the situation we identified. With your approval, when a request for proposal (RFP) is officially announced, we would like to pursue bringing some of that funding to help our community on Kaua'i.

Council Chair Rapozo: Thank you. I have a question. When we met prior to the meeting, you mentioned there was the possibility that these funds would come from DLNR or DAB, and that if it was DAB, you would be able to increase the request to up to five hundred thousand dollars ($500,000). When will you know which agency will provide the funds?

Ms. Kunioka-Volz: Council Chair, that is a very good question. Last I spoke with some folks with the Hawai'i Invasive Species Council (HISC), which falls under DLNR right now, they did not have an exact timeline for me. This was in mid-August, so I do not have a direct answer for that. I am sorry.

Council Chair Rapozo: Okay. If, in fact, it is DAB and you are able to, will you then come back and ask to amend the request?

Ms. Kunioka-Volz: We will ask for the full five hundred thousand dollars ($500,000). Yes.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Cowden: I really appreciated the conversation we had. Thank you so much. I will limit what I ask here, because you gave a very robust discussion. Especially for the sake of people who may be viewing, we talked about LFA and how they are probably the biggest challenge that is the most capable of being addressed. Is that correct? Of the three (3), because…

Ms. Kunioka-Volz: Honestly, of the three (3), coqui frogs might be the easiest to address, because, to my knowledge, the infestation sites are much more limited. That being said, LFA are a bigger concern for our community.

Councilmember Cowden: Because we talked a lot about CRB, which is also incredibly important, I want to make clear for anyone who may be watching that the three hundred thousand dollars ($300,000) to, potentially, up to five hundred thousand dollars ($500,000) will be applied to helping the community, whether it is a homeowner, a business, or landowner that otherwise cannot afford the help. This is significant money. The County could probably use another one million dollars ($1,000,000) on top of that, but I am grateful you are looking at this grant. This is money that when people find something in their yard…who do they call to be able to tap into this resource for assistance?

Ms. Kunioka-Volz: That structure is yet to be set up, but the plan is that they would call KISC. We would coordinate with the subject-matter experts to determine who are best fit for that cost-share assistance. There are several factors that will play into that, but that will be with the input of the subject-matter experts themselves.

Councilmember Cowden: I will quickly look up and put in my final comments the telephone (phone) number and the contact for KISC, because I appreciate Hōʻike Kauaʻi Community Media (Hōʻike) and how all this goes out. We need people to know and if they have any suspicion that they have these things, write down the phone number and remember KISC, so they have a place to turn to so they are able to assist.

Ms. Kunioka-Volz: I want to share that if they suspect an invasive species or invasive pest is on their property, I believe the best route is to actually contact 643-PEST.

Councilmember Cowden: 643…(808) 643-PEST?

Ms. Kunioka-Volz: Yes. Pardon me?

Councilmember Holland: What did you say?

Ms. Kunioka-Volz: 643-PEST. The data shared there is shared with KISC, but it is also shared with DAB and HISC.

Councilmember Cowden: Yes. The DLNR Division of Forestry and Wildlife has that piece under them, right, that deals with the invasive species?

Ms. Kunioka-Volz: Right now, I believe HISC is still under DLNR, but there was movement in the last Legislative Session to transition HISC out of DLNR and into DAB.

Councilmember Cowden: Is 634-PEST, P-E-S-T, KISC?

Ms. Kunioka-Volz: That is a statewide database managed by HISC, which is the State organization, similar to our KISC.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there any other questions?

Councilmember Holland: I do not have any questions, but I have comments, Council Chair.

Council Chair Rapozo: Okay. Hold on. We will take questions, take public testimony, then finish up. Are there no other questions? Thank you very much, Niki. I appreciate what you are doing over there.

Ms. Kunioka-Volz: Thank you.

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

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

Councilmember Holland: I really want to thank OED, Nalani, and Niki for always for all their hard work. It has been really difficult for the County to hold the burden of this *kuleana* that should really be sitting with DAB, so I want to praise the team for doing everything they can to fill that gap for invasive species. Thank you very, very much.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I want to thank Tiffany and the people who are at KISC. If people think they have this and they need to contact someone…you might write it down anyway, but you can look up KISC with a Google search. The office number is (808) 821-1490. That is 821-1490. The email address is KISC…like K-I-S-C…@hawaii.edu. That tells me it is part of the UH system. Thank you very much for getting this very much needed money. I know that when a lot of people find out they have CRB, there is a little bit of a panic, so this helps to soften that panic, because they can contribute to solutions without a cost that is overwhelming for them,

as this is developed. Niki, you are with OED of the County of Kaua'i, so people know where it is coming from. Thank you.

Council Chair Rapozo: Thank you very much. Is there anyone else? Councilmember Kaneshiro.

Councilmember Kaneshiro: Thank you for getting this money and having it available when it is available. Three hundred thousand dollars ($300,000) for invasive species is still a "drop in the bucket," but nonetheless, I am happy that the County is getting it. I am not sure why the State does not give it to their own people and then implement it, but any time the County can get the money and actually be on the ground is a good thing. Thank you for your hard work and I look forward to the County being able to utilize that money.

Council Chair Rapozo: Thank you. Is there anyone else? Thank you again, Niki. I appreciate this. Keep us posted. As Councilmember Kaneshiro said, it is a "drop in the bucket," but this storm will exponentially increase the problems with these invasive species.

The motion to approve C 2026-236 was then put, and carried by a vote of 6:0:1 *(Councilmember Kuali'i was excused).*

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

C 2026-237 Communication (09/17/2026) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. 1193, Relating To Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax.

Councilmember Kaneshiro moved to receive C 2026-237 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this Proposed Draft Bill? We will take the testimony now. If not, go ahead.

Councilmember Cowden: I have a simple question. I did not have the chance to look through this entire pile. Did we have written testimony on this particular Proposed Draft Bill?

Council Chair Rapozo: I do not know. I received the pile the same time you received the pile. That is why we will take a recess before we get to the actual Proposed Draft Bill. If anyone is here to testify on this Proposed Draft Bill, we can do it now.

Councilmember Cowden: I wonder if you can tell them what the Proposed Draft Bill is about.

Council Chair Rapozo: This Proposed Draft Bill is an attempt to correct...in the County's real property tax system, if you buy a property after the assessment or the exemption deadline has occurred for your real property tax, and

let us say you bought a house that was previously in the non-owner occupant tax rate, but you are an owner-occupant, you will need to pay that non-owner occupant tax rate for the rest of the year, until you file for your exemption the following year, which is unfair. You are paying the wrong property tax because you are an owner-occupant. Initially, we passed a bill to correct that where if, in fact, you qualify…if you bought that house after the deadline to receive your exemption, you would receive a credit in the next tax year of the overpayment, because that it what it is. It is an overpayment. The County is taking money from you that you should not pay. This is sort of a cleanup Proposed Draft Bill, because the eligibility period was too short in the initial bill, so we are trying to fix that by extending it back retroactively so people who were caught in that during the year when we did the bill are able to be eligible as well. It is really to right a wrong that has been happening for quite a long time. Imagine if you bought a house that was in the Commercial or Vacation Rental tax class and the house is no longer a transient vacation rental (TVR). You would be stuck paying the TVR tax for that year, which is significantly higher. That is what this is about.

Councilmember Cowden: I have a comment.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I cannot imagine that anyone would be in opposition to this Proposed Draft Bill. It does not hurt anyone; it only helps people who are caught in that wrong piece.

Council Chair Rapozo: I agree.

The motion to receive C 2026-237 for the record was then put, and carried by a vote of 6:0:1 *(Councilmember Kualiʻi was excused)*.

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

C 2026-238 Communication (09/21/2026) from Councilmember Holland, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 21, Article 7, Kauaʻi County Code 1987, As Amended, By Adding A New Section Relating To Landfill Prohibited Sites.

Councilmember Kaneshiro moved to receive C 2026-238 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: This is the Proposed Draft Bill for the landfill. As I said earlier, if anyone is here who wants to testify now and not wait for the Proposed Draft Bill, we will do that here. Is there anyone interested? Okay.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Chair, we have registered speakers.

Council Chair Rapozo: We have registered speakers. Who is the first?

Ms. Fountain-Tanigawa: The first registered speaker is Kawai Warren, followed by Taryn Dizon.

Council Chair Rapozo: You have three (3) minutes and the lights will let you know when you reach three (3) minutes. You can come back for a second round. When you come up, start off by identifying yourself for our captioner who will caption this at a later time.

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

KAWAI WARREN: Hold on. Let me find my testimony. Sorry about that.

Councilmember Cowden: Did you send a written one?

Mr. Warren: Pardon me?

Councilmember Cowden: Do you have a written one, too?

Mr. Warren: Yes. Can I borrow it?

Councilmember Cowden: I was going to find it for you, if you wanted it.

Mr. Warren: I do not have printer ink. Thank you. Sorry for the delay. *Aloha*, Council Chair Rapozo, Council Vice Chair Kuali'i who is not here, and Members of the Kaua'i County Council. My name is Kawai Warren. On behalf of Nā Kia'i Kai community members, subsistence gatherers, cultural practitioners, and lineal descendants who rely on the nearshore waters of West Kaua'i, I am writing in strong support of Proposed Draft Bill (No. 3007). Nā Kia'i Kai has long stood as a voice for the protection of our ocean, our reefs, and our traditional gathering grounds. Proposed Draft Bill (No. 3007) provides essential protection necessary to prevent further degradation of our oceans, along with severe climate impacts and environmental degradation. Our support for Proposed Draft Bill (No. 3007) rests on three (3) critical pillars.

Protecting the nearshore fisheries. West Kaua'i's nearshore ecosystems are the primary source of food and cultural connection for our westside families. Our reefs, stretching from Kekaha to the Mānā Plain, feed our community with *limu*, *wana*, *hā'uke'uke*, and other fish, such as *manini*, *pāpiopio* (*pāpio*), *moi*, and *ulua*. The existing landfill—Phase I, unlined, and phase II—sediment runoff and groundwater co-mixing, heavy metal mobilization, and toxic leaching into our nearshore waters...when heavy rains wash contaminated fill and toxic waste through the drainage ditches, it smothers native *limu*, clogs the delicate respiratory systems of our urchins, and concentrates heavy metals up the marine food chain. Proposed Draft Bill (No. 3007) prevents future landfills, ensuring that the water quality feeding our reefs is protected for generations of subsistence gatherers.

Point number 2, mitigating impacts from sea level rise. The Mānā Plain is one of the most vulnerable low-lying coastal environments in the State of Hawai'i. Science and the State modeling show that sea level rise is not a distant future event; it is happening now. As sea level rises, the underlying groundwater table beneath our unlined landfill Phase I is forced upward, mixing highly toxic waste from Hurricane Iwa and Hurricane 'Iniki as well as the legacy industrial waste into our groundwater

and from transformers…to knowledge from people who saw it being disposed there. This is an important point of why Phase I should be dug up and placed at a new landfill outside of West Kaua'i, to start the groundwater healing process. The State of Hawai'i Department of Health (DOH) has high arsenic levels of water found in the well that they test. We believe that is from Phase I as well as other chemicals used in plantations. Furthermore, the upward groundwater pressure and the increased weight caused by the vertical expansion of Phase II could breach its liner causing more toxic waste into our groundwater.

Council Chair Rapozo: How much more do you have? You only have three (3) minutes, but you can come back to wrap up. If you only have a sentence or two (2), I will let you finish here. Do you have a lot more? I want to hear the rest.

Mr. Warren: I am almost finished.

Council Chair Rapozo: How much is "almost finished?"

Mr. Warren: Maybe one (1) minute. Is that too long? Should I come back?

Council Chair Rapozo: Yes, come back. I want to be fair with everyone. I suspect there will be a lot of others.

Councilmember Cowden: Remember where you are at.

Council Chair Rapozo: I definitely want to hear the rest of that. Who is next?

Ms. Fountain-Tanigawa: The next speaker is Taryn Dizon, followed by Harley Broyles.

Councilmember Holland: Council Chair, I will be giving a presentation about the Proposed Draft Bill and it may answer some questions. I just want to flag that for the public. It is not a visual presentation, but I am giving a presentation, which I will not give now. I do not know if that is relevant to share with the people who will testify.

Council Chair Rapozo: If you prefer to give your presentation before the public testimony, we can do that. That will be done with the Proposed Draft Bill.

Councilmember Holland: I will just share that.

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

Council Chair Rapozo: Go ahead.

Councilmember Holland: I just want everyone to know that I will share information about these Proposed Draft Bills when they actually come up. Because we are doing the Communications…because of this crazy testimony situation, I am

not doing that right now. I will wait until the Proposed Draft Bill comes up. If you have questions and you want to testify after I give that, it may actually answer some of the questions you are concerned about with the Proposed Draft Bill, or it may give you more context on how you shape your testimony, if you have the time.

Council Chair Rapozo: This is what we will do. Because we have two (2) similar types of Proposed Draft Bills...not substance-wise, but community interest-wise, we will take the Proposed Draft Bills. Let us take the Communications, receive them for the record, and take the Proposed Draft Bills out of order, so we can get all of that out of the way. Then we can wrap it up in the morning, and not have you folks wait. I want to make sure you have the opportunity to give the presentation, so let us do it that way. Let us vote on the motion to receive the Communication for the record.

The motion to receive C 2026-238 for the record was then put, and carried by a vote of 6:0:1 *(Councilmember Kualiʻi was excused)*.

Council Chair Rapozo: The motion carries. Let us take the Proposed Draft Bill out of order so we can get that out of the way.

There being no objections, Proposed Draft Bill (No. 3007) was taken out of order.

BILLS FOR FIRST READING:

Proposed Draft Bill No. (3007) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 7, KAUAʻI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION RELATING TO LANDFILL PROHIBITED SITES

Councilmember Kaneshiro moved for passage of Proposed Draft Bill (No. 3007) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 2026, and that it thereafter be referred to the Public Works & Veterans Services Committee, seconded by Councilmember Bulosan.

Council Chair Rapozo: With that, Councilmember Holland.

Councilmember Holland: Thank you so much, Council Chair. I just want to describe it a little. This is actually a very simple Proposed Draft Bill. It basically just prohibits another landfill within six (6) miles of the existing Kekaha Landfill in the future. It does not change the ability for the County to continue with the Cell 3 Vertical Expansion (Cell 3). It does not change any further expansion that may be proposed. It is a very small, little step in addressing the issue in Kekaha. The purpose of this Proposed Draft Bill is rather straightforward. Kekaha and the Mānā Plain should never be the location of a future new landfill. The measure prevents the new landfill within the prohibited area surrounding an active landfill or one that was accepting waste within the previous thirty (30) years, which is only Kekaha. This does not affect any other site on Kauaʻi. It is equally important to explain what the Proposed Draft Bill does not do. As I said, it does not affect the necessary modifications currently happening. It does not affect the capacity or change anything existing in the plans for solid waste in Kekaha. It just prevents an entirely new,

second landfill from being established within that immediate area. Why does this matter? Kekaha has carried Kaua'i's islandwide solid waste burden for decades. The original section of the landfill is unlined, as Mr. Warren just said. The Mānā Plain is also an environmentally sensitive place. It has a significant wetland history, a shallow water table, and direct connections to our coastal environment. The existing landfill was established under standards and circumstances very different from what is required today, and has accepted pesticide-contaminated soil, asbestos, disaster debris, and hazardous waste. Knowing what we know now, I do not believe that the Kekaha Landfill should have ever been located where it is. We cannot undo that decision, but we can make sure we do not compound it by concentrating another landfill for another century or more of environmental burden within the immediate vicinity. This does not jeopardize the County's current solid waste system. Kekaha is currently Kaua'i's only permitted municipal solid waste landfill. The County, therefore, needs the ability to continue operating it safely while developing placement facilities and strategies for solid waste in the future. This is why Proposed Draft Bill (No. 3007) allows the existing landfill to be modified, as necessary. That distinction is important. Maintaining or modifying the landfill the County already has is fundamentally different than creating and building an entirely new landfill beside it. This Proposed Draft Bill is designed to prevent the latter without interfering with the former. As the County continues its urgent work to construct a new landfill, the Proposed Draft Bill provides assurances to westside residents that another landfill will not end up in their front yard. Kekaha will continue to receive community benefits, as long as the current landfill is still accepting waste, and the County can continue planning for the closure and post-closure in the meantime. For example, should the waste in the unlined portion of the current landfill be moved to a new landfill to prevent further pollution? Those conversations are not a part of this and should happen in the future. There are many other questions such as that which we need to address around solid waste, but Proposed Draft Bill (No. 3007) does nothing to prevent future policy decisions around existing waste or the landfill. The County is already pursuing a replacement site. The County has no intention of building a new landfill in Kekaha currently, and the County is very actively looking at the Ma'alo site. That is actually why when the constituents first brought this Proposed Draft Bill to me, I thought, "We do not need this Proposed Draft Bill. I do not think we really need to do this. There is no intention to ever build a second landfill in Kekaha." I spoke with the Solid Waste Division team and the Administration. There is no intention. Quite frankly, considering the environmental sensitivity of this entire area, I find it very hard to believe that the County would receive the regulatory requirements to build a second landfill out there anyway, so it does not really make much sense at all to even consider doing it. Initially, I felt this was not a priority, because no one is proposing to do it, but the community members and organizations really advocated for this to be in writing—that the Kekaha landfill location will not be repeated with a new landfill. That is why I introduced this Proposed Draft Bill. This is not only about what this Council or Administration intends to do today. It solidifies into the future that no additional landfills will be built in this immediate area. The people who brought this forward want the assurance that decades from now when these pressures rise again that the Mānā Plain does not become the easy answer simply because Kaua'i has historically disposed of its waste there. That changed how I looked at the proposal and why I decided to bring this forward to the floor. This is preventative legislation. We have the opportunity to establish the protection before there is ever a proposal, controversy, or argument, or land

acquisition or environmental review. A landfill is not simply a land use designation. It represents decades, potentially generations, of waste accumulation and the corresponding responsibility for liners, leachate, methane, groundwater, and storm water. Concentrating two (2) major landfill footprints in one (1) environmentally sensitive coastal area would compound those risks and there is no need for it. There is no financial savings or cost benefit calculation that I believe would ever justify placing another landfill on the Mānā Plain. Some places should not carry that level of concentrated environmental burden. This changes how we need to look at the future of Mānā. For generations, our relationship with this area has largely been about what burdens it has been able to absorb and I want us to change that mindset. Instead of asking how much more waste and infrastructure the County can put there, we should be thinking about how we restore and support the wetlands, agriculture, habitat, cultural resources, and projects that will support and strengthen the surrounding community for generations. The eventual end of landfilling this area should represent a transition towards restoration, not an opportunity to start that cycle again. Ultimately, Proposed Draft Bill (No. 3007) asks the Council to answer a very simple question. After more than seventy (70) years of concentrating Kaua'i's waste disposal on the Mānā Plain, should another entirely new landfill ever be established in the same area? My answer, by introducing this legislation, is that we should establish that protection now. Kekaha has carried Kaua'i's islandwide waste burden for decades. We cannot undo the decision to locate that landfill on this environmentally sensitive coastal plain, but we can decide to not repeat that mistake. Proposed Draft Bill (No. 3007) allows us to responsibly manage the landfill we have, while making it clear that the future of the Mānā Plain will never be another entirely new landfill. I hope its future is one of restoration, investment, and environmental recovery, not another generation of concentrated environmental burden. Thank you, Council Chair.

Council Chair Rapozo: Thank you. Do you have a question?

Councilmember Cowden: I have a question for the Department of Public Works (DPW). Will we do that now or will we listen to the testimony first?

Council Chair Rapozo: We will take public testimony, so DPW will have that as well before they respond.

Councilmember Cowden: Okay.

Council Chair Rapozo: Next speaker.

Ms. Fountain-Tanigawa: Taryn Dizon, followed by Harley Broyles.

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

Mr. Warren: I did not finish my testimony.

Councilmember Cowden: You will go after everyone. You will finish after the other people have a chance to speak.

Council Chair Rapozo: Everyone will have three (3) minutes, then you can come back for your second three (3) minutes.

TARYN DIZON: *Aloha*, Council Chair and Members of the Council. I am extremely frustrated that we are spending valuable time considering this Proposed Draft Bill. I strongly oppose this false impression. As a Kekaha resident who lives a subsistence lifestyle, I understand and appreciate the intent of trying to prevent another community from carrying the same burden that West Kaua'i has carried for generations, but I have to ask, "What does this Proposed Draft Bill actually solve?" We already have the Environmental Impact Statement (EIS) and the Special Management Area (SMA) which is all in there. We also have the Ka Pa'akai Analysis that you already addressed. Remember, this current landfill was constructed in 1953. Creating another restriction around where we can place another landfill does not solve our solid waste crisis. It simply establishes parameters for where we can continue doing the same thing we have been doing for decades. Meanwhile, Kekaha continues to carry this burden. What concerns me even more is what legislation like this can do to our communities. We are a small island. We are families, coworkers, neighbors, and friends, yet instead of bringing our island together around a real solution, legislation like this and the social media messaging being created around it can quickly become us against them. This type of legislation and social media messaging surrounding it has the potential to further polarize our community instead of bringing Kaua'i together around a shared solution. Why are we not directing our collective energy towards waste-to-energy, resource recovery, greater diversion, reducing the amount of material entering the landfill, and evaluating technologies that could provide a more sustainable island solution? A resolution can establish a clear direction of a resolution. Kaua'i recognizes that continuously burying our waste cannot be the long-term answer. Give us a road back, give us a measurable goal, give us a timeline, and bring the community into that conversation. For West Kaua'i, simply drawing another six-mile boundary does not necessarily move the burden. Six (6) miles can mean the same community, trucks that still travel on our roads, heavy vehicles still traverse the island, infrastructure and public safety impacts remain, and ultimately, another generation is still left with dealing with a landfill. We have limited land and limited resources. We live on an island. Every year, we postpone the larger conversation and we pass on a greater problem and financial burden to the next generation. Rather than creating a bill that tells us where another landfill should not go, I ask this Council to consider a resolution that tells where Kaua'i intends to go. A resolution that commits us to examining long-term alternatives. A resolution that establishes measurable goals for reducing our dependency on landfill. A resolution that challenges government, industry, and our community to work together, instead of turning communities against one another. We need leadership that brings Kaua'i together around a responsible, sustainable, and islandwide solution. Let us learn from our history instead of repeating it. Thank you, Council for this time. I also submitted my testimony. If you see a Kamehameha Schools umbrella, it is mine. I do not know where it went.

Councilmember Holland: I have a follow-up question.

Ms. Dizon: I would love that.

Councilmember Holland: I have a clarifying question. I agree with ninety percent (90%) of what you just said and we have big things. Did you follow that we passed a resolution recently around curbside recycling? Did you see that resolution?

Ms. Dizon: Yes. I also sort of talked to Council Chair about that.

Councilmember Holland: Did you support that resolution?

Ms. Dizon: Of course.

Council Chair Rapozo: I will stop you, because that is not a clarifying question. That is extending the testimony.

Councilmember Holland: I have one (1) more clarifying question. Do you support a landfill in Kekaha being built? Do you support a second landfill?

Ms. Dizon: How would that happen with the EIS, the Ka Pa'akai Analysis, and SMA?

Councilmember Holland: Okay, but do you support it?

Ms. Dizon: I would support not handcuffing us, because maybe the solution is getting a waste-to-energy incinerator right next to that landfill.

Councilmember Holland: That is not a landfill, though.

Council Chair Rapozo: Okay, I will stop it. It is not a debate. Councilmember Holland, this is not a debate with the audience.

Councilmember Holland: That sounds like a "no."

Council Chair Rapozo: We received her testimony and we need to move on.

Ms. Dizon: Thank you.

Council Chair Rapozo: Thank you.

Ms. Dizon: Let me know if you find my umbrella, because I need to go back to work.

Council Chair Rapozo: Taryn, I will say for the public's information that this Council and prior Councils have passed two (2) resolutions urging the Administration to move forward with a waste-to-energy solution.

Ms. Dizon: Yes.

Council Chair Rapozo: In fact, that resulted in a waste-to-energy request for proposal (RFP) which is out right now.

Ms. Dizon: Yes, I agree.

Council Chair Rapozo: I will not have the discussion. I just want to let everyone know what was done.

Ms. Dizon: That is why I ask, "Why am I here?" I have meetings that I am supposed to be in. "Landfill" should not be in our vocabulary.

Council Chair Rapozo: Okay.

Ms. Dizon: Waste-to-energy. Look at this miracle. I need to go back to work. Thank you.

Council Chair Rapozo: Next.

Ms. Fountain-Tanigawa: The next registered speaker is Harley Broyles, followed by Hāna Sclar.

HARLEY BROYLES: *Aloha*, Council Chair Rapozo and Members of the Council. My name is Harley Broyles. I am a born and raised West Kaua'i girl, but I am testifying today in my capacity as an associate attorney with Earthjustice representing Nā Kia'i Kai and Nā Kupa o Kaua'i in strong support of Proposed Draft Bill (No. 3007). First, *mahalo* to this Administration and its work to site a new landfill on Ma'alo Road as well as Councilmember Holland for introducing this Proposed Draft Bill. We recognize that this Proposed Draft Bill is just a piece of the overall puzzle in solving Kaua'i's waste management issues and we support this County's efforts to explore other long-term solutions. However, this Proposed Draft Bill is a critical and necessary step towards allowing the *'āina* of Kekaha to better recover from the decades of piled on waste and a step towards righting a long history of environmental injustice in West Kaua'i. As we all know, the Kekaha Landfill has been Kaua'i's only landfill for decades and the landfill has been expanded numerous times, including two (2) expansions proposed in recent years. The landfill has an unlined portion that was constructed prior to modern environmental protection laws and has over the years been a dumping ground for numerous toxic substances as well as debris from Hurricane 'Iniki, Hurricane Iwa, and Hurricane Lowell. While the County has stated that it is working on siting the island's next landfill outside of West Kaua'i, that effort is greatly appreciated, but after all that Kekaha has been through, it is not enough. In the past decade, we have seen County Administrations switch between several different landfill sites, including one (1) *mauka* of the current landfill. Proposed Draft Bill (No. 3007) represents more than just a pinky promise. It firmly commits the County to not constructing the next landfill in West Kaua'i and serves as an initial step to righting the decades of environmental wrongs. The sugar plantations transformed the Mānā Plain, where the Kekaha Landfill is located, from a thriving wetland ecosystem to a polluting ditch system of diversion ditches. On top of the ditch-sized scars left by the sugar plantations, the Kekaha community has also needed to deal with soil contamination from the sugar company facilities, concentrated restricted use pesticide application, a gravel and asphalt plant, a

wastewater treatment plant, rock mining operations, and a military presence that has commandeered much of its coastline. This is especially unjust knowing that West Kaua'i is home to a higher portion of the island's *kanaka 'ōiwi* and home to a higher percentage of the island's families living below the poverty line. Proposed Draft Bill (No. 3007) is a starting point for righting these decades of environmental wrongs. We cannot change the fact that Kekaha, the *'āina*, and the community will bear the weight of a mountain of trash for the foreseeable future, but this Council has the opportunity to ensure that the island's next landfill will not be set in Kekaha, allowing Kekaha to more fully heal itself upon the eventual closure of the current landfill as well as providing some long-needed reassurance to the Kekaha community that they will never need to bear this mountain-sized burden again. I am almost finished. *Mahalo nui* for the opportunity to provide testimony. My colleague, Kylie Wager-Cruz and I are available if there are any questions.

Council Chair Rapozo: Thank you. I am sorry. There is a clarifying question.

Ms. Broyles: Sure.

Councilmember Kaneshiro: Harley, thank you for being here. I have a question. Will you and Earthjustice support the County's efforts to place a new landfill at Ma'alo?

Ms. Broyles: Yes, and we expressed that to the Solid Waste Division before.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Council Chair, the next speaker is Hāna Sclar.

HĀNA SCLAR: Good morning. My name is Hāna. I am a teacher at Kekaha Elementary School.

Council Chair Rapozo: I am sorry, Hāna. What is your last name?

Ms. Sclar: My name is Hāna Sclar. S-C-L-A-R.

Council Chair Rapozo: Thank you.

Ms. Sclar: I am a teacher at Kekaha Elementary School. Speaking on behalf of my community, we are the trashcan of Kaua'i. The land and the people of West Kaua'i have borne for far too long the effects of waste and chemical abuse as you all heard from many others. I am thankful to the folks at the landfill who work tirelessly to manage that endless waste. I also had the opportunity to visit and tour the landfill. In a short five-minute drive from my house, I saw the inside and the sheer scale of the human waste produced island and felt the gravity of human consumption firsthand. Five hundred (500) yards below is Kaua'i's longest stretch of beach coastline and directly beneath the site is my favorite surf break. Kekaha and Mānā are a windswept flatland and it once used to be rich with fertile soil that

sustained thousands. Within a two-mile distance lies Kawai'ele State Waterbird Sanctuary which is a safe haven for many of Kaua'i's endemic waterbird species and the only waterbird sanctuary on the island. I would be lying if I said I did not spend some afternoons there cleaning up trash on my own time after work. It is a pleasure to do, but something needs to change. I firmly believe if everyone in this room were to experience confronting, for themselves, the amount of trash that exists in their own local landfills, the world would be a much different and more thoughtful place. Logistically and economically, a more central landfill would be more efficient and effective. An example of this is that following Hurricane Lowell, we had garbage trucks that had a police escort from the North Shore all the way to Kekaha to expedite the long trek ahead. Economically, this is fuel inefficient and the aftermath of transportation—traffic—results in a trail of loose trash strewn across the roadsides, leaving behind yet another layer Kekaha gets the receiving backhand of. I am not the only person cleaning trash off the roadsides of our favorite beaches. Just because the trash is not blowing into our backyards does not mean it is blowing into a place of any less importance. I am sorry. I have one (1) more for you all. Two (2) for two (2). Speaking with elders, colleagues, and the dignified families of the westside, they all share similar stories. Accounts of birth defects from the agrochemical testing in Mānā, groundwater pollution in the landfill, and waste blowing into our parks and waterways all ring true to the tune of the same song—a call of a land poisoned and written off for the sake of hosting waste and experimentations. Why is Kekaha the first considered, I ask of you, when it is the most in need of a break? All ecosystems large and small have a necessity of seasons of rest and recovery. Kekaha has never had that chance. We have the opportunity now to give it one. Thank you, Council, for giving me the opportunity to testify. I hope you folks have a good one.

Council Chair Rapozo: Thank you very much.

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

Council Chair Rapozo: Okay. Is there anyone in the audience who did not register and would like to testify? Come on up.

KYLIE WAGER-CRUZ: Good morning, Council Chair, Council Vice Chair, and Councilmembers. My name is Kylie Wager-Cruz and I am an attorney with Earthjustice. I want to raise a few clarifying points for the audience as well as you folks. The reason why we worked on this Proposed Draft Bill with our community partners is because "the train was heading towards us." The County of Kaua'i had selected a site on the westside on the Mānā Plain across the street from the existing landfill as the new landfill site. That was in the last couple of years, so we needed to do something quickly to correct the course and avoid a lawsuit that would have wasted years, tons and tons of resources, and would have gotten us nowhere on the island's much needed path to finding other long-term solutions. We do not have that time to waste, so we are simply trying to draw a line in the sand around West Kaua'i so that we can all collaboratively work together towards longer-term solutions that do not involve the westside. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else in the audience who did not register? Please come up.

RUPERT ROWE: Good morning, Councilmembers. I have a couple of questions.

Council Chair Rapozo: You just need to state your name, sir.

Mr. Rowe: Rupert Rowe. *Po'o* of Kāneiolouma, so that we all know where we are and what I will say. When statehood came, we—the *kūpuna* back then—knew there was a problem seeing the future. We are in the future right now and we have the problem that they saw back then. Who is liable to remove the garbage that the government dumped on Hawaiian home lands? That is Hawaiian home land. We cannot even put *kānaka* on the land, but we are here with a problem. Why not put it in Princeville? That is not Hawaiian home lands. How will you folks take care of the problem? This is a major problem. This is not something to talk about with politics. I see a lot of politicians here. There is a lot of *waha*. The previous mayor is sitting in here. She knows about the problem, but you folks pass zoning and have all this development for your taxation so you folks get paid. The problem is where will the garbage go? How much do you folks pay the Department of Hawaiian Home Lands (DHHL) to dump the garbage? That is one (1) of the questions that I want you folks to answer. How much money does the County pay DHHL to dump their garbage? Every island in Hawai'i is on Hawaiian home lands. We cannot even put *kānaka* on the land. That is the question I want to know. How will we get rid of the *'ōpala*? Let us not talk "bubbles" here. You are going around in a circle. From 1959 to this day, we are still going in a circle. The circle is (Hawaiian language). You cannot find the corner to the answer. That is all I have to say. I am sort of frustrated, but anger within myself is a problem that I cannot see in the future. I cannot give what the kids of Hawai'i...the *keiki o ka 'āina* have no future. That is all I have to say.

Councilmember Cowden: I have a clarifying question. One moment, uncle Rupert. Thank you for your *mana'o* and for your very important questions. We will find out what those answers are. Relative to the Proposed Draft Bill itself, do you support, oppose, or are you not taking a position on it?

Mr. Rowe: Could you explain that again?

Councilmember Cowden: I appreciate all the important things you brought up. I got it and the questions that need to be answered...powerful points. When this Proposed Draft Bill says we will write an ordinance to restrict anymore potential landfill in Kekaha, do you support that, oppose it, or do you prefer a resolution like was suggested?

Mr. Rowe: You cannot put anymore landfills on this island, period. Okay?

Councilmember Cowden: Okay.

Mr. Rowe: We are talking in a circle.

Council Chair Rapozo: Okay. That was the answer, thank you.

Mr. Rowe: I want to finish answering the question. Because if we will use Hawaiian home lands, I want this Council to tell me how much money the Administration pays to dump the rubbish.

Council Chair Rapozo: The answer is zero dollars ($0). The County does not pay DHHL. That is the answer. I am not saying if it is right or wrong. I am just saying that you asked a question and I am providing you with the answer.

Mr. Rowe: But someone needs to get rid of the rubbish.

Council Chair Rapozo: I agree.

Mr. Rowe: Why do Hawaiians need to live on the road?

Council Chair Rapozo: I am not disagreeing with you, sir. I just wanted to answer your question. Is there anyone else in the audience who did not register?

KEKANE PA: Good morning, Council Chair Rapozo and Kaua'i County Council.

Council Chair Rapozo: Good morning, sir.

Mr. Pa: It has been a while since I have been here.

Councilmember Cowden: State your name.

Mr. Pa: For the record, my name is Kekane Pa. I came to talk about *'āina kūpuna*, but since it is about the landfill and since you are talking about bringing the landfill to a different area because of what is happening in Kekaha, I have a question. How much will it cost to move the landfill from Kekaha? How will you pay for it? I am sure the County will probably pay for it. How much will it cost? Are we using emergency funds to move it from one side to the other side? Where do we get the funds from?

Council Chair Rapozo: Stop the timer. The purpose of the Proposed Draft Bill is to prohibit any future landfills within six (6) miles of the current landfill. It is not about moving the landfill.

Mr. Pa: Thank you for clarifying. Are you saying the landfill will stay there forever?

Council Chair Rapozo: That is correct.

Mr. Pa: Thank you. That is a good clarification. Now, when we talk about another site and that you want to bring it to…excuse me, what is the name?

Councilmember Cowden: Ma'alo.

Mr. Pa: Is that right behind Kalepa?

Councilmember Cowden: Yes.

Mr. Pa: Are you folks digging down? Are the plans to excavate down and make a hole, or will you just raise the thing up, because when you have the trade winds, everything will be fine? When you get the north winds, that smell will come through the entire town. It will come through the schools. Not one (1) school, but three (3) or four (4) schools. We talk about the environment. That is great. We talk about health coming to where we have shopping malls and a lot of activities where people are around that can affect the health. Are we looking into that type of consideration of how we will not make a change in the people's lives by putting a new landfill in? That is a question I have. Yes, *Kupuna* Rowe is right that the situation was something we knew about all along—from statehood to now—and this needs to be resolved. What is that place called by halfway bridge that can burn material?

Councilmember Holland: The biomass plant.

Councilmember Cowden: Biofuels.

Mr. Pa: Why can we not start burning the materials? Why do we need to bury it? There are a lot of ways to get money to do things and a lot of executive orders for all these storms. This should be considered as one of the things you can get an emergency act for to get some type of finances to start something and we can start burning it, instead of burying it. That is all I have. Thank you. Thank you for your folks' time.

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

BERNARD MAKUAOLE: Good morning, Council. My name is Bernard Makuaole. Everyone knows me as "Hele-Boy." Speaking on behalf of my mom Sandra, I grew up here on the westside, but my mom has been a resident of Kekaha for over sixty (60) years. Over the years, I have watched multiple landfills on this island close as one (1) grows on the westside. It has become an eyesore. If the wind blows in the wrong direction, it becomes an inconvenient scent. Why has the westside become the island's dumping ground? Westside residents have lived with the burden of Kaua'i's only landfill for decades. Phase I was built before the modern environmental standards were in place, so it is completely unlined and poses a hazard to nearby beaches and recreational areas because of debris from Hurricane 'Iniki. Phase II reached capacity and received fast-track approval to expand the landfill. The landfill is located along the coastline and is prone to *tsunami*, hurricane, and coastline flooding. Underground water beneath it is polluted. Noise-polluting trash trucks drive up and down the roads day and night delivering rubbish to our rural community. Proposed Draft Bill (No. 3007) will solidify the County's commitment to keeping new landfills out of the westside. I urge the County to quickly proceed with building a new landfill elsewhere. This Proposed Draft Bill is more pressing in the wake of Hurricane Lowell as the County once again faces challenges with disposing of hurricane debris. As a resident who has been living with a landfill in my front yard for years, I deserve a certainty, not just lip service, that the County will no longer use my community as a whole-island dumping ground. The Proposed Draft Bill provides

West Kaua'i residents, especially the Kekaha residents, peace of mind that the County will not site another landfill in our backyard and recognize that we have carried the burden for a long time. I strongly support Proposed Draft Bill (No. 3007) and urge the Council to pass this measure. Sincerely, Sandra S. Makuaole.

Council Chair Rapozo: Thank you, ma'am, and thank you, sir, for reading it. Is there anyone else?

ALI'I NUI ALEKA AIPOALANI: *Aloha*, my name is Ali'i Nui Aleka Aipoalani (Ali'i Nui Aleka Palani). I have lived in Kekaha for sixty-three (63) years. I know the pollution, I know where it came from, I know how the place looked before it became a mountain, when it was a big hole and everyone dumped rubbish into the water, so I know there was no lining from back then. This needs to be cleaned up and we have solutions coming from the Polynesian kingdom. I think you folks should have a meeting with us to discuss this because we have the last say. Do you folks understand? Do you folks have any questions?

Councilmember Cowden: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Do you have a number or something to meet with you to set that up?

Mr. Aipoalani: Yes. I can leave my number.

Councilmember Cowden: Okay.

Mr. Aipoalani: Thank you.

Council Chair Rapozo: Thank you very much.

Mr. Aipoalani: You are welcome.

Council Chair Rapozo: Is there anyone else who did not register or did not testify yet and would like to testify?

KLAYTON KUBO: Klayton Kubo, Waimea, Kaua'i. I have discussed this landfill situation for numerous years now. It seems as though only the westside gets…I do not want to say the word. I understand that people will come out and say, "Not in my backyard. Not in my front yard," or whatever, but in the end, this is everyone's *'ōpala*. I call that place Mount 'Ōpala, because it is a mountain of *'ōpala*. I guess I will need to pose this question. What if Ma'alo does not come true? That is the thing. Everyone is counting on Ma'alo, but what if Ma'alo does not "fly?" Then what? Where will the next target or next spot be? I am in favor of this Proposed Draft Bill, but I can see some holes in it. Back then, I will call it a *puka*. I hope you folks will really think about this. If only Ma'alo is on the table, something can happen with that. First of all, this is what I was told years ago, that Ma'alo, because the Hawai'i Department of Transportation (HDOT), Airports Division said, "No," or maybe they said, "Yes." I do not know, but that is what I was told, so I need to at least address

that with you folks and whoever wants to listen. In a way, if Ma'alo is off the table, what will happen? How long more will it take for even Ma'alo to materialize? I heard it is ten (10) years. Please correct me if I am wrong. If Ma'alo is not on the table, then what? Will it be twenty (20) years from now? Thirty (30) years from now? Fifty (50) years from now? Since 1953, that dump has been operating. Since 1953, guys and ladies. Please think about it. If Ma'alo does not materialize, where and how long more will it be? I did not use all my time. *Mahalo nui.*

Council Chair Rapozo: I am impressed. You still had a few seconds left.

Mr. Kubo: Council Chair Rapozo, think about it.

Council Chair Rapozo: All the time.

Mr. Kubo: I want to know your folks' answer.

Council Chair Rapozo: Is there anyone else who did not testify. If not, we will go back to the first person.

Mr. Warren: After this, do I have another three (3) minutes?

Council Chair Rapozo: No, this is your final three (3) minutes.

Mr. Warren: Can I go for another three (3) minutes?

Council Chair Rapozo: There is not another three (3) minutes.

Mr. Warren: Then I need to say this quickly. I know we are talking about strongly supporting...the lineal descendants have been disenchanted about the support of this Administration at community meetings. There has not been open dialogue, so a lot of people have lost confidence, but we are here to represent the folks who have lost confidence. We strongly support the Proposed Draft Bill. I bring up points about Phase I and Phase II even though it is not in the Proposed Draft Bill, but it supports what can happen if another landfill is built in the same area. I shall continue. This is an important point about why Phase I should be dug up and placed in a new landfill outside of West Kaua'i to start the healing process. Water pressure under the ground comes up. It is under all of Kekaha. When the groundwater moves, no one stops it, so all the contaminants coming from the dump is in our groundwater, which can come up in our backyards during seasonal flooding. Furthermore, the upward groundwater pressure and the increased weight caused by the vertical expansion of Phase II could breach the liner causing more toxic waste going into our groundwater. These are two (2) important points about why we should not put anymore landfills in Kekaha. It is because of that. Look at what DOH said about the water tested in...I forget where it was. The levels of arsenic are at its highest. The County claims that it is background; we are saying it is from Phase I. If the liner from Phase II breaches because of the vertical expansion, and from weight from the top and water pushing from the rise of groundwater, it could breach it. DOH...you folks have litigation that you folks might need to do to solve that problem. The benefits of

why we are here as lineal descendants is...what Lei Wann, who is back there, has done on the North Shore in bringing back the fisheries and fish can only be done when the nearshore environment is healthy. With all these chemicals going into the water, we would love to do that, but why do it when it is contaminated? Why do it when the arsenic is killing the *wana* and killing the reefs? We would love to do exactly what Lei is doing as far as nearshore fisheries go. When you talk about County resources to track the *ʻōpala* from the North Shore all the way to the westside...when you look at the carbon footprint, you look at fuels and what the County needs to pay to haul that rubbish. It almost makes sense to put it in a centralized location where there is no groundwater pressure. All these things...and when you look at how much we need to pay to bring the trash to houses when they destroy a 40,000-square-foot house and build a 100,000-square-foot house, that trash is not coming from a resident in Kekaha; it is coming from the North Shore. The unlined part is huge. I do not agree with you folks regarding putting a liner on it and putting more pressure to squeeze all of the arsenic from the Canec, the old plantation houses, and Hurricane Iwa. We all know what Canec is. It was treated with arsenic to prevent the termites from eating it. It is in Phase I. That is why we strongly disagree even though we were not allowed to communicate that at the previous E Ola Mau Na Leo Kekaha (E Ola Mau) meeting that the Administration held to get our voices. We were shut down. We were not able to communicate as a community. We had to go in a corner. When I asked the engineers, a lot of them did not have the answers at two (2) meetings.

Council Chair Rapozo: I need to stop you.

Mr. Warren: Okay, three (3) minutes.

Council Chair Rapozo: I was at the meeting. I agree with you.

Mr. Warren: In conclusion...

Council Chair Rapozo: I need to stop you there.

Mr. Warren: I am sorry. I got passionate, but we are frustrated. We are very frustrated.

Council Chair Rapozo: I understand.

Mr. Warren: Three (3) years ago, they had a meeting about the expansion. They did it the Thursday before Labor Day weekend. Do any of you folks...

Council Chair Rapozo: I need to stop you. Today's meeting moves this Proposed Draft Bill to a Public Hearing. You can testify at the Public Hearing. After the Public Hearing, it comes back to us in the Committee. You can testify at the Committee Meeting as well. Then it will come up for a final vote, where you can testify again. I need to be strict on the rules because we have a lot of people, so I must ask you...thank you.

Mr. Warren: Thank you. We cannot...

Council Chair Rapozo: No, I need to stop you.

Mr. Warren: Was that three (3) minutes?

Council Chair Rapozo: Yes.

Mr. Warren: I am sorry about that.

Council Chair Rapozo: That is the hardest part about my job.

Mr. Warren: Are there any questions? Please keep me up here.

Council Chair Rapozo: We will see you at the Public Hearing. It is tough. Is there anyone else who testified once and wants to testify for a second time? Come on up. You need to come up here because we need to get you on the microphone.

Councilmember Cowden: State your name.

SANDRA MAKUAOLE: *Aloha*, my name is Sandra Makuaole. I have been a resident of Kaua'i for a little over sixty (60) years. This is my baby. My first experience with the landfill thing going on was when I was in the car on...what side of the island? I do not remember. Hanalei side. I saw a bus going the other way. I asked someone about it and they were talking about how they were replacing what we had with the garbage and trying to find a new landfill. It seemed like every couple of years they were trying to find a new landfill or something to take care of the rubbish. It still has not happened. A couple of years ago, I had cancer and there was no reason for me to have cancer—I did not smoke, I did not do anything bad—but I had cancer. I am sorry to say this. I went to the local person who handled cancer and I could not get a second appointment. A year or so later I finally got a second appointment and found out that I had cancer. There was something on there that had the name of the type of cancer I had and in fact, that I would need serious cancer surgery. That doctor tried to get me an appointment a year or so later, and I said, "Nevermind." I picked up my home phone, I called Yale New Haven Hospital. My mom and dad lived in Connecticut, and I used to live in Connecticut. I got an immediate appointment for that week to go to Connecticut and get cancer surgery. I arrived there at 7:30 a.m. on the morning of my appointment and I did not leave the doctor's office until after dinner. They only sent me home after dinner because there was a school play and everyone wanted to go. From 7:30 a.m. until dark, I was in cancer surgery. My cancer doctor told me my case was so unusual. They had a convention of cancer doctors that occurred. They took her up and she needed to tell the world what she did to me during all those hours I was on the table. I told the doctor there that I went by these trucks that were going to where would be a landfill, and no one asked me if I wanted it. I did not even know I had cancer until it started and it is still going on, so I would appreciate it if we could get a great big building like other people have in other parts of the country where they automatically burn everything to a crisp so it does not bother people like me. That is my testimony.

Council Chair Rapozo: Thank you for your testimony.

Councilmember Cowden: I have a clarifying question.

Ms. Makuaole: Yes.

Councilmember Cowden: You spoke a lot about your cancer. Are you tying that to this Proposed Draft Bill saying that you believe part of the reason why you have cancer is because of your proximity to the contaminants because you live in Kekaha?

Ms. Makuaole: Yes.

Councilmember Cowden: You are very close to the landfill.

Ms. Makuaole: It is not just me; other people on the island.

Councilmember Cowden: Just being really clear. Okay.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? Seeing none, is there any further discussion? Again, this will go to a Public Hearing.

Councilmember Cowden: I have questions for DPW.

Council Chair Rapozo: I am sorry. Is someone from DPW here?

Councilmember Cowden: Thank you very much. I have two (2) key questions. As I said many times, I went through the entire process for the Ma'alo site development and I was sitting in this room as a member of the public when we were told the Federal Aviation Administration (FAA) was not going to allow it. The State was not going to allow it. I think they did not want to give the County the land…but that we could not do it. Do you recall? You were in DPW and I believe Allison was in, too. You were the recycling person at the time. Am I remembering correctly?

TROY K. TANIGAWA, County Engineer: Troy Tanigawa, County Engineer. I want to start off by saying, and I think I can speak for the Administration, that for the Proposed Draft Bill, we are not in opposition of the Proposed Draft Bill. We feel this matter was more appropriately addressed through a resolution; however, we understand what the thought was. Again, we do not oppose the Proposed Draft Bill. Secondly, to address your question, Councilmember Cowden, HDOT Airports Division had serious concerns about wildlife hazards created by birds for air traffic. That was pretty much the hurdle that the first attempt at the Ma'alo site could not overcome. However, we recently had further discussions with HDOT Airports Division staff. We believe we have come to a point where we can say we addressed HDOT Airports Division's concerns and we have a very good relationship with them now, so we are in a really good position to continue pursuing the Ma'alo landfill.

Councilmember Cowden: Thank you for that. I will reframe it to make sure I understand you correctly. Are you saying that because you have a good relationship with the Director…

Council Chair Rapozo: I let it go with the first question, but I will stop you, because Ma'alo is not on the agenda. The agenda is Kekaha.

Councilmember Cowden: What is on the agenda?

Council Chair Rapozo: It has nothing to do with Ma'alo. This is basically saying there will be no more landfills in Kekaha. That is what is on the agenda. I will not open a discussion on Ma'alo because it is not on the agenda. The questions need to be about the prohibition of future landfills in Kekaha. That is what is on the agenda.

Councilmember Cowden: The second question, which is something I asked, I believe in my first year, and I was really appreciative. I asked for a map of where the County could have a landfill and where the County could not have a landfill. My memory is that almost the entire island was red, including all of Kekaha, Mānā, and everywhere else out there. There was a little patch in Kōloa. Is it correct that most of the island, including...because it is talking about Kekaha...Kekaha and everywhere, there was virtually no place anywhere other than right there in the Kōloa area that would have been okay?

Mr. Tanigawa: I agree with that. There are very, very minimal areas on the island that were determined to be outside of the exclusionary zones.

Councilmember Cowden: Okay, so all these areas are in the exclusionary zones, certainly including the six-mile radius of Kekaha and the existing landfill...had it been considered for now, would also be in the exclusionary zone? Yes?

Mr. Tanigawa: Yes.

Councilmember Cowden: I have one more.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Kawai Warren asked a question that really resonated with me. The County is looking at increasing Mount 'Ōpala...I call it Pu'u 'Ōpala...but as it gets heavier, are you looking at if the liners that were put in around 1990 could crack and rip?

Mr. Tanigawa: There is additional pressure that is put on the existing material with additional materials, however, over time, those materials stabilize. It is under the cap that we put on in the 1992-1993 timeframe. That waste mass is significantly dry.

Councilmember Cowden: Dried?

Mr. Tanigawa: Dry. There was degradation when it was a very moist mass; however, that is the way the science works. You cap it, you remove the gas, which we have now been doing for over a decade, and that waste mass becomes more and more stable.

Councilmember Cowden: My memory is that this was finished just before Hurricane ʻIniki and that then-Mayor Yukimura was quite diligent at separating out all the metals. The County had piles of different types of things. Am I remembering correctly that those metals were shipped off the island and are not on the bottom of the landfill where they could be piercing the liner?

Mr. Tanigawa: The base of the new vertical expansion will be prepared so there is no risk of items or articles that could protrude and damage the liner with the additional pressure from the waste being put on it.

Councilmember Cowden: Thank you. That is important for me moving forward and as we move into the next couple of steps, I want the community to be conscious of what we are talking about.

Council Chair Rapozo: Are there any more questions about the Proposed Draft Bill itself or the six-mile prohibition? If not, thank you very much. Is there any further discussion? Again, this will go to a Public Hearing in October. What is the date, again?

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

Councilmember Cowden: I have a bit of further discussion.

Councilmember Kaneshiro: October 28, 2026.

Council Chair Rapozo: It will be back here in the full Council on October 28, 2026 for a Public Hearing. Go ahead, Councilmember Cowden.

Councilmember Cowden: First of all, I want to thank everyone who came. It is really important that we hear all of your perspectives and I ask you to continue to engage and to continue to be a part of looking if there is any way we can adapt or whatever might be the case. I want to acknowledge why I ask those questions about no where to go, that does not mean it needs to stay in Kekaha. Hopefully, the County can use Maʻalo. I want to thank the people from Hanamāʻulu and the surrounding area for being willing to consider it. I want to acknowledge that from the Hawaiʻi State Association of Counties (HSAC) meeting that we just had, there was conversation…that is where all the county council representatives…Councilmember Carvalho is the main one and me in that meeting for us. There are two (2) from each county council. Oʻahu is looking at having to ship their trash in a boat off the island because they are having the same problem this County has. Where they have their trashed ash [sic]…that is full too. It is a really strong issue when there are environmental protection laws that are so profound, there is no place to put the trash, so I want to say to everyone listening, "Stop buying garbage." What I had people say to me, from longtime residents, generational residents…they talk about when they used to burn their little pile of green waste and paper products in their yards, and they are really emphasizing that it has been a collection of rules and elements that increased the rubbish, so I just want all of that out there for consideration.

Council Chair Rapozo: Thank you. Is there any other discussion? Go ahead.

Councilmember Holland: I want to thank you for your time and for my colleagues considering this Proposed Draft Bill. This is an environmental justice issue. This is a very small piece of the conversation. It does not address many of the things that were brought up today. It does not talk about waste-to-energy or Ma‘alo; it just talks about whether a secondary landfill should ever be built in the Mānā Plain, which I do not think is feasible, reasonable, or responsible anyway. Thank you all for the discussion and to everyone for their testimony.

Council Chair Rapozo: Thank you. Before I take the final vote, did anyone need more time to study the testimony before we take the vote? This will only go to a Public Hearing, so we will have a lot of time between now and the Committee Meeting. If any of you need time, we will take a recess.

Councilmember Cowden: I know what my vote is, but I want to tell all the people who bothered to write testimony how appreciated it is and I appreciate the fact that it is not just all the same thing. There are a lot of really unique testimonies and I will read them all.

Council Chair Rapozo: Thank you. Okay.

Councilmember Kaneshiro: I have my hesitation on it. That is probably not the popular thing to say, but I do not want to hamstring the County either. We do not know what will happen. The only site we have available to look at is Ma‘alo and who knows what will happen? Someone can say there is a watershed there. Someone can say it might go into the Wailua River. Someone might say something and that project might be held up, too. I am not saying it needs to go to Kekaha; I am just saying that I am not so enthusiastic about saying it cannot go somewhere, because at the end of the day, we will always make trash no matter what we do. Kaua‘i will produce trash, it will need to go somewhere, and we will need to decide where it will go. That is my only concern about legislation such as this. I would love for everyone who testified in support of this to really push for the Ma‘alo site, but there may be people opposing the Ma‘alo site too, because they are downwind or something. I live near there. I would support the Ma‘alo site, but again, anything can come up. I cannot tell the future, I do not have a crystal ball, and I really do not want to hamstring the County, because at the end of the day, we all make trash and it needs to go somewhere.

Councilmember Cowden: I have a short, little extra bit.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I am definitely voting “yes” today to keep moving this forward, because it is a very important conversation and most commonly, the Committee Meeting is when we really go into robust discussion and look at solutions, so I will definitely be voting “yes” today, but I recognize that we need to put it somewhere and that is why I brought up O‘ahu. They do not even have any place to put it. How much cost is it to sit there and put the garbage somewhere? It might

end up staying in Kekaha for a very, very long time. Maybe that is not the intention either.

Council Chair Rapozo: Thank you. With that, roll call.

The motion for passage of Proposed Draft Bill (No. 3007) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 2026, and that it thereafter be referred to the Public Works & Veterans Services Committee was then put, and carried by the following vote:

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

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

Council Chair Rapozo: With that, the next item up is about *ʻāina kūpuna*. Let us take a 10-minute recess to give our staff a break. We do not have a captioner right now, but we will take a 10-minute recess, then reconvene. Again, if you plan on testifying for the Proposed Draft Bill about *ʻāina kūpuna*, please register during the break.

There being no objections, the Council recessed at 10:11 a.m.

The meeting was called back to order at 10:24 a.m., and proceeded as follows:

Council Chair Rapozo: Can we have the next item, please? We are back to the Communication.

C 2026-239 Communication (09/21/2026) from Council Chair Rapozo and Councilmember Holland, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Article 9, Kauaʻi County Code 1987, As Amended, Relating To Real Property Dedicated As ʻĀina Kūpuna.

Councilmember Carvalho moved to receive C 2026-239 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: Again, we will take the Proposed Draft Bill right after. Is there any discussion or public testimony on the Communication?

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

The motion to approve C 2026-239 was then put, and carried by a vote of 6:0:1 *(Councilmember Kualiʻi was excused)*.

Council Chair Rapozo: The motion carries. Can we have Proposed Draft Bill (No. 3008), please?

There being no objections, Proposed Draft Bill (No. 3008) was taken out of order.

Proposed Draft Bill No. (3008) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA

Councilmember Kaneshiro moved for passage of Proposed Draft Bill (No. 3008) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 2026, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Bulosan.

Council Chair Rapozo: Councilmember Holland.

Councilmember Holland: Thank you folks. Thank you for entertaining two (2) of these Proposed Draft Bills today. I want to also give a brief explanation of Proposed Draft Bill (No. 3008) and the efforts we put in here. First of all, I want to say that this is actually one of the Proposed Draft Bills that I started over one and a half (1½) years ago. This is one of my first actions and it has taken almost two (2) years for this Proposed Draft Bill to come to this place. I want to thank Council Chair for working on it with me from the very beginning. First of all, this Proposed Draft Bill, which we are calling the 'Āina Kūpuna Bill, creates a new property tax program called the 'Aina Kūpuna Dedication that lets longtime Kaua'i families who can trace their land back to being owned before statehood in 1959, to pay a minimal fixed property tax for 10-year periods and it wipes out any back penalties and interest that they owe of unpaid property taxes before they joined this program. This is a modest, first step by the County towards addressing its own role in the loss of generational lands, years of raising land valuations, and the resulting increases in property tax revenues that followed have benefited the County while longtime *kama'āina 'ohana* have faced increasing pressure to sell, leave Kaua'i, or struggle to hold on to their lands. This Proposed Draft Bill is trying to take a step in the right direction. It is a very small step in the right direction for what the County needs to do to address generational family struggles and being pushed off Kaua'i, but it is some of the longest standing *kūpuna* on fixed income or generational families who are being pressed to sell their homes. Who qualifies for this? A property can be dedicated as *'āina kūpuna* only if the following are true: the property needs to be under five (5) acres; the ownership history needs to reflect that the property is owned—fully, partially, or in trust—by one (1) or more of the descendants of someone who owned it at the time before August 21, 1959...

Council Chair Rapozo, the Presiding Officer, relinquished Chairmanship to Councilmember Kaneshiro.

(Council Chair Rapozo was noted as not present.)

Councilmember Holland: ...or it is owned by a privately held company, LLC, or descendants that are pre-1959, own or control more than fifty percent (50%) of the ownership; and the company's stock is never sold to the public; or the property was originally in a 999-year homestead lease issued by the DLNR before

August 21, 1959 and it is currently leased by a descendant of that original lessee. The tax burden—the real property taxes over the 10-year period add up to more than ten thousand dollars ($10,000). You need to trigger that as well. One (1) dedication per family. The owner and lessee cannot already have another property dedicated as *ʻāina kūpuna*. They will only have one (1) of those properties. You need to have local residency. At least one (1) owner, trustee, or member of the company board must live in the County. Those are the criteria that you need to meet to qualify for this tax designation. What do the families get? The families will get a minimum property tax for a 10-year period, rather than tax based on the property's assessed market value. All past penalties and interest will be wiped out and any delinquency, penalties, and interest owed on unpaid property taxes before entering the program are forgiven once the dedication is granted. The dedication can be renewed for an additional 10-year period if the owner reapplies on time and through the process, as required. What do families give up and what are the restrictions while the dedication happens? While a property is dedicated as *ʻāina kūpuna*, the owner cannot sell or transfer the property to anyone who is not a qualifying descendant of the original pre-1959 owner or original homestead lessee. They cannot use the property commercially in any way. This will never apply to transient vacation rentals (TVRs), anyone who is renting out their house, or anyone commercializing their property. This specifically includes running short-term vacation rentals or a bed and breakfast. Agricultural uses for the sale of agricultural products from the property are allowed. Failing to formally record the dedication with the State within thirty (30) days or later is also something you need to do. You need to make sure you record the dedication…and take any other action that would make the property ineligible. If a family breaks the rules, the dedication is canceled retroactively back to when it was started or last renewed and the family would owe the back taxes. They would need to pay without the discount, plus a ten percent (10%) penalty as lien on the property. If you agree to not sell the home for ten (10) years, but you sell it and make a bunch of money off of it, you will need to pay the taxes you would have paid if the property was not in the dedication. How do families apply? Complete the application by September 30, like any other tax dedication for the year before they want the tax break to start, they must sign an agreement to follow the rules guided in this, and they must provide documentation proving eligibility. The Director may request more documentation throughout that process. Families denied will be notified by December 1 and can appeal the process the same way any other tax assessment appeal happens. The renewal is due by September 30…that is today…of the last year of the current 10-year term or the dedication ends automatically. If passed, this ordinance would take effect on September 30, 2027 to set up the application forms and process, but the actual tax change would first start to apply in the tax year beginning July 1, 2028. That is the summary of the Proposed Draft Bill. I can take questions or we can discuss some details more deeply.

Councilmember Kaneshiro: Council Chair Rapozo stepped out, so I will be running the meeting. Are there any questions for the introducer?

Councilmember Cowden: I do.

Councilmember Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you. I have several questions. I tried to do this in my first term and my third term, but I was not able to move it forward. What was this based on? Did you pull this from Maui's ʻĀina Kūpuna bill or did this start from scratch?

Councilmember Holland: Initially, at the start of this process almost two (2) years ago, I looked at the newly passed Maui ordinance. Hawai'i Island passed one about two (2) months ago as well, so I have been going back and forth between both versions. Ours is a little different.

Councilmember Cowden: Okay, because I tried to do that. Another question I have…because these retroactive payments…when we watch people make a mistake, people lose their properties. Is that retroactive activity or retroactive penalty in both Maui's and Hawai'i Island's? I do not remember it being in Maui's.

Councilmember Holland: I thought it was. If you violate the agreement over the 10-year period, you need to pay the back taxes. Basically, it means you sold the property after saying you were not going to sell the property. Yes, you need to pay.

Councilmember Cowden: …the piece?

Councilmember Holland: Yes.

Councilmember Cowden: Is that required by the Department of Finance? The reason why I ask is when I tried to do this in the past…is trying to save properties for people. A lot of times people are just on the bitter edge, particularly when it is inherited property, which is one of the biggest problems that I saw. Sometimes, they just cannot keep it and I watched properties heartbreakingly get forced into sale. When I look at that, if it is forced into sale, the penalties can be very steep. What I also see is people who have even vacation rentals…so I am glad that is allowed…those vacation rentals…

Councilmember Holland: It is not allowed.

Councilmember Cowden: Is it not allowed?

Councilmember Holland: No. You cannot commercialize the property…a homeowner, no.

Councilmember Cowden: If it has already been, you can. I thought you said that.

Councilmember Holland: No, it does not qualify for the one-hundred-fifty-dollar tier. If you TVR your house, you pay TVR rates.

Councilmember Cowden: Okay.

Councilmember Holland: Regardless of…

Councilmember Cowden: Can I just tell you the argument? I will make it very fast. Sometimes, that is how people put their kid through college, or they pay for a family member's cancer treatment.

(Council Chair Rapozo was noted as present.)

Councilmember Kaneshiro returned the Chairmanship to Council Chair Rapozo.

Councilmember Cowden: It is the piggy bank for the entire *'ohana* underneath them.

Councilmember Holland: They are not the target of this Proposed Draft Bill, Councilmember Cowden. It is not the target of the Proposed Draft Bill to…

Councilmember Cowden: …help that.

Councilmember Holland: No. If you TVR your property, you pay the TVR rates, and your rates are passed on to your vacation rental people who are renting your house, so you should pay for the appropriate rates. This if for people who cannot pay the land taxes, have owned the property for generations, and are being squeezed out or pushed out of Hawai'i.

Councilmember Cowden: Do they need to live in it?

Councilmember Holland: They need to live in it or affordably rent it.

Councilmember Cowden: When there is a house that is not lived in, which is grandma's house or great-grandma's house…

Councilmember Holland: It does not necessarily need to be lived in. It needs to not be commercial, not be rented out for money, and not be a TVR. It can be a family home where they all gather, but it is not for commercial use.

Councilmember Cowden: If it is a family home where they gather, do they need to keep someone in a bedroom to keep it?

Councilmember Holland: No.

Councilmember Cowden: Can they have it…

Councilmember Holland: You just need to meet the qualifications I outlined.

Councilmember Cowden: Okay. I was trying to see and understand why my past efforts were shut down, because it looks very similar to what I had done.

Councilmember Kaneshiro: We just opened it to questions from the Members. We have not taken public testimony yet.

Councilmember Cowden: Yes, I am asking Councilmember Holland for a bit of background.

Council Chair Rapozo: Are there any more questions for the introducers? If not, we will take public testimony. Who is the first registered speaker?

Ms. Fountain-Tanigawa: The first registered speaker is Kleve Zarbaugh.

Council Chair Rapozo: Again, you have three (3) minutes on the first round. When the light turns orange or yellow, you have thirty (30) seconds, and when the light turns red, your time is up. You can come back for a second round of three (3) minutes.

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

KLEVE ZARBAUGH: Kleve Zarbaugh. Good morning, Councilmembers and Council Chair. Thank you folks for having me. I just want to give my little piece of information about what is happening. I am in support of this ʻĀina Kūpuna Bill. I married into a family who has generational wealth through this property. I see a lot of importance in the *ʻohana* being able to gather. What makes Kauaʻi beautiful is our land and our scenery, but most of all, our people. If you push out the people, what do you have? You do not have the same community. We need to keep this community together by this hopefully passing and all of that…because what do you have? Our Hawaiian ancestry, lineage is being watered down in a sense. Hawaiian homes are not for all Hawaiians anymore, but this type of generational wealth with these family lands is very important, so I am in support of this. Thank you, folks. I need to go back to work serving the public. I kept it together today. Thank you very much.

Council Chair Rapozo: Thank you for your service.

Councilmember Cowden: I have a clarifying question. Do you have lands yourself with your family?

Mr. Zarbaugh: I married into a family who has generational lands which we use as a gathering place for the *ʻohana*. Everyone goes there. There are multiple families who use this property.

Councilmember Cowden: Can you give an estimate of how many are in the *ʻohana* that uses it?

Mr. Zarbaugh: Gosh, one hundred (100).

Councilmember Cowden: One hundred (100)? That is the type of question that is very important.

Mr. Zarbaugh: For instance, there are the Hashimoto's, the Kamea's, the Wakuta's, and the Kaminose's. There are a bunch of families that are related to my *ʻohana*, who are in the back.

Councilmember Cowden: I was not sure if it was on both sides.

Mr. Zarbaugh: That is probably the small end of the number. It is probably bigger than that.

Councilmember Cowden: Yes. Is that right on the ocean?

Mr. Zarbaugh: Yes, ma'am.

Council Chair Rapozo: Thank you very much.

Mr. Zarbaugh: Thank you.

Council Chair Rapozo: Next speaker.

Ms. Fountain-Tanigawa: The next speaker is former Mayor Maryanne Kusaka, followed by Presley Wann.

MARYANNE KUSAKA: Council Chair, esteemed Councilmembers, good morning and *aloha*. My name is former Mayor Maryanne Kusaka. You all know me well. I am here on behalf of the Hashimoto family. They asked me to relay my history with this family. When I first moved here in 1964, they were the first family who greeted me in Hanalei. I lived in Hanalei. They were so friendly and so warm. They were always a God-fearing family and always at church. That is really where I got acquainted with them—at the Wai'oli Hui'ia Church in Hanalei. It is just so beautiful. I know all of their children and their grandchildren, who are now all adults. One of my very close friends is Lei Ramos who was raised by Aunty Violet. I believe Aunty Violet is *Kupuna* Dora's daughter. They all lived in a family compound in Hā'ena. It is a beautiful place. This property is where Jack, one of their sons, lived in 'Anini. It is a family place, it is a gathering place for the Hashimoto family today, and I hope they can continue to enjoy that property as a family. I understand their extended family goes there, too. They are fishers, historically. Grandpa Hashimoto knew the names of every single reef in Hā'ena. It was such a wonderful thing. When Grandma Dora said she wanted to eat a certain type of fish, they would know exactly what reef to go to gather that type of fish to make her happy. Aunty Violet would pick shells and make beautiful *lei*, which she never sold. Instead, she gifted it to people—friends and church people. They are such wonderful, wonderful people and I hope that we can help them and allow them to continue to have this property, which I understand they lease at 'Anini and use today as family gathering sites. I am here to support them; they are well-deserving. I know this Proposed Draft Bill will pass because it is such a wonderful thing for our Hawaiian *kūpuna*. Thank you very much.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Presley Wann, followed by Lei Wann.

PRESLEY WANN: *Aloha,* Council Chair Rapozo and Councilmembers. My name is Presley Wann and I am here in strong support of Proposed Draft Bill (No. 3008) as a Hā'ena *kuleana* landowner, as an old *kama'āina*

family, and, as my mirror reminds me, as a *kupuna*. This Proposed Draft Bill is a chance for this County Council to leave a legacy in an innovative solution to our generational migration. We all know families who moved to the mainland. I could give you multiple examples. I think of my great-grandfather, Hailama. I also think of my Chinese grandfather, Akung. I also think of my mother who sacrificed to pay the property tax on our *kuleana* land. This year, I paid seven thousand eight hundred ten dollars ($7,810). That was the lowest in probably twenty (20) years. I have paid as much as twenty thousand dollars ($20,000) for property tax. I want to thank the Council for considering this Proposed Draft Bill and thank you for all the hard work that went into it. *Mahalo* for this opportunity.

Council Chair Rapozo: Thank you.

Councilmember Holland: Uncle Presley, I have a clarifying question. How large is your parcel?

Mr. Wann: It is almost four (4) acres.

Councilmember Holland: On almost four (4) acres, does it not have a house?

Mr. Wann: No.

Councilmember Holland: On undeveloped four (4) acres, are you paying up to twenty thousand dollars ($20,000) per year In property taxes?

Mr. Wann: Yes.

Councilmember Holland: Is this for your *kuleana* property?

Mr. Wann: Yes.

Councilmember Holland: Thank you.

Councilmember Cowden: I have a clarifying question, too. You may have said it and I missed it. Where is this property located?

Mr. Wann: In Hāʻena.

Councilmember Cowden: In Hāʻena?

Mr. Wann: Yes.

Councilmember Cowden: Okay.

Mr. Wann: We are one (1) of two (2) *kuleana* lands left in Limahuli. It is the *ahupuaʻa*.

Council Chair Rapozo: Thank you.

Mr. Wann: Thank you.

Ms. Fountain-Tanigawa: Lei Wann, followed by William Wong.

LEI WANN: *Aloha*, Council. My name is Lei Wann. I am the child of that person and I am speaking on this current Proposed Draft Bill addressing...I am here on behalf of our property called Kamealoha, in Hāʻena. Kamealoha is a *kuleana* parcel. It was home to hundreds of my ancestors before us. We can account for at least five hundred (500) years in the valley. My last ancestor *awa oahi* grandeur Hailama and Puaokina. It was the last place where *ʻōahi*—the ceremony of firebranding—famous to Hāʻena was prepared. The brands were prepared on the property by him and his student Laʻamaikahiki and *tūtū* Kaleikilau in 1924. Our property tells a story of ʻōahi bearers. It tells the story of the last descendants of Nihoa. As my dad mentioned, it is one (1) of two (2) of the last *kuleana* parcels left in Hāʻena. In total, there are less than a handful in Hāʻena. Despite multiple civil suits, like that of 1710, and multiple probate cases stating us as the *kuleana* descendants, we applied for the Kuleana Land Tax Exemption multiple times and have been denied, hearing things from the Office of Hawaiian Affairs (OHA) members such as, "There is no doubt that you are the *kuleana* land holder," but when they ask the question, "Did you provide the birth certificates from the 1850s through 1870s," I have no say, "No." I applied again this morning before I came here. I wanted to make sure I did it before I came here. I waited until the last day. We are the last, as I mentioned, and there are less than a handful of us. I watch my *tūtū* Kahili Chu as a single mom sew quilts. I am sorry. I inherited her book. Every year, it said, "Went from sewing one (1) quilt to pay the land tax," to her by the 90's trying to sew five (5) to six (6) quilts each year to pay the land tax. My dad has the responsibility now. Even though he has had a successful career as an engineer, I watched him struggle each year paying for it. As the next person in line to start paying for it, I worry. Even the best jobs in our North Shore community...I am the Director of Limahuli Garden and Preserve. Probably the highest paid in our community is not enough. It is not enough to pay for what we are facing. I am sorry. I have one last thing. We face discrimination by our wealthy land neighbors. We have been mocked for simply existing. We have been taunted with money deals and things that you would never want to see your children go through. I ask that you consider this Proposed Draft Bill.

Council Chair Rapozo: Thank you very much.

Ms. Fountain-Tanigawa: William Wong, followed by Christina Aiu.

Council Chair Rapozo: Good morning.

WILLIAM WONG: Good morning, Council Chair and Councilmembers. My name is William Wong and I support Proposed Draft Bill (No. 3008). This morning, I needed to *pule* a little bit to ask my *kūpuna* to come here and help me. I have a short testimony. I do not usually do this type of thing. I usually have my daughter or son to do this type of thing. I am glad I am here. I will support this and do what I can do for my family. Our family has two (2) *kuleana* properties. One (1) is Apana 1 in the houselots and Apana 2 is the *loʻi*. They were occupied and cultivated by *ʻohana* before the Great Māhele. They were given land

commission awards conveyed back to our family to our *kūpuna*. Even though we have documented history, we cannot obtain the Kuleana Land Tax Exemption from OHA because we lack a written instrument of conveyance. As a result, we have accumulated over two hundred twenty thousand dollars ($220,000) in taxes for this property, which is an overwhelming financial burden which triggered a quiet title action by a family member. These are not simply parcels of land. They are a legacy in our ancestry and the foundation of our family identity, and our *kuleana* is to preserve this land. It is hard to believe that the absence of this written document will take the land our *'ohana* has occupied and cared for over hundreds of years. *Kanaka maoli* needs the County to help keep Hawaiian lands in Hawaiian hands and to relieve the impossible financial burdens. I support this Proposed Draft Bill for my family and for all the Hawaiian families fighting to protect their lands entrusted to us by our *kūpuna*. I have one (1) question before I step down. Who gave the government and the State the right to tax *kuleana* lands anyway? I will leave you with that. We will have a discussion later on. Thank you so much.

Council Chair Rapozo: Thank you, Mr. Wong.

Ms. Fountain-Tanigawa: Christina Aiu, followed by Mylie Aiu.

CHRISTINA AIU: *Aloha mai kākou*, Council Chair and Councilmembers. Christina Aiu. My *'ohana* is from Wailua, where we have been for over one hundred (100) years. Just for full disclosure, we have an *'aina kūpuna* where we gather and have family reunions, baby *luau*, weddings, and funerals that are worth protecting. However, right now, I am testifying on behalf of our organization Kīpuka Kuleana. I submitted lengthy testimony to our Council with some of the data we have been able to pull of delinquency records with the County, but the bottom line is we have been supporting *'ohana* since 2016. Our mission is to protect ancestral lands on Kaua'i and support families in navigating the many, many challenges that we see with having family-owned lands with multiple descendants and many of the challenges that were shared here today. Some of the families are here. The bottom line is that every year since 2016, we survey our families at our workshops, and every year, the cost of property taxes is cited as the number 1 barrier to land retention for these families. As I mentioned in my testimony, the fiscal impact of this Proposed Draft Bill would likely be modest and I welcome any clarifying questions on the data I provided. I will read for the public to hear. A recent review of Kaua'i property tax delinquency records compiled by Kīpuka Kuleana identified fifty-four (54) potential family-owned parcels. Of these, thirty-eight (38) show indications of multiple or heir ownership, and eleven (11) list an owner of record who has passed away, meaning the land is still working its way through inheritance while penalties and interest keep accruing. Our manual calculation shows that these fifty-four (54) parcels carry about one million one hundred thousand dollars ($1,100,000) in penalties and interest, on top of the underlying tax owed. Looking ahead, if the program were implemented this year and all fifty-four (54) parcels with a calculable tax bill qualified, the County would forgo an estimated two hundred ninety-two thousand three hundred thirty-nine dollars ($292,339) in annual real property tax revenue. We calculated that based on how much each of the parcels owes minus the one hundred fifty dollars ($150) they would pay under the dedication. It sounds like a lot when I say those numbers, however, I will also note that the County has greatly benefited from increasing land values that we have seen, especially since 2020. Our calculations in

looking at the County's audited financial records shows a forty percent (40%) increase in the three (3) years between 2020 to 2021 and 2023 to 2024. I know we have been impacted by the hurricane so maybe there will be less revenue, but earlier this year, the County adopted a budget for two hundred sixty-one million four hundred twenty-six thousand seven hundred sixty-five dollars ($261,426,765) to be collected in expected real property tax revenue. When you look at the number of the parcels that are currently on the delinquency list, that represents that penalties and interest are less than one percent (1%). In fact, it is forty-three hundredths of a percent (0.43%) of the total expected revenue and roughly one-tenth (1/10) of one percent (1%) in lost property taxes collected. I am happy to answer any clarifying questions. I just wanted to share the financials. Again, this is just the delinquency list. We were not able to look at the entire County of Kaua'i, but this is a snapshot of the type of fiscal impact this would have, which in my opinion, is very small.

Council Chair Rapozo: I need to stop you there, because your first round is over. Do you have a lot more?

Ms. C. Aiu: No, that is all.

Council Chair Rapozo: Okay.

Ms. C. Aiu: Can I add one (1) more sentence?

Council Chair Rapozo: Yes.

Ms. C. Aiu: As we heard from these families...I am very emotional right now from just hearing all their stories...we have seen the harm that came from the rising valuations in our community. We need to preserve these ancestral connections, so I urge you to please pass this Proposed Draft Bill. *Mahalo nui.*

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Mylie Aiu, followed by Puanani Wakuta.

MYLIE AIU: *Aloha*, Council. *Mahalo ke akua* and *mahalo*, Council for letting us get to this point. I am sorry. I need to put on my eyeglasses; I am *kupuna*, too.

Council Chair Rapozo: Most of us are, too. Could you state your name?

Ms. M. Aiu: I am sorry. Name is Mylie Aiu.

Council Chair Rapozo: Thank you.

Ms. M. Aiu: I am here in strong support of Proposed Draft Bill (No. 3008). We—every single one of us—are blessed to live in such a beautiful place and I thank God every day that we are able to wake up in this beautiful place. At the same time, I witnessed so many changes within the past forty (40) years or so

on this island. So many of our friends and family have been forced to move away to look for a better life because they cannot sustain their family here, and it is heartbreaking. It is the same for our children. They go away for college and when it is time to come home, they say, "Mom, why should I come home? I will never be able to afford a home here. I cannot make it. I will never get a job that will pay me enough to buy a house here. Why come home?" We are losing our families. Kaua'i residents are struggling to hold onto their properties, but there are factors beyond their control that make that extremely difficult. Inflation and rising taxes threaten not only their livelihoods, but the land that has been handed down through generations. As Hawaiians, we are not just Hawaiian by blood. As Hawaiians, caring for our *kūpuna* is deeply rooted into our culture. They play a vital role not only in our families, but also in our communities. They teach us cultural knowledge, genealogies, and the value of *aloha* that we hold so tight to our hearts. I am not here today to share numbers, statistics, or studies; I am here to share right from my *na'au* and to represent many of the *kūpuna* here on the island that could not be here today. Years of increased tax burdens have left them with very little options. The pressure on them is enormous while they struggle to hold on to the land that they worked so hard to acquire in the first place. Keeping them on their lands guarantees preservation of our history, our culture, and the values that make this place so special. It is the *kuleana* of this County to prevent their displacement. Our Kaua'i County has the opportunity to take action and do the right thing. You have the power to create positive change for our *kūpuna*, for their families, and for our future generations. We all know the history of Hawai'i. Enough land has been taken away already. You have an opportunity here to be a part of something greater—to help your people, your community, and your future generations to come. *Mahalo* for your kind consideration. *Aloha*.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Puanani Wakuta, followed by Leialoha Makuanani.

PUANANI WAKUTA: Hello. I am Puanani Wakuta. I have written testimony, but my husband is sick, so I will be speaking for him. I will also add some of my own thoughts here, too. Thank you so much for bringing this up. I am part of the Hashimoto *'ohana*. I was a small girl. I told my story to the kids when I was at Aunty Kina's house. I went to the inn. This is so important for us. We have been surrounded by someone who wants our land and in praying, God has answered it by you folks bringing this up and helping us with the taxes. There is a light, we can get rid of the evil, and we can move on. My husband says...

DUANE WAKUTA: This Proposed Draft Bill will help the problem.

Ms. Wakuta: This is a start.

Mr. Wakuta: This is the start of many more Proposed Draft Bills such as this that can be passed to help the Hawaiians stay on their lands. We do not only want it to be history that the Hawaiians were here.

Ms. Wakuta: For my cousin Junedale…she is smiling on us right now and you folks for just doing this. I had to mention her. I can see how emotional this is. This is really important for our families, so thank you and maybe we can just move it very swiftly, go get it, and pass it. Thank you very much for your time.

Councilmember Cowden: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Could you folks state your names?

Ms. Wakuta: I am Puanani Wakuta and this is Duane Wakuta.

Mr. Wakuta: I used to go down to that property down there. Now, my grandkids go there and we still enjoy the place. (inaudible)

Ms. Wakuta: Thank you very much.

Council Chair Rapozo: Thank you very much.

Ms. Fountain-Tanigawa: The next registered speaker is Leialoha Makuanani, followed by Billy Kinney.

LEIALOHA MAKUANANI: *Aloha kākou*. I am Leialoha Makuanani and I am testifying on behalf of OHA. First, I want to recognize how you heard from many of the community members and how much this affects them. I am thankful that they were able to come out here and let their voices be heard on this important issue. As OHA, we just want to be here to support this cause. I want to ground it in the historical context of land dispossession in Hawai'i and I want to point out that there was, at the time of the Great Māhele, King Kauikeaouli knew there were foreigners coming in to take possession of the lands. He knew that so his idea for his people, to protect them from that, was to merge the way Hawaiians understood land tenure into this western type of law that these outsiders could recognize, respect, and allow Hawaiians to stay on the lands they possessed. That was his intention with the Great Māhele. His intention was to split it into thirds. One-third (1/3) would go to the government, one-third (1/3) to the *ali'i*, and one-third (1/3) was for the *maka'āinana*, because that is how he saw it shared initially. That did not happen, as we all know, and only about one percent (1%) of the *'āina* actually went to *maka'āinana* and a lot of that was from them not understanding the western style of land ownership and not understanding that they needed to get a piece of paper to keep their land. You have a history where people have been dispossessed of their lands just because foreigners came in with a different understanding of the way the world works. Right now, we see that continuing in different ways. These people have ancestrally been on lands. Some needed to work hard to get pieces of land because they did not have any ancestral lands. Then you have the inflation of things, the development in Hawai'i, and people wanting to come here and buy lands, increasing the value of the lands. That all creates the same type of problem where people are being displaced because of the influx of people coming to this place. From that perspective, we are very

supportive of a bill that is able to address those gaps where Hawaiians have not been able to stay on lands and are pushed out. Anything that the County can do to help support Hawaiians staying on the lands and help other community members and people who have been here for generations, is on the County to do that. Some other counties have already done this process. Whatever you need to work out in the details to make that work I suggest you do...if it is a numbers thing. From what we understand, having these safeguards in place of the acreage and whatnot are to target the people who are truly affected. If it needs some "wiggle room," you can figure that out, but in terms of policy, this is something that needs to be done for Hawaiians to be able to stay here. *Mahalo*.

Council Chair Rapozo: Thank you. Next.

Ms. Fountain-Tanigawa: The next registered speaker is Billy Kinney, followed by Kekane Pa.

WILLIAM "BILLY" KINNEY: *Aloha*. I made it back. Good morning. *Mahalo*, Council for taking this measure on. My name is William Kinney or Billy Kinney. I am a Public Access, Open Space, Natural Resources Preservation Fund Commission member. I am also a Director of the Hui Maka'āinana o Makana in Hā'ena. I have three (3) main points that I want to share. Places such as Limahuli, which Lei spoke about, Waipā, Hā'ena...many of the families here are from Hā'ena...there are places where you have examples of preservation of values and resources. The people of that place have done that so well, not just for them, but for all. That is my first point—the preservation of values and land serves everyone, not just Hawaiian families or longtime families. My second point is that the efficacy of restoration and stewardship of *'āina*-based values, resources, and *'āina*-based principles are highlighted when lineal descendants, longtime families, or generational families are involved and present. I know that for a fact; do not fact-check me, though. My last point is that as families change, our future is very uncertain with so many things going on. The speculative market really keeps Hawaiian families from *noho papa*—establishing ourselves, affixing ourselves closely to the land. This burden on Hawaiian families, longtime families, and generational families continues to increase. Simultaneously, you have entire lineages of folks going to the bottom, or even more than going to the bottom of the barrel, they are being thrown out of the barrel, which means they are being shipped out. If this Proposed Draft Bill does one (1) thing, it alleviates the burden on us that our *kūpuna* never wanted for us, which is the exact thing we are talking about. They never wanted that for their grandchildren. All they wanted for us was to gather, eat, play music, and love each other again. Only by doing that can they continue to do the good work of taking care of Kaua'i. *Mahalo*. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Kekane Pa, followed by Haunani Pacheco.

Mr. Pa: Good morning, again, Council Chair and Councilmembers of Kaua'i. Thank you for giving me the opportunity to share some of our concerns. I would like to question a little bit of what the Proposed Draft Bill is saying and perhaps you could help clarify things before I come back to talk about what my family, who are in the back, is living through and facing right now. In 1970,

when we had the Hawai'i State Constitutional Convention (ConCon 78)...I hope you folks remember that...the State created OHA. The State of Hawai'i received the lands in Hawai'i from the Federal government on a trust management to better the condition of the beneficiaries, which they are trying to now identify as Native Hawaiians through law. I am not making this up; it is through law. People need to understand this. Now, when they did the ConCon 78, it created OHA. That was an entity to help assist our beneficiaries financially. At the same time, they slid the responsibility of real property management under the counties of every island. I do not know if you folks knew that. Now, the County holds the burden of taxations, right? That is the reason why we are here. That is why our people are losing lands; it is because of the value of properties. Can you find out if the County is responsible to fulfill the obligations from the State, which were transferred to the State under the betterment conditions for the beneficiaries? If not, the State breached the contract, because our people are losing the land because of the land tax they gave the counties the responsibility to manage. That is the reason why we are losing land. Can you please find that out? That is one (1) question. This is the problem when you go back...the other question I have is that in this Proposed Draft Bill, where it talks about the homestead lease issued by DLNR, applicable property at any time prior to proclamation of Hawai'i's statehood of August 21, 1959, are you telling me that in this Proposed Draft Bill...is it correct that DLNR was created without statehood?

Councilmember Holland: No.

Mr. Pa: Then why is this in the Proposed Draft Bill? This is with respect. I am trying to get clarification. If DLNR was not created prior to statehood, this is flawed. I respect the fact that we are trying to help save the people, but the language needs to be very clear in this Proposed Draft Bill.

Council Chair Rapozo: I need to stop you there. Your first round is over. You can come back and we will get you that.

Mr. Pa: Thank you.

Council Chair Rapozo: Next.

Ms. Fountain-Tanigawa: Haunani Pacheco.

HAUNANI PACHECO: My name is Haunani Pacheco and I am in support of Proposed Draft Bill (No. 3008). I submitted testimony this morning, but you probably did not receive it yet. I would like to read that testimony for you. I support Proposed Draft Bill (No. 3008) because it will help Native Hawaiians and longtime *kama'āina 'ohana* retain their ancestral lands. In 1911, my great-grandfather received a 999-year homestead lease under the Land Act of 1895. Citizens of the Republic of Hawai'i who owned no other land could apply to lease public land for homesteading. Successful applicants received a Certificate of Occupation and after meeting its conditions for six (6) years, including building a home, and clearing and cultivating the land, the government issued a 999-year homestead lease. Lessees were required to live on the land, comply with the lease terms, and pay taxes as though they owned it in fee-simple. Our *'ohana* has lived in 'Anini for at least one hundred twenty-one (121) years, originally under such a lease.

Of the seven hundred fifty (750) leaseholds issued statewide between 1895 and 1921, fewer than fifty (50) remain, including fewer than twelve (12) on Kaua'i. Many have been lost because of restrictive lease terms and rising property taxes. The remaining families have faced years of hardship because they cannot use the land as collateral to obtain mortgages or home improvement loans. They also struggle to purchase the land in fee-simple at a fair market price that does not credit them for the improvements that they funded. In addition, lease rules governing successions have created legal title issues. I ask why any family would continue to remain on land with so many obstacles. The answer is that Hawaiians value of the *'āina* is a sense of place that connects them to their ancestors and the abundant resources that have fed their physical bodies and souls for generations. No amount of money can buy that; it is priceless. 'Anini has long been a place where local families gather with their *'ohana* to camp and fish. Parking was once readily available, but nearly every house is a vacation rental and tourists fill the available spaces. Property taxes have soared, forcing many long-time families to lose their homes because they can no longer afford the tax burden. A tax relief bill is needed for my family to continue living in 'Anini. Your positive approval is appreciated.

Councilmember Cowden: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Aunty, thank you. I want to make sure I understood the depth of what you were saying because there is a lot of detail in there. Are you saying that not only are your properties taxed comparable to these places that are vacation rentals or luxury homes, but because it is on a leasehold, even if it is a 999-year leasehold, your land does not really have the same value, economically, because you cannot obtain loans and develop the right way? Are you saying you are being taxed like these commercial spaces or other things when you could not even do the same thing if you wanted? Is that what you are saying?

Ms. Pacheco: I am saying that.

Councilmember Cowden: Okay.

Ms. Pacheco: Originally, the property was taxed as an investor category. We cannot…

Councilmember Cowden: Invest?

Ms. Pacheco: We cannot rent it or do any of the things like the other people.

Councilmember Cowden: You cannot build a house.

Ms. Pacheco: The tax is unfair.

Councilmember Cowden: Can you build a house? Can you borrow money to build a house on it?

Ms. Pacheco: You cannot.

Councilmember Cowden: You cannot? Okay. I want to acknowledge that is a new piece of information for me, so thank you very much for bringing that forward. I was unaware of that.

Council Chair Rapozo: Thank you very much, first lady of Kīlauea. Is there anyone in the audience who did not register and wants to testify? Come up.

SHERRI CUMMINGS: Sherri Cummings, for the record. Our *'ohana* has these types of lands that would benefit our families as well. We have *kuleana* lands and *ahupua'a* lands, but that is for another discussion. I thought I had my things together until I listened to different testifiers, which is true. I will revert back to Aunty Haunani. Since these 999-year leased lands, which in actuality was after the overthrow in 1893. In 1985, the individuals who overthrew our Queen created a way for families to (inaudible) on land. For the most part, whenever you see these types of lands, these are lineal descendants who were part of this *'āina*. She is true, because that is the truth. It has strict covenance in what they could do with the lands. What you see today with the 999-year leases is they emulate the Hawaiian Homes Commission Act of 99-year leases that happened after they created the DHHL. They used the same template, so speak no different from us. You cannot mortgage and you cannot have any type of bank do anything. You cannot sell because it is leasehold land. You need to show generational families that do not break the chain. I sat here and I wanted to jump on Kekane's band wagon because it goes much further than just 1893 and 1985. It is not for us to give you the history of that, but there are some serious flaws regarding this proposed project. As we move forward, definitely, anything that helps *kānaka* needs to be done. This will help alleviate the burdens. When this happened, I got scared because when I scrubbed the reports, just like everyone else, there are only six (6) families on the island of Kaua'i who have the 999-year leases that can have some sort of benefit, primarily from Wailua headed down to the north side of the island. 999-year leases were given, so I want to address that because I do not want this to be a loophole, because my fear, which I was trying to tell her quickly, is Princeville development. That land was a 999-year lease. I do not think too many people know. If they do not, then now they know. This was from Mr. Dillingham who created that in 1965. All the lands where the 1 Hotel Hanalei Bay on, all the fee-simple homes there. Now, we ask the question. When you talk about 999-year leases, are those fee-simple lands there that someone says, "It is mine," to be benefited? This is my fear and respect that the light turned red. Everyone has three (3) minutes.

Council Chair Rapozo: Thank you very much.

Councilmember Cowden: I have a clarifying question. When you say that Princeville has that lease, I will try to look that up, because then I have a lack of clarification, because obviously, people get a Tax Map Key (TMK)...I owned over there before. There is nothing that says it is a lease.

Ms. Cummings: Exactly.

Councilmember Cowden: You can borrow money on it, so it must be different.

Ms. Cummings: It would need to be. That is why there is the gray area. When you folks talk about needing clarity, because someone will find a loophole to get some type of benefit. The properties in Princeville were created in 1965. There was a group and Mr. Dillingham was the person who did that.

Councilmember Cowden: Can I ask?

(Councilmember Holland was noted as not present.)

Council Chair Rapozo: It needs to be a clarifying question.

Councilmember Cowden: No, I am done asking Ms. Cummings. I want the staff to ask the County Attorney; it is not for Ms. Cummings.

Council Chair Rapozo: Okay. We will be in discussion shortly, Councilmember Cowden.

Councilmember Cowden: Okay.

Council Chair Rapozo: Is there anyone else wishing to testify who did not testify or who wants to come back for a second time? Mr. Kekane Pa.

Mr. Pa: Thank you, Council Chair. This is a very important issue with respect to *kuleana* lands and what was just said, but I want to go through the Proposed Draft Bill, because the Proposed Draft Bill is very important. I want to share a bit of history about how we are in this mess. I hope to get some questions answered. First of all, who is the *ʻāina kūpuna*? What is that? Is that a human? Are we pertaining to an individual? That is one (1) question. I hope you folks are able to answer my questions. Secondly, who are the descendants of a person who owned land? That is a big question. Is it the settlers, because everything happened in 1895 that a lot of people do not understand; that is why we are in this mess. Is it the settlers? Does origin mean settlers who originated from another country or is it *kānaka maoli*, who are *Kō Hawaiʻi Pae ʻĀina*? Those are questions I would like you to really address in the language of this Proposed Draft Bill. Also, who issued the 999-year lease and in what year? Do you know what year it was issued or who issued it? These are very important questions.

(Councilmember Holland was noted as present.)

Mr. Pa: Where are these lands located on Kauaʻi? Do you folks know where all the 999-year lease lands are on Kauaʻi? It is in your Proposed Draft Bill, so I think we need to identify where those lands are so you can be really specific of who is on that land. Is it *kānaka*? Is it settlement people from foreign countries? These are very important, because if you look at the 1895 proclamation that Sanford Dole did with the government, they created the land lease. In 1921, Jonah Kalaniana'ole was introduced to the land lease for the beneficiaries. We need to be really specific about how this was. I would really like to know how to identify

the descendants in your language because a lot of people who have lands today are not *kānaka*. I am not trying to be racially discriminatory. It is a fact that what was said through the United States (U.S.) public law 103-150. It is a law; it was admitted, but somehow, the State council and the administration of the State of Hawai'i said it is out of their hands. Until the litigation in Congress is settled, I believe that every *kānaka* from this day on and prior should be exempt from taxes from the County because when the State transferred their fiduciary responsibility from the obligations of the Federal government to betterment the conditions of the Native Hawaiians or beneficiaries, that would have been the County's responsibility to exempt us from being taxed to use the land. This is why we are in this dilemma. As of now, you folks should put period exempt. The other question I have is will these lands be pertaining to the specific 999-year lease or is it pertaining to the DHHL lessee 999-year lease.

Council Chair Rapozo: Okay.

Mr. Pa: I am sorry. I will be back. I am sorry.

Council Chair Rapozo: Is there anyone else who wants to testify for a second time?

Ms. Cummings: I am sorry. Sherri Cummings, for the record. Kekane is spot on, but we should do…and I spoke with a couple of you on how to help Hawaiian families. This should not be specific to 999-years or 99-years. This should be about families in general. Generational families…what constitutes generational? You folks need to pick a number. How long? Seventy (70) years, eighty (80) years, one hundred (100) years? When the families have these generational lands, they are hanging onto them. They are trying to subdivide. I am not talking about the 999-year lease lands. DHHL is trying to be creative to help us say we can subdivide because they are trying to bring down the list. If I help my sister who is on the list, that takes down one (1) person, so it is about being creative. Where is it that there is a general bill that says family who are hanging on needs to subdivide in order to keep. That is what the Proposed Draft Bill should be about because once we start talking about 999-year and 99-year *kuleana* land…the County needs to admit it is in trouble for something that is happening in Pua Loke. I will talk about that another time. What Kekane said is very true, because when you talk about metes and bounds, all *kuleana* lands, all *ahupua'a*, and all Land Commission Awards are not part of the one million eight hundred thousand (1,800,000) acres that the State has and that the County needs to place tax upon. The lands that the families have…you have no jurisdiction. They are not in the metes and bounds of the State of Hawai'i. If you folks go there, clearly there is no jurisdiction of you folks placing any penny on that. *Kuleana*, royal patents, and all of that is not that you go to the State of Hawai'i Department of Accounting and General Services (DAGS) and you will not find these lands. Ka'ula, is a perfect example. The State has no jurisdiction. The Federal government is just occupying it as we speak in the EIS. Because of these same situations, these lands were never conveyed, but I understand what you are doing, Councilmember Holland and Council Chair Rapozo. It is amazing. How do we help these families? Do not tax them. *Kuleana*, 999-year lease land real property…that is the way to do it until there is a plan of how to address it. Now, they give you the statistics of how many families. Get the statistics like us. We know how many family members died waiting on the list. How many families lost their lands because they were taxed incorrectly? How

many families could not afford to zone, and you let the Hā'ena ones all around them rezone through the Land Use Commission (LUC)? Now, families are taxed out. This is what it is about. You need to protect in every way, not only taxing, but the laws that govern others. It is too late. The others have land. That is a fight for a different time. How do you preserve families and keep them in place? That is all I have to say, Council Chair, I am sorry.

Council Chair Rapozo: Thank you, Sherri. Is there anyone else wishing to testify for a second time?

Mr. Pa: Can I go one (1) more time, Council Chair?

Council Chair Rapozo: It is just two (2) times. I am sorry. I will definitely get your questions answered.

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

Councilmember Cowden: Can I speak to the Department of Finance, Real Property Division?

Council Chair Rapozo: Sure. Is someone here?

Councilmember Cowden: Yes.

Council Chair Rapozo: Again, before we start, this will go to a Public Hearing on October 28, 2026, so you can all come back and have more opportunities to testify. There is also the Committee Meeting and the final Council Meeting. There will be many opportunities to testify.

Councilmember Cowden: I would like to hear your perspective, including support or if you see any challenges. To begin with, are you supportive of the Proposed Draft Bill?

There being no objections, the rules were suspended.

SCOTT K. TERUYA, Real Property Tax Manager: Scott Teruya, Real Property Tax Manager for the County of Kaua'i. We reviewed the Proposed Draft Bill and submitted comments. Primarily, the biggest concerns for us are how it is treated differently from other exemptions, such as deadlines, notifications, and things such as that. We put those comments in and I believe we forwarded it to the staff. Those are the main concerns we had in that this is the only exemption that has different deadlines, different requirements of notifications, and things of that sort, especially at a time when we are honestly really backed up staff-wise, manpower-wise, with the fire, etcetera.

(Councilmember Holland was noted as not present.)

Mr. Teruya: For those who come to our office, we are in a makeshift area within the office of the Department of Finance Division of Purchasing. That hindered the ability to get back in the immediate, near future.

Councilmember Cowden: I am happy to hear it is not a "no," because of that…because I ran into this the last time I worked on it. While it is difficult, you can cope with it. Do you have any recommendations that would make it easier for you?

Mr. Teruya: Of course. We submitted those comments to the staff, so you folks should be able to be available to the comments we had. That was our only push back. It is not push back. It is just that we prefer all deadlines to be the same and we prefer to have notification, which is the assessment notice. That would make it a lot easier for staff than doing this manually.

(Councilmember Holland was noted as present.)

Councilmember Cowden: Do the numbers the audience—the testifiers—gave us sound about right? Is it that maybe under sixty (60) properties fall into this category?

Mr. Teruya: To be honest, we did not do the research. They did the research. I would think that they would probably know better than we would know. I would say that their estimate would be better than our estimate.

Councilmember Cowden: Okay. Is there any rationale? When I hear testimony, when it is suggested that there be an exemption rather than a minimum tax, is that something that the County is allowed to do if it chose to?

Mr. Teruya: I will defer to the Council on that.

Councilmember Cowden: Okay. Those are my questions for you folks.

Council Chair Rapozo: Thank you. Are there any other questions for the Real Property Division? Thank you.

Councilmember Cowden: I would like to talk to the County Attorney.

Council Chair Rapozo: To the County Attorney?

Councilmember Cowden: Yes, please.

TYLER SAITO, County Attorney: Good morning, Council. Tyler Saito, County Attorney.

Councilmember Cowden: Thank you so much. I have a couple of questions that came up because I worked on this in the past, and it is for clarification in the room. When we talk about our Native Hawaiian or *kānaka maoli* community, the Council cannot make a bill that discriminates on that. Is that correct? When we talk about how we take this bill, this Proposed Draft Bill does not discriminate on ethnicity. Is that correct?

Mr. Saito: To answer your first question, the government cannot legislate on a suspect classification. Race is a suspect classification. With regard to the second question for this Proposed Draft Bill, this Proposed Draft Bill focuses on descendants. Descendants, based on case law, and various other rules under State law does not...descendants is not a proxy for race. In short, today's Proposed Draft Bill is not focused on race, does not create a racial classification, and is lawful.

Councilmember Cowden: We had a testifier question about settlers, which would mean people who do not predate contact. This would not be setting them aside? It does not matter. People who got that land, no matter what ethnicity they were, the Proposed Draft Bill would apply if they hit the rest of the qualifications?

Mr. Saito: That is correct.

Councilmember Cowden: Thank you. I do not need to ask because if this Proposed Draft Bill made it to the floor, you gave it the thumbs up.

Mr. Saito: That is correct.

Council Chair Rapozo: Are there any more questions for the County Attorney? If not, thank you very much.

Mr. Saito: Thank you.

There being no objections, the rules were suspended.

Council Chair Rapozo: Is there any further discussion? The reason why this is here and as Councilmember Holland said, "It is a small step," is because we have a lot of generational families who cannot get the *kuleana* status from OHA. That is why we are here. I appreciate OHA being here and I appreciate OHA supporting this Proposed Draft Bill. If OHA's process were more flexible so that these legitimate Hawaiian families and generational families could get that designation, we would not be here today. Based on your question, the Council cannot make a bill just for Native Hawaiian beneficiaries, so the descendants is the key and it is descendants of all. If someone has property that they got before statehood, they qualify if it stayed in their family until today. The whole purpose is because, unfortunately, as we heard, someone cannot get a birth certificate from 1853, so they do not get the OHA designation of *kuleana*, so they do not qualify for the *kuleana* exemption. That is the issue. This is trying to fix that. When we fix that, will you let other people in? Possibly. I do not know how many people here came from statehood and their families have been here since then. If they are, then they qualify. That is just the way this works. We cannot create target legislation. The whole reality is that we are just trying to take care of those *kuleana* properties and landowners who cannot get the designation. That is why this took almost two (2) years. It is trying to get the legal parts squared away, which is frustrating and takes time, but I appreciate the help we received from Tina, Chantal, and all who provided us with the information needed to make this happen today. Thank you.

Councilmember Holland: There are a lot of questions that were brought up today that I would like to be able to answer and there are a lot of wrongs that I would like to be able to make right in this seat. There is not a lot I can do, but this is a start. This is a step in the right direction for some of the generational families who struggled hard to keep lands. We heard the stories. I have known many of them for a very long time. We see a minimal estimate of less than one-half percent (0.5%) of revenue lost by doing the right thing. We are responsible for correcting a mistake in the way that the County has taxed these generational families for so long. We have created harm. We created harm in families we have pushed out. In a lot of ways, it is my generation. This is one (1) small step in the right direction. It might not help a huge amount of people yet. There are next steps that the Council can take on how we restructure our tax system entirely, and I have been looking at ways to do that. It is completely outside…restructuring our entire tax system to think about how we preserve generational families from not being pushed out of their homes. For people to miss a *kuleana* option for this minimal tax rate they would pay because of a single document between 1830 and 1850 is unfair. This is such a small way to close that gap. A lot of these homes are disproportionately located on the North Shore where we have seen people be absolutely priced out. In a single year, your neighbor can sell their house for twenty million dollars ($20,000,000) and you pay an extra five thousand dollars ($5,000) in property taxes that you cannot afford. It is insane. There is nothing right about a system that does that to its people. The number one pressure to sell that we hear about is because of land taxes. If you owned your home for sixty (60) years or seventy (70) years, your home has been paid off for so long. It may have never even been on a mortgage. To then be charged more and more every year based upon that is grossly unfair. If the fifty-four (54) parcels identified actually qualify, that would be rather incredible, because only twenty-two (22) people applied on Maui. Only twenty-two (22) families qualified on Maui for their bill, but that was twenty-two (22) generational families who were not forced off their land because of taxes. I will be surprised if there is more than that here on an island with a smaller population, but maybe there are, because we have a lot of people who fight to hold that connection to their *ʻāina* and who fight to hold that connection to place. As we heard from the testifiers and the emotions, it is more than just a value; it is a connection to generations of your *kūpuna* who did not mean to pass this weight onto their grandchildren. They never wanted their grandchildren to fight so hard to keep land that they already paid off and they thought their family had a place forever. This is small step in the right direction. It will not help every family I want to help, but it will help a handful of the most vulnerable keep their lands. I thank you all for coming to testify, and I thank my colleagues for allowing this on the floor and for allowing this discussion. I really hope we can move this through. I want to pause because I have an amendment that I would like to circulate regarding the wording around the 999-year leases to address the concerns with our wording. It does not change the substance of the Proposed Draft Bill, but we are hoping to have that. Outside of that, this is my discussion.

Council Chair Rapozo: If it is not a substantial change and if it would not require us to have another public hearing, I suggest doing the amendment in the Committee. Is it ready?

Councilmember Holland: It is ready.

Council Chair Rapozo: Okay.

Councilmember Holland moved to amend Proposed Draft Bill (No. 3008) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Audience, for your information, this basically changes the language from 999-year homestead lease issued...we are removing "issued" and adding "currently managed"...by DLNR. Is Kekane Pa still here? Thank him for catching that because there was no DLNR before statehood. That is a housekeeping change. This changes "issued" to "currently managed." The rules require us to open the floor for public testify for an amendment. Does anyone want to testify on this amendment, and only this amendment? If not, is there any further discussion on the amendment? Thank you for catching that. Let us do a roll call vote on the amendment, please.

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

The motion to amend Proposed Draft Bill (No. 3008) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachement was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Back to the main motion. Is there any further discussion? Councilmember Cowden.

Councilmember Cowden: First of all, I am clearly in support of this. I tried twice very passionately wanting to do this, so Councilmember Holland, I thank you very much for being able to get this introduced during my last term. I thank the Council Chair for supporting your efforts to do this, and I thank the Administration for supporting your effort. I am a little frustrated it was not supported earlier, but I am happy that it is supported now, so I am happy for that and that we are able to adapt around the little things that were the barriers in the past for getting it on to the agenda. I want to add a little bit more history that I went through when I looked at this stuff. What is really important to think about when we had *kuleana* lands that were able to do it, especially in Hāʻena. There was a lot out there. ʻAnini...all of this on the North Shore. They needed to bring two (2) people to Honolulu to get these things done. That is why it is so much. It was not that people did not understand that paperwork. It is a long drive from Hāʻena to get on a boat to go to the other part of Oʻahu and get to where it was. I looked at why so much of this did not happen. This happened for a long time. I want to reflect for a moment. In the 1980s, when we would windsurf at Mākua Beach, it was the Chandler family who had a beautiful piece of property right there. They lost it because of this. It happened for a long time. I know

all of us windsurfers and different beach users were trying to contribute to paying the taxes. Even back then, the tax was so profound that you could not get enough people to be able to collect it together to be able to hold it for very long. In the window of time, every year, people lose land. Right now, there might not be that much left, but even when I watch the emotional destruction of families, see them fight, and see all the things, it is much bigger than even just the land, because what goes with the land is the health of the families. I am very passionate about it. I am thankful for the questions that were asked. I am thankful for the lessons. Even Aunty Haunani, I do not know how I missed that about that leasehold land…and to be able to hold to the same type as DHHL. That answers another number of questions. When people say if these people cannot hold onto their land like everyone else, no, there is an even bigger barrier than I realized. I want to cry, too, because I tried for a long time—from the start of coming into office—to be able to do this. Many of the people I wanted to do this for are in the room, but there are also people in the County—on that side and this side. When I brought up the comment about vacation rentals, people have these little beach spots and maybe they rent it a few different times out of the year, it is the only way they can somehow pay that land tax or be able to help things. These are people in the County. These are people we work with and care about. I want to say that they never speak up loud. I know it in the background. People who make this County run and who help all of us, they are among them, who maybe have a business…it might not be a vacation rental. I just gave that example. People who have a business piece of property also lose their land on the taxation. I am thankful that we are working on it. I apologize to the families that are in the room that I was unsuccessful in getting it to the agenda. I am one hundred percent (100%) behind you. I am thankful for the questions that have come up here. I will be working between now and definitely when we have our Committee Meeting to get some of those answers even more strongly. I am sure the introducers of the Proposed Draft Bill will do the same. I am not sure if it will go to second reading before I am done. Will it? Probably. Okay. I would be honored and proud to be able to help this become reality.

Council Chair Rapozo: I want to make a clarification, because I think Councilmember Cowden referred several times to the fact that she could not get it to the agenda. I have been the Council Chair for almost four (4) years, and no Proposed Draft Bill was ever brought forward to put on the agenda. This is the first time. I am not sure. Perhaps it was the Council before me, but…

Councilmember Cowden: No. Both times.

Council Chair Rapozo: Hold on.

Councilmember Cowden: Okay.

Council Chair Rapozo: Everyone knows we have an open-agenda policy here. When we started this Proposed Draft Bill, we did not have support from the Administration. I will be straight up honest; they said, "No." That is why it took so long. There came a point when I just said, "No, we are moving forward," and the Administration can oppose it here, if they want, because it needed to be done. I want to make it clear, because it sounded like, "Council Chair Rapozo did not put it on for me, but he put it on for Councilmember Holland." No Proposed Draft Bill was ever

introduced; no Proposed Draft Bill was ever proposed. I just wanted to make that clarification because it is an unfair statement.

Councilmember Cowden: I have follow-up on that, since you are pushing back on that. I was definitely not supported by the Administration. Both of them who were the main people there are no longer in the Administration. At that time, I was hardly allowed to talk to you, so I needed to go to mediation to be able to talk to Council Chair Rapozo, so I had no support from him.

Council Chair Rapozo: Okay. Is there anyone else?

Councilmember Cowden: No support to have help.

Council Chair Rapozo: That is incredible. Councilmember Carvalho.

Councilmember Carvalho: I appreciate the discussion. A lot of my personal *ʻohana* come from the North Shore. I want to make sure that you folks understand the importance of this discussion and the support that...I am so happy that you folks are here. It is not about numbers; it is about the hearts and souls that came and the need to assure that our families can remain on Hawaiian lands—our lands. Whatever I can do or whatever we can do...not going back and forth, but to keep it moving in that direction and assure that every single step of the way, you have the support. We have the support for our *ʻohana*—that they can stay, they can remain, they can connect, they can transfer to their *keiki* or *moʻopuna*...all of that. I am really appreciative of the discussion and you folks' being here is so very emotional, and at the same time, heartfelt. Moving forward, this will continue in a positive way. I appreciate the discussion at this table on our side of the fence. Know that the support is there, one hundred percent (100%). *Mahalo* Councilmember Holland for making sure we move forward in the right direction. I wanted to mention that. Thank you so much.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I am glad this Proposed Draft Bill made it to the floor. Tina and Chantal brought it to our attention when we first started. Unfortunately, I know we talked and she said there were two (2) other Councilmembers working on it, so I needed to back off, but it frustrated me to no end, especially with Uncle Presley's property which does not even have a house. It is Conservation land. On Conservation land, you can barely do anything on it, but it is near the ocean, near other houses, and their assessed value was about three million dollars ($3,000,000). People were selling land at that rate. It sort of fell into a gap on the County's end where we do not really have a mechanism to save property like that. If it was zoned Residential and they had a house, then they could do owner-occupied and get your tax capped at three percent (3%), but I cannot tell them, "You need to build a house on this property that you are saving for your family to get a tax benefit." It was one of the most frustrating things I ever needed to think about in being the math person and budget person. I do not know how this thing...ideally, we have the *kuleana* exemption, but they could not get the one (1) notice or letter to OHA proving they had the property from the very beginning, which was frustrating. There is a mechanism, if you can get it, but obviously, there are people having a difficult time

getting that and getting all their things certified. It fell through the gaps and it was frustrating. I am glad this has come to light and I am glad we can address it because it would be a shame for them to lose a property like that. It is gut-wrenching. I looked at his property tax bills and it is in the twenty-thousand-dollar-per-year…he has been paying twenty thousand dollars ($20,000) per year. That is higher than people with huge houses. There are mansions right next to their property with pools that pay about that rate or a little more, while they have nothing on their property. Again, I am glad we can deliberate on this Proposed Draft Bill.

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

Councilmember Bulosan: I want to *mahalo* the introducers for putting this Proposed Draft Bill forward. *Mahalo* to the organizations and families who have been taking the time to work on this Proposed Draft Bill. I just want to say, "Ditto." It is hard to be with you all here and now want to right some wrongs that we should have made right a long time ago. To move forward on this Proposed Draft Bill is necessary and it is important. As anyone in this chair and in this seat, there will hopefully be some good discussion moving forward. I know how much your team and the community have already put into it, but I definitely want to see if we can integrate some of the conversations done during this first reading, such as considering full exemptions, instead of doing the minimum, maybe considering removing the threshold to make it more simple so that it can be utilized for all the families who need this, and even considering extending it longer than ten (10) years. I know it might sound like I am pushing the envelope a little bit, but considering the weight of the world that these families have been burdened with and what the future holds, if we can lift that burden, it would be beneficial for our community and the spaces, because there is nothing better than the people of that space to take care of that space, because that is what is necessary. I am looking forward to the process and hopefully, we can do all the necessary work to make this even better than what was proposed because I definitely want to do better, not that the work that has been done is not already the best. *Mahalo*, again, and I will be voting in support.

Council Chair Rapozo: Go ahead.

Councilmember Holland: Council Chair, I just want to weigh-in a little more because I will not be able to talk to you outside of the floor. I will address some of the things you just brought up, Councilmember. The 10-year provision was added on to create a reporting back timeline. It could be fifteen (15) years. We settled with ten (10) years so that every ten (10) years, 1) if they sold the house, the penalty back would be very long if it was twenty (20) years, so every ten (10) years is a check-in for the family. "Will we keep this house for another ten (10) years? Yes, we will not sell the house for another ten (10) years." It does not stop them from reapplying, but there needs to be some sort of check-in point, so we needed to determine if it was five (5) years, ten (10) years, or fifteen (15) years. Ten (10) years seemed like a reasonable middle ground for a check-in. The minimum tax rate that *kuleana* parcels pay is also one hundred fifty dollars ($150), so that mimics a base rate. At the end of the day, you still get Kaua'i Fire Department (KFD) to show up, you still get your trash picked up, and we still have resources. One hundred fifty dollars ($150) is very minimal, but there was conversation around being a minimum amount. There is also the threshold

change of ten thousand dollars ($10,000). Is that what you meant? Regarding the ten thousand dollars ($10,000), I ask some of our partners to reach out to you and explain how we got to that. Yes, there was a lot of back and forth over the last almost two (2) years about those details to get it to where we are, but I am also excited to hear all of your thoughts and figure out how we can make this the best and strongest bill possible for the community. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I appreciate that you brought up that we cannot talk when we are not here. On that threshold, because I am unclear what then ten thousand dollars ($10,000) means because it feels like when it says…I will just repeat it for the room. "The total amount of real property taxes assessed on the property for the ten (10) tax years immediately preceding a petition for dedication as ʻāina kūpuna is more than $10,000…"

Councilmember Holland: For ten (10) years cumulative…

Councilmember Cowden: It needs to be more than that, so it is saying that if it is less, then somehow it would not fall into that. For me…I am just putting it out in front of all of us, when I have watched land…and I have lived on the North Shore and been in those areas and when I watch how Weke Road, I remember not that long ago, since my son was born, I rented a house there for one thousand dollars ($1,000) per month, and it was not on some special thing. How much all these properties have sold in a relatively short window of time in this highly inflationary time period that it could be that two (2) or three (3) properties sell near a house that the last ten (10) years was not ten thousand dollars ($10,000), but all of a sudden…you see that at ʻAliomanu. That did not used to be expensive. I remember when ʻAnini was not expensive, then ʻAnini blew up. I struggle with the 10-year window that it needs to be this low amount. That means it needs to average no more than one thousand dollars ($1,000). It can jump if a property sells next to you for ten million dollars ($10,000,000), which happens, or five million dollars ($5,000,000), which we see happen all the time…thirty million dollars ($30,000,000). I will say that I struggle why we need to have that threshold. I do not see why that is relevant. Are you able to answer that or not?

Councilmember Holland: I might have Tina answer that.

Council Chair Rapozo: The work will be done in the Committee. Today is first reading to get it to the Public Hearing.

Councilmember Holland: Yes, we will get you an answer of why.

Council Chair Rapozo: We will not debate the issue today. I shared that same question of why ten thousand dollars ($10,000) was picked. It is really for those whose properties are at risk of being lost because of the property tax. Ten thousand dollars ($10,000) seemed to be an affordable amount. You would not lose your property over an eight-hundred-dollar-per-year tax bill or a nine-hundred-dollar-per-year tax bill, but you would if it were twenty thousand

dollars ($20,000) or thirty thousand dollars ($30,000). Remember, this is cumulative of ten (10) years. It is ten thousand dollars ($10,000) over ten (10) years.

Councilmember Holland: Yes, so one thousand dollars ($1,000) per year.

Councilmember Cowden: Yes, but it can jump in a heartbeat. That is what I am saying.

Councilmember Holland: It needs to be more.

Council Chair Rapozo: If it jumps, you qualify.

Councilmember Holland: It needs to be more than ten thousand dollars ($10,000).

Council Chair Rapozo: If it goes below ten thousand dollars ($10,000)...

Councilmember Cowden: Do you need to pay that first one (1)? I do not know. There are questions and when the Real Property Tax Division said information was sent to this side, it is not sent to all seven (7) of us; it is sent to the two (2) introducers. If possible, I would like that and I would like...I do not know if it is the Office of the County Attorney, but somehow, I want the information about Princeville, if they really were...and I am sort of not surprised, because all this *kuleana* pieces are right next to it. A lot of those pieces are right next to the Princeville piece.

Councilmember Holland: The Princeville piece would need to have no commercial activity on it; zero (0) commercial activity. If there were any long-term rentals or any commercial activity, it would not qualify.

Councilmember Cowden: I am not saying I want Princeville to be in it.

Councilmember Holland: It does not qualify.

Councilmember Cowden: I am saying I want to understand how those properties were able to be subdivided and sold with fee-simple titles when the properties, like the Paik property or the Hashimoto property...why could they not get a fee-simple title when those at the top of the hill...because I do not have that knowledge. I do not know if it is the Office of the County Attorney.

Council Chair Rapozo: Again, the ownership needs to go back to statehood. The Princeville properties were not done until much later.

Councilmember Holland: Yes, they would need to continually own it in a family with no commercial activity.

Councilmember Cowden: What I thought I heard and I need to know if it is correct...I am not saying Princeville gets it; I am saying that if Princeville held it and that was a 999-year lease, how were they able to subdivide and sell fee-simple

places when the adjacent properties...because most of those *kuleana* lands right there are all adjacent to the Princeville properties, so I can understand that they were all part of the same larger piece of land. I just want to know. I am sure there is some good legal reason, but I do not know why that parcel that is now known as Princeville was able to break out of the boundaries that has tied the people in the room here from being able to get loans or fee-simple titles. I want to ask whoever has the right information.

Council Chair Rapozo: It is because the properties are leased by the State. They do not own it.

Councilmember Cowden: Unless Ms. Cummings is wrong, she said that Princeville was a 999-year lease.

Council Chair Rapozo: Okay. We can get that. Again, we will have the discussion. I do not believe Princeville was a 999-year leased property.

(Note: There was discussion while the rules were not suspended.)

Ms. Cummings: It was in 1965.

Councilmember Holland: Relative to this Proposed Draft Bill, it will not qualify. I just want to be clear that we are not giving Princeville an exemption on taxes.

Councilmember Cowden: It will not qualify, but I want to understand how we solve the problem.

Councilmember Holland: Okay, but it is not related to this.

Councilmember Cowden: It is related to this Proposed Draft Bill because if we get these folks to be able to...I guess if they get the minimum tax, it solves one (1) problem, but it does not solve fair use of the land.

Council Chair Rapozo: This is a taxation bill, not a use or zoning bill. Is there anyone else? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 3008) as amended on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 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, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. We have a couple more items. We can finish the items before we go to lunch.

C 2026-240 Communication (09/22/2026) from the Director of Finance, requesting Council approval of the terms, including unspecified future obligations, contained in the Lumen Technologies Master Service Agreement (MSA), which provides enterprise-grade networking, cloud connectivity, and security and digital platform services.

Councilmember Carvalho moved to approve C 2026-240, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion?

Councilmember Cowden: It is so noisy. I want to look one more time.

Council Chair Rapozo: Hold on. Let us take a short recess.

There being no objections, the Council recessed at 12:04 p.m.

The meeting reconvened at 12:10 p.m., and proceeded as follows:

Council Chair Rapozo: We are on C 2026-240. The Clerk read the item, we had a motion, and we had a second. Is there any discussion on C 2026-240?

Councilmember Cowden: Yes. I have a question.

Council Chair Rapozo: Who is the question for?

Councilmember Cowden: It is for the Information Technology (IT) Division.

There being no objections, the rules were suspended.

TARA APODACA, Contracts Officer: Good afternoon.

Council Chair Rapozo: Good afternoon.

Ms. Apodaca: My name is Tara Apodaca. I work for the IT Division.

Council Chair Rapozo: First of all, thank you for all that you folks are doing.

Ms. Apodaca: They are doing amazing things, yes, within a short period of time.

Councilmember Cowden: I have deep respect. Is this new?

Ms. Apodaca: No.

Councilmember Cowden: Tell us what this will do.

Ms. Apodaca: Okay. Lumen Technologies is one (1) of two (2) internet service providers. The County has been using them for many years. The agreement has come forward because this deals with the move of our Lumen circuit from the Kāpule Building, which was damaged in the fire, to Ka'ana Street, which is where they are relocating all our servers and infrastructure. The Lumen circuit is primarily used for virtual private network (VPN) access for important departments, such as the KFD and the Kaua'i Police Department (KPD).

Councilmember Cowden: Is Ka'ana Street where the former Gather Credit Union was located?

Ms. Apodaca: No. It is where the Emergency Operations Center (EOC) and Kaua'i Emergency Management Agency (KEMA) offices are.

Councilmember Cowden: All the way down there. Are you moving the computers there?

Ms. Apodaca: From my understanding, it is a temporary relocation until the Kāpule Building is reconstructed.

Councilmember Cowden: Okay. So, it might be a couple of years because it needs to have a complete rebuild?

Ms. Apodaca: Yes.

Councilmember Cowden: Okay. When there was a disruption of the County's internet...it seems to be working again. Is Starlink still being used in this building?

Ms. Apodaca: The internet is back and functional. I know the IT Division is working to slowly bring departments in the other buildings of the Līhu'e Civic Center back online. I believe they all are, but primarily, this circuit deals with the VPN access.

Councilmember Cowden: The virtual private network?

Ms. Apodaca: Yes.

Councilmember Cowden: Is this more tied into the EOC or is everything on a VPN?

Ms. Apodaca: The mobile computers used by KPD and KFD.

Councilmember Cowden: Those are on a VPN?

Ms. Apodaca: Yes.

Councilmember Cowden: Is this just for them?

Ms. Apodaca: Yes, I believe so.

Councilmember Cowden: It makes sense that it is in that building, too?

Ms. Apodaca: Yes.

Councilmember Cowden: So, who knows, maybe it will stay in that building. We do not know.

Ms. Apodaca: Yes.

Councilmember Cowden: Okay.

Council Chair Rapozo: Thank you. Are there any other questions for the IT Division? If not, thank you.

Ms. Apodaca: Thank you.

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

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2026-240 was then put, and carried by a vote of 6:0:1 *(Councilmember Kualiʻi was excused)*.

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

C 2026-241 Communication (09/23/2026) from the Managing Director, requesting Council approval to accept a donation of Information Technology (IT) services from Constructive Construction Management, LLC, valued at approximately $100,000.00, to aid in the County's IT recovery following the Kāpule Building fire. The donor is donating the services of its employees to perform the following:

- Technical assessment, planning, and assistance with restoration of the County's IT environment;
- Consultation and assistance with active directory and identity infrastructure recovery and reconstruction;
- Dell PowerProtect Data Manager (PPDM), Data Domain, backup recovery, and restoration assistance;
- VMware infrastructure and virtual server recovery assistance; and
- Related technical consultation, coordination, and disaster-recovery services reasonably necessary to support restoration of County systems and services.

Councilmember Carvalho moved to approve C 2026-241 with a thank-you letter to follow, seconded by Councilmember Bulosan.

Council Chair Rapozo: Are there any questions?

Councilmember Cowden: Yes.

Council Chair Rapozo: Could you come back up, please?

Councilmember Cowden: Thank you so much. Is this a different little building than the one that has the Real Property Division in it? I thought that was from Unlimited Construction Services, Inc. (Unlimited). Where is this little building?

There being no objections, the rules were suspended.

Ms. Apodaca: I am not familiar with this topic.

Councilmember Cowden: Okay. Information services…maybe this is just help and not a building.

Ms. Apodaca: Yes.

Council Chair Rapozo: This is for consulting services.

Councilmember Cowden: To help the County do it? Okay. Thank you. It is a big effort. Can I ask if she knows this question?

Council Chair Rapozo: Sure.

Councilmember Cowden: This is because I think the whole island deserves to have some of this here. The computers were not actually burned, but they were destroyed by water and carbon from the fire.

Ms. Apodaca: Yes, from water damage.

Councilmember Cowden: Did pretty much all of them in that area over there below the Department of Finance…you folks are part of the Department of Finance, but you are in the basement. Was everything destroyed?

Ms. Apodaca: From what I understand, most all. They have attempted to recover some of the hardware—the servers—to attempt to restore the physical servers, but I know they are still working on that to see if they can be brought back online.

Councilmember Cowden: Okay. I think I heard…do you know if that is moving across the street into the credit union building? Do you not know that?

Ms. Apodaca: I am sorry. What?

Councilmember Cowden: Where will you move those computers? Do you know?

Ms. Apodaca: I do not know.

Councilmember Cowden: Okay. You folks are doing a really good job already. Is most of everything in the cloud?

Ms. Apodaca: If it is not already in the cloud, they are working to move most of our servers to a cloud-based system.

Councilmember Cowden: Has the County lost data in the IT system?

Ms. Apodaca: I am not sure. I can follow up.

Councilmember Cowden: Okay. Actually, I would like to do a briefing on that. It would be good to have a briefing.

Council Chair Rapozo: Yes, after everything settles down. They are still working on things.

Councilmember Cowden: Okay.

Ms. Apodaca: Yes.

Council Chair Rapozo: Are there any more questions? If not, thank you very much. Is there any further discussion?

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

Councilmember Cowden: I appreciate all the work that has happened and that the County is functioning.

Council Chair Rapozo: Yes. They are working really, really hard. I appreciate it.

The motion to approve C 2026-241 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1 *(Councilmember Kualiʻi was excused)*.

Council Chair Rapozo: The motion carries. Next item.

Proposed Draft Bill No. (3006) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 1193, RELATING TO CHAPTER 5A, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX *(Tax Credit, Additional Applications)*

Councilmember Kaneshiro moved for passage of Proposed Draft Bill (No. 3006) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 2026, and that it thereafter be referred to the Finance & Economic Development Committee, seconded by Councilmember Bulosan.

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

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

Councilmember Cowden: This is what you described earlier that just helps everyone.

Council Chair Rapozo: That is the one. Roll call.

The motion for passage of Proposed Draft Bill (No. 3006) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for October 28, 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, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kualiʻi	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you so much. There is no further business on today's agenda. This meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:18 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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(September 30, 2026) **Attachment**

FLOOR AMENDMENT

Proposed Draft Bill No. 3008, A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 9, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY DEDICATED AS 'ĀINA KŪPUNA

Introduced by: FERN HOLLAND, Councilmember

1. Amend Proposed Draft Bill No. 3008, SECTION 1, to read as follows:

   "SECTION 1. Purpose. The purpose of this Ordinance is to create an 'Āina Kūpuna real property tax dedication for eligible taxpayers who are descendants of a person who owned, or leased pursuant to a 999-year homestead lease [issued] currently managed by the State Department of Land and Natural Resources, applicable property at any time prior to the proclamation of Hawai'i's statehood (August 21, 1959)."

2. Amend Proposed Draft Bill No. 3008, SECTION 2, proposed amendment to Chapter 5A, Article 9, by amending the proposed new Section 5A-9.__(c)(2)(B) to read as follows:

   "(B) Is currently or was formerly held pursuant to a 999-year homestead lease [issued] currently managed by the State Department of Land and Natural Resources at any time prior to August 21, 1959, and the property is currently leased by one (1) or more descendants of the original homestead lessee."

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