

COUNCIL MEETING

MARCH 8, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 8, 2023, at 8:37 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Ross Kagawa
Honorable KipuKai Kualī'i
Honorable Mel Rapozo

Excused: Honorable Bill DeCosta

APPROVAL OF AGENDA.

Councilmember Kualī'i moved for approval of the agenda, as circulated, seconded by Councilmember Carvalho.

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

There being no one present to provide 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 DeCosta was excused*).

Council Chair Rapozo: Next item, please.

MINUTES of the following meetings of the Council:

February 16, 2023 Special Council Meeting
February 22, 2023 Council Meeting
February 22, 2023 Special Council Meeting

Councilmember Kualī'i moved to approve the Minutes, as circulated, seconded by Councilmember Carvalho.

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

There being no one present to provide testimony, the meeting proceeded as follows:

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

Council Chair Rapozo: The next item is the Consent Calendar. I am going to ask that we receive C 2023-50, C 2023-51, C 2023-52, and C 2023-54. We will remove C 2023-53, so that we can have a discussion on C 2023-53.

CONSENT CALENDAR

C 2023-50 Communication (02/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Aimee Lorenzo to the Civil Service Commission – Term ending 12/31/2024.

C 2023-51 Communication (02/09/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Micah R. Finnila to the Board of Water Supply – Term ending 12/31/2025.

C 2023-52 Communication (02/15/2023) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee for Calendar Year 2023, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties, Inc.

C 2023-54 Communication (02/21/2023) from the Director of Finance, transmitting for Council information, Periods 1 through 6 Financial Reports – Statements of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period July 1, 2022 through December 31, 2022, pursuant to Section 22 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022-2023.

Councilmember Kualii moved to receive C 2023-50, C 2023-51, C 2023-52, and C 2023-54 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: The motion is to receive Consent Calendar items C 2023-50, C 2023-51, C 2023-52, and C 2023-54. Is there any discussion or public testimony? Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

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

Council Chair Rapozo: Can you read C 2023-53, please?

COMMUNICATIONS:

C 2023-53 Communication (02/17/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Urging The Hawai'i State Legislature To Enact A Statute Exempting Birth Attendants From State Licensure Requirements.

Councilmember Kualii moved to receive C 2023-53 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: We will get to the Resolution later, but I did want to take testimony from anyone that wants to testify now and not have to wait for the Resolution. There is a situation, this Bill, that this Resolution refers to, House Bill No. 955, it does not appear that it will pass the State Legislature. We are awaiting word from the Legislature this morning, but we will go ahead and take the testimony from the public. Councilmember Cowden.

Councilmember Cowden: Can I just say, because sometimes people do not know their numbers well? This is about midwives and birthing attendants from State Legislature, just so people know in case they do not know the numbers.

Council Chair Rapozo: Is there any public testimony?

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

KRISTIE DUARTE (*via remote technology*): I am the Task Force Chair of the Hawai'i Home Birth Task Force, which was created with Act 32, which relates to HB 955. I have been working with the Legislators last week and this week, having meetings over and over, and one thing they wanted me to point out with their House Rules is any Bill that has been referred to a Committee may be recalled from that Committee twenty (20) days after referral, if one-third (1/3) of the members, to which the House is entitled vote, in favor of the recall. Twenty (20) days will be tomorrow. If you look on the Capitol website, HB 955 was referred to the House Committee on Finance on February 17, 2023, so they cannot move to have a floor vote until tomorrow, so it is not dead until tomorrow. I just wanted to clarify that. Should I share my testimony?

Council Chair Rapozo: Yes, please.

Ms. Duarte: Okay, really quick. We are in full support of Resolution No. 2023-31. On February 17th, the State of Hawai'i Department of Commerce and Consumer Affairs (DCCA), who oversees the midwives licensing program, testified in the Committee saying, "Birth attendants who are exempt from the licensure requirements, if they do not comply with the law, then they are no longer exempt and become unlicensed," so I just wanted to clarify that a birth attendant is not unlicensed. If you become unlicensed, that is when Racketeer Influenced and Corruup Organization (RICO) has to enforce regulations and go after you. This Resolution is not about supporting an unlicensed practitioner. Chapter 26H of Hawai'i's Licensing Reform Act states, "Full licensure or other restrictions are required when regulating a profession or vocation," so the birth attendant is regulated. We are asking for your support of continued regulation of this birth attendant, who is practicing under other restrictions, to declare the birth attendant is

exempt, but must comply with the law to remain exempt. If they do not, DCCA said they will go after using RICO and that is how they enforce regulation. Next, this is not about the birth attendant, this is about reproductive rights. At the Legislature, people are being held to stand with the *wahine* pledge that they signed last session, and this is about reproductive rights, this is about women having the right to choose who is with them and our children's right to choose who they want at their birth. In this case, women do not want their rights taken away because they want to choose a regulated birth attendant. I want to point out, lastly, that this is not a new idea that we came up with. I was appointed Task Force Chair four (4) years ago. They sat me in their office and they said when SB 1033 was going to pass into law, that this was only one (1) pathway for licensure, we are going to create a Task Force and the Task Force will find to have the Legislature incorporate all birth practitioners. This is the fourth (4th) year we have come forth, and we have brought forth every single year. I emailed all of you the Department of Health's testimony stating that this was not a safety issue even prior to licensure, and so with that this was supposed to be part two (2) of Act 32. Part one (1) was finished, this is part two (2) and it is not finished, and the Legislature said they would incorporate all birth practitioners, which is why the Health Committee and Consumer Protection passed it. Eighteen (18) votes "yes," one (1) "yes; with reservations," and zero (0) "no" votes. Then it hit Finance, a non-fiscal Bill and it did not get a hearing, so we are waiting and we are working hard. We have people that have been sleeping over at the Capitol, they made friends with the Sheriffs, they are on the sidewalk, where they legally can be, and they are waiting for this to be put to a floor vote tomorrow. If you have any questions on safety, if you questions about the Sunrise Report and the importance of the Auditor in this, I am here for questions, but I think I want to finish my testimony now, and just thank you for taking the time to address this.

Council Chair Rapozo:

Thank you. Councilmember Cowden.

Councilmember Cowden:

I have two (2) clarifying questions. One (1) clarifying question is you are basically testifying asking us to not set aside doing a Resolution based on that the Bill 955 appears to have been killed, you are saying you want to do the Resolution? That we support, basically I want to say the medical freedom of parents to be able to decide how they want to have a baby. Is that what I am hearing, and that you support the nature of our Resolution?

Ms. Duarte:

Yes, one hundred percent (100%). Big Island, or Hawai'i Island is currently doing the same thing and I have to show up to testify there today on Zoom, too. . and we are asking that because of the twenty-day requirement after referral to be put to a floor vote, and that magic day is tomorrow at 12:00 p.m. That is why we have a peaceful gathering, a ceremony, set tomorrow for 8:30 a.m., where people are just going to come and sit and wait and have ceremony together and hope that they choose to support reproductive rights.

Councilmember Cowden:

I have a second clarifying question. I believe you said it, but I want to make sure I am understanding correctly. As this Bill has moved through the process, basically it has been supported in the appropriate committees it has gone to so far, and there is not a direct economic element to what it is requesting, but it got sent to the House Committee on Finance that did not schedule it, so it sounds like it is a procedural process of which it sounds like they are killing or

stopping this Bill for now and the importance of this Bill, did I hear right, is that there will be a sundown on that provision that allows people to have their chosen birthing attendant? Am I getting it correctly?

Ms. Duarte: Yes. That date is set for July 1, 2023, so after that date, women no longer have the right to choose who is at their birth and what kind of culturally appropriate care they would like.

Councilmember Cowden: So this is a now or never type of thing, and that the other counties are doing the same thing that we are, so if I am hearing you correctly, your hope is that all the county councils say, "Hey, State Government, listen to the people, listen to these women who know how they want to have a baby and make a hearing and a vote.

Ms. Duarte: Exactly, and to clarify that this birth attendant is regulated, so it is a beautiful balance of regulation of a profession that the Legislature sees fit, but in also not taking away the women's right to choose.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Thank you.

Ms. Duarte: Thank you.

Council Chair Rapozo: Is there anyone else on Zoom? Is there anyone here in the audience wishing to testify? Go ahead, on Zoom.

KIANA ROWLEY (*via remote technology*): I am here at the Capitol today, and am also the Vice President of Pacific Birth Collective, a non-profit organization which serves women all across Hawai'i to provide support and access to education. We are in strong support, and we have had many people from the outer islands flying to Honolulu, because it such a personal important issue. I am also a registered nurse. I was trained and worked in Hawai'i hospitals, as well as practicing as a birth attendant, and I just want to say there are many women who will choose their provider and giving birth is the same hormonal physiologic processes as making love. What gets the baby in, gets the baby out, and this should not be regulated by the State. Thank you.

Council Chair Rapozo: Thank you. Next speaker.

KI'INANIOKLANI KAHO'OHANO (*via remote technology*): Aloha mai kākou. I am a longtime twenty-three plus (23+) years practicing, now called birth attendant, of Maui County. I want to recognize that Maui County pass unanimously a Resolution to support HB 955. In twenty-three (23) years of service to my community, who holds me accountable, I have never had a poor outcome. We serve rural areas on an island, three (3) islands really, where we have one hospital to depend upon. Our resources are extremely limited and our communities depend on us. I provide free prenatal to East Maui and beyond educational pathways and classes because I care about my people. I care about lessening the disparities that are typically affecting African American and Native Hawaiians more than any other population. This is not

a new fight, for lack of better words. This is something our *kūpuna* here in Hawai'i have been persecuted for generations to continue to practice all our healing arts in general, and I know *kūpuna* who have been threatened and told to stop helping the babies and helping the families, and this, in this day and age cannot continue. This is about choice; this is not about safety. If anything, we are helping increase cultural competency, which data proves helps improve birth outcomes. We work by donation. We do not advertise. We have relationships. We spend hours with our families to prepare them, not just with the mommy or the daddy, but even the extended 'ohana is a part of this process. We are not against licensure. We believe that there is a midwife for everyone, but the point here, and we have been fighting for about twelve (12) to thirteen (13) years and every year coming with these amendments or exemptions, so that we can have a pathway to exist and not be a part of the past erasure that has happened not just here in Hawai'i, but globally. This is a global issue, and I have also been at the Capital for over a week, off and on, because this is such an important issue. I was not seen as a constituent of Hawai'i State Representative Yamashita, as many others came before this issue heated up so much and brought so much attention. All we wanted was to be heard, and he could have even humored us, but instead it has turned into this other action that we must take to make our voices heard, and we just plead with you today to please join the other counties in supporting this Resolution, which is about reproductive justice, reproductive freedom, and women and families choice to choose the provider care that they feel safe with. I worked at our hospital, as well as at home, and I try to be a part of the collaborative care that is essential for all of us to have the best possible outcomes, no matter what that looks like. We need to build relationships, build bridges, not create more divide within our communities, within the midwives and the variations of what that word means. It is an old-time term and midwife literally means "with woman." They can take that title from me, but they cannot take the *kuleana* that has been passed by my *kūpuna* to *mālama* all those that come to me and trust and love to care for them. Thank you for letting me share and I am sorry I so emotional today. This is about my daughters who also want to learn from their mom and all my nieces and all those that will come. Thank you so much.

Council Chair Rapozo:

Thank you. Is there anyone else on Zoom?

RACHEL CURNEL STRUEMPF (*via remote technology*): Boy that is a hard act to follow. She has got me weepy. I am the first licensed midwife in the State of Hawai'i and I am a member of the Hawai'i Home Birth Task Force. I am also the President of the Hawai'i Midwifery Council and I am here to testify today in support of your Resolution. This Bill is not dead, as you heard from Kristie. We have one last hope that decency and reason will resound with our Legislators, and they will allow this Bill to go to a floor vote. This is a multifaceted Bill, this is not just about the traditional birth attendants. On a side note, these traditional birth attendants are actually traditional midwives, but when the State of Hawai'i passed Act 32, they now own the word "midwife" as proprietary title, so these women who for ten (10), twenty (20), thirty (30), forty (40) years, have used the title traditional midwife got downgraded to traditional birth attendants. This Bill is multifaceted, it allows for the traditional birth attendants to continue their regulation under Act 32. It allows for students not enrolled in school to still be educated by a qualified midwife preceptor. A qualified midwife preceptor is a midwife who has gone through an international certification process to receive their certified professional midwife credential. This

credential then, after certain criteria are met, you can apply to become a teacher or a preceptor. Currently, the way the law is written, any students who want to become midwives have to be enrolled in a school. School programs, even though there are six (6) available that do not require you to leave the State of Hawai'i, are going to cost forty thousand dollars (\$40,000) or more, and not all of the trainings are available in the islands, even though you can still get the school portion online, you are still required to find someone like me, who is a registered North American Registry of Midwives (NARM) preceptor, to help you. The other way is to do a portfolio evaluation process, the "PEP" is what that is called. The PEP process allows for midwives to do a combination of study, which includes apprenticeship. There are all kinds of professions the State allows apprenticeship that are potentially hazardous to someone's health—carpenters, electricians, heavy equipment operators, they all allow for apprenticeship pathways to licensure, or you can attend a school. Midwives are no different, and to be frank, the credential did not even exist until 1995. Prior to 1995, midwives became midwives by studying under a midwife, who studied under a midwife, who studied under a midwife. For a millennia, women have helped women have babies, so the fact that this new credential is forcing out literally half of the population of women that help women give birth in the State is atrocious. I am on the Big Island. I am a rural midwife. I put forty thousand (40,000) miles on my car in two (2) years just seeing the people who need to have prenatal care. On the Big Island, you cannot even see an Obstetrician (OB) when you are pregnant, until you are over twelve (12) weeks. That is one-third of your pregnancy, that is your entire first trimester. The OBs will not even make you an appointment until you are over twelve weeks, because they are so overloaded, they cannot see the number of women that need them either. To take away our midwives is just unfair when most of the rural communities are desperate for help. I know, as one of the six (6) midwives on the Big Island, that we are desperate for people to help women in rural communities, women who are underserved and do not have the money to hire a licensed midwife. O'ahu has two (2) licensed midwives. *Two* (2) for the entire island of O'ahu, all the people that live there, the people that are seeing traditional birth attendants and the unlicensed Certified Professional Midwives (CPMs), they are going to lose access to prenatal, postpartum, and birth care come July 1st if this Bill does not pass. We have been trying for years to explain to the Legislators who we are and what we do, and I do not know if it is just stubbornness that keeps them from trying to understand our position, but we need support, we need access, not limiting midwives. We need access to proper birth care. We all know someone who has given birth trying to get to the hospital, because it is over an hour away and wait too long or their birth goes fast, and women deserve the right to choose. Lastly, this really is a reproductive issue. This is my womb, my body, my birth. What, I believe it was Kiana who said it, we always tell our clients, the best way to get a baby out is how you got them in there, because when you make love you have all of those same hormones as when you are in labor. It is a very intimate and private process and not everybody wants to go to the hospital. Women have the right to choose a hospital birth. They should also have the right to choose a home birth with a safe, confident woman to attend them, not just fly by the seat of their pants alone, because they could not find somebody that was willing to help them. Do you folks have any questions for me?

Council Chair Rapozo: I have one clarifying question. Could you help me understand the difference between a midwife and a birthing attendant?

Ms. Struempf: The traditional birth attendants are formerly known as midwives, and when the State licensed the midwives, they appropriated the title "Midwife" to the midwives who are certified professional midwives able to obtain licensure. They said that all other people who attend birth would fall under a new category, which is the traditional birth attendant, because the State of Hawai'i wanted to make the word "midwife" represent those whose education and credentials had been verified by the State. The traditional birth attendants do not have their credentials verified or approved by the State, but they are held to regulations and rule through Act 32, under the exemption. It is an exemption from the CPM license, but it is not an exemption from regulation, and that is really important to note. When July 1st comes, the regulation of the traditional birth attendant, or you could say traditional midwife, will expire and then they will no longer be under the Department of Commerce and Consumer Affairs with consumer protection for the women seeking their services. That is what we really want to do. We want to preserve that regulation and the continued oversight of the Department of Commerce and Consumer Affairs for all midwives, not just one tiny little fraction. Right now, the way the law is written, only one (1) type of certified professional midwife can get their license anymore. After January 1, 2020, the State no longer allowed Certified Professional Midwives who went through the portfolio evaluation process to seek a license, even though the certified midwife has the same credential as the other midwives who went to a school. They still are not able to seek a license at this time and we have several women in this predicament who this Bill would allow them to be licensed where they are currently not eligible. It was an oversight by the State because they simply did not understand who or what we do.

Council Chair Rapozo:

Thank you. Councilmember Kualii

Councilmember Kualii: I really appreciate your very thorough explanations. You sounded very frustrated when you said you were trying to explain to the Legislators to get them to understand, but is it not true that most of the Legislators do get it, because if it passed out of other Committees 18:0, and is it not just one (1) Legislator, the House Committee of Finance Chair, that is potentially, technically blocking this or stopping this?

Ms. Struempf: He is the original stopper, for sure, but right now, we could have the Speaker of the House come to our behalf and ask for a floor vote. That is what we are really hoping still happens. We are hoping that we did get our message across and we still have a hope, but unfortunately people pass bills and laws all the time without fully understanding, or reading them, or knowing exactly what or why they are voting on something. Being a part of this process for the past thirteen (13) years has really been eye-opening to how laws are made, and it has been a very frustrating process, so, yes, we hope that they understand, but in reality, do I believe that is really the case? Unfortunately, probably not.

Councilmember Kualii: Lastly, the thing you said about the Speaker, that the Speaker could come to our defense and ask for a floor vote. Does that have to happen by tomorrow or by the end of the session?

Ms. Struempf:

It needs to happen by tomorrow.

Councilmember Kualii: Okay. Thank you.

Council Chair Rapozo: Thank you.

Ms. Struempf: Thank you. We appreciate you folks at least taking the time to try and understand what we are going through. It is really important to us to be heard, and we thank you for the validation and your time.

Council Chair Rapozo: Thank you very much. Is there anyone else on Zoom? Are there any registered speakers?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair Rapozo, there are registered speakers. Jaime Schrack, followed by Mieko Aoki-Stewart.

JAIME SCHRACK: I live in (Inaudible) valley. I grew up in Kilauea and this is very important to me. I am in strong support of the Resolution and also HB 955. I have been present for both hospital birth and home birth, and I have a real deep respect for midwives, their skill, and the quality of care that they give to women. When I think about birthing my own children, it is really important to me that I have access to midwifery care and to support a birthing at home. I am just really asking that you support this and you support all of these women who are carrying on tradition and supporting our communities and supporting other families that would choose to have their care. Thank you.

County Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Mieko Aoki-Stewart, followed by Brady Stewart.

MIEKO AOKI-STEWART: Aloha. I am a licensed midwife here on Kaua'i. I am a home birth licensed midwife here. Thank you for your time and creating this space and opportunity to hear and hopefully clarify a lot of the information that the other midwives have shared as well. I have three (3) students, and I may have two (2) more, that they are also my birth assistants. How it works is that as a licensed midwife, I also educate and support people who want to learn the path of midwifery, and how to sit with women, as well, at a birth. If this Bill does not pass, these students will not be exempt from the law, as it is written in Act 32. If you are a student and only enrolled in a Midwifery Education Accreditation Council (MEAC) accredited program than they are exempt from the law, from responsibility as a student. Come July, they will not, so they will actually be illegal. That will make them uncomfortable, which means that we will lose my assistants that come to the birth with me. They do a lot of the things that, not just the cleaning, but a lot of the set up, and a lot of the support that we offer the families. Doing it by myself is going to create a lot of, not just stress, but takes another set of safety—another set of eyes, another set of hands, that actually support the care that we provide. As they learn, which is the strongest, probably one of the most intimate and deepest way of learning is through apprenticeship. Through direct experience, you are sitting with them, you are hearing and learning how to sit with women, and in times of biggest challenges that they might have in giving birth. It is an intense time and a very personal, intimate experience and in order to learn that, you gain experience, you come with

practitioners who have been there. It is really important that it gets upheld, those are traditions that get passed on. They learn how to love on a woman and care for them and that you cannot learn from books. Everybody can read a book, but I guarantee that everyone that reads a book does not necessarily know how to sit and care for a laboring woman. We are there for hours with women, hours.

Council Chair Rapozo: That was your first three (3) minutes. How many more speakers do we have? We have three (3) more. You can go ahead and finish.

Ms. Aoki-Stewart: I just want to emphasize the importance of passing on tradition, as I think everyone knows to that your family traditions, and we are passing this onto not just other women, but to their children, as well. When all the other daughters and aunties or grandmothers that are present, and they are gaining experience from attending a birth that is healing, that is meaningful to them, it changes a community, it changes the happiness and the family setting. It is real. I see it all the time. I ask for this Resolution that will support the continuation of traditional midwives, the continuation of family and culture to perpetuate in our day, or I think we will lose who we are, and that would be a really sad day. Please support HB 955, as Rachel has shared as well. It continues to regulate the midwives, the birth attendants—I am sorry, I know the language to be in sync with it—to support the birth attendants. The HB 955 will continue to regulate the midwives that are regulated in Act 32. The current law in 2019 that was placed, Act 32, is regulating the traditional midwives, the birth attendants. HB 955 will continue to regulate those midwives. We need that so that they can continue to practice. We need more midwives, actually, we do not need less. We need to continue to keep the access to becoming midwives available and accessible. If myself and maybe one other midwife are the only two here, we cannot take on ten students that they might be able to in a hospital. We do not do that many births. If I do more than four births a month, that is just too many and that is not good care for my clients. We spend two (2) hours per prenatal visit, per postnatal visit guiding, and educating, and answering any questions they have, and addressing their fears or worries of meeting their challenges, meeting their labor, meeting their child. It is just a really different type of care and we need that and we need to keep that option available to anyone who chooses, because it is a woman's right to choose their birth circumstances. I am totally available for any questions at any time.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Brady Stewart, followed by Sadie Braaten.

BRADY STEWART: I am in support of this Resolution. I think a couple of the important things to recognize are that the exam, which is given to the midwives given by the North American Registry of Midwives (NARM), which is the certifying body nationwide, is the exact same exam for the people who go through the apprenticeship process, as the people that have the formal schooling, MEAC accredited schooling. They receive the exact same certification from the nationally certifying body. Another thing is under the current law, as it is written, I think it is important to recognize that the birthing mothers are given an informed consent form

under the law for those who have gone through the PEP process of apprenticeship. Basically, we are trying to continue the regulation of these traditional birth attendants. It is not that we are trying to give them an exception from being regulated, it is that we want to continue to regulate them. If this Bill does not go through, then after July 1st, those women will no longer be allowed to practice, so I just think it is important to recognize that they all go through the same exact exam process, they all have the same national certification regardless of whether they attended the schooling process or just went through the apprenticeship process. I just think it is more than just these women being put out of work, it is not just about the professionals, it is not just about the profession, it is about the choices of the birthing families and the mothers, giving them the options, and not reducing their options for care if they choose to give birth at home rather than in the hospital. I stand in support of the Bill and I hope you all will agree with us.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Sadie Braaten.

SADIE BRAATEN: I live in Kalihiwai Valley. I am part of KSUN, I work closely with Fire and Kaua'i Police Department (KPD). I am originally from Oregon and I was a home birth baby, myself, by traditional midwife. I come from a birthing community in Oregon and I trust the midwives and traditional midwifery very much. I would like to give birth myself one day, possibly on this island, and I would love to have it be with a traditional midwife. There were complications in my birth. I had shoulder dystocia. My arm was planned to be broken in a hospital, but I was born safely at home with midwives. I think that it is important for the PEP traditional midwifery training to be allowed in Hawai'i, so that the traditional midwives can obtain the core fundamental midwifery knowledge by certifying as professional midwife, letting the community know that they are competent and they are going to be doing the same testing, and so to learn from this ancient wisdom and knowledge is very important. I am in full support of the Resolution to protect midwifery, home births, and traditional midwives. I think it is a woman's right to choose who they give birth with, and when, and where. It should always be a woman's right and we should protect that as a community, as an island of Kaua'i, to bring this to the next state of protection for the whole State of Hawai'i. Thank you folks so much.

Council Chair Rapozo: Thank you. Are there any other registered speakers?

Ms. Fountain-Tanigawa: No further registered speakers.

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

SHERRI CUMMINGS: I was not prepared to testify regarding this agenda item, but just interesting as a *kanaka* and as *'ohana* that our families used to practice that, so it is very cultural appropriate that we support this Bill because that is the practice of our Hawaiian people. That is how we used to *hanau*, we used to give

birth through being with *‘ohana* and with people that used to help us to facilitate as we *hanau* as *wahine*. I support this Bill and would like to see it go forward. *Mahalo*.

Council Chair Rapozo:

Thank you. Is there anyone else?

CONNIE BURTON: *Aloha*. I just am so willing to see it continue to grow, our efforts as people to reclaim our power from a medical system that has really disempowered our most important rights of passage in life, birth, and death. These natural parts of life that we have somehow been convinced are medical emergencies and they are not. They are a natural part of living and dying is a natural part of living, as well. The midwifery movement in the 70s that has helped to bring birth back home and back to women has made more progress than the efforts that Hospice fortunately is made to help bring death back home. These are our fundamental rights as human beings. This is as fundamental to being a human as it gets. To be able to live and die and birth and death with dignity in our home the way that we choose with the people that we choose. The people that are currently regulated by the Board that regulates all midwifery, the people that go to the apprentice path, as they have said, pass the same exams as the people that went through the book path, but even if you were going to get a massage, would you rather get a massage from someone that has watched fifteen (15) videos or done fifteen (15) massages? There is nothing more powerful than a teacher with hands-on experience. It is a total no-brainer in my book. Life is the greatest teacher. Let us listen to life and allow this to continue, what the regulating Boards already allow. Why would we be different than that in a place that is supposed to honor traditional values? *Mahalo*.

Council Chair Rapozo:
testify?

Thank you. Is there anyone else wishing to

JOSEPH KUA: Good morning, Chair Rapozo, Vice Chair Kualii, Councilmembers, Staff. Today is an experience for me, being here, listening to all these people talk about all of this going on. It is really touching, and life is life. To all these people here, *mahalo* for your testimony, but I just wanted to say I support them and this is unreal. Thank you, folks. *Aloha*.

Council Chair Rapozo:
testify? Seeing none.

Thank you. Is there anyone else wishing to

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

Council Chair Rapozo: This Resolution will come up later. If there is any pressing discussion you folks want to have right now, we will do it, but I would ask that we save it for the Resolution, so we can move with the presentation. Does anyone have any discussion? Go ahead, if anyone has. Councilmember Cowden.

Councilmember Cowden: I am not sure if the testifiers are going to stay. I have a statement to make, but I can wait. Are you staying for the vote? It will probably take hours.

Council Chair Rapozo: Yes, at least an hour. Councilmember Kagawa.

Councilmember Kagawa: Chair Rapozo, I just wanted to clarify information from the Legislature for the Hawaiians, the *kanaka maoli*. You folks are already exempt through a separate process with Papa Ola Lōkahi, so Hawaiians, you are exempt. I am just saying what I gather from the Legislature and I just wanted to relay that to the Hawaiians.

Ms. Kaho'ohanohano: May I be able to speak? I am a Native Hawaiian.

Council Chair Rapozo: We are done with the public testimony at this point.

Ms. Kaho'ohanohano: But we are not covered by Papa Ola Lokahi. I testified earlier, yes.

Council Chair Rapozo: Who is speaking?

Ms. Kaho'ohanohano: This is Ki'inaiolalani Kaho'ohanohano.

Council Chair Rapozo: Did she use up all her time?

Ms. Kaho'ohanohano: I testified earlier, yes.

Council Chair Rapozo: Unfortunately, your time has run out.

Ms. Kaho'ohanohano: Being that that statement was made, I just wanted to clarify.

Council Chair Rapozo: Go ahead.

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

Ms. Kaho'ohanohano: I just wanted to clarify that that is one of the common misconceptions with Act 32. I sat as the Traditional Midwife's seat on the Hawai'i Home Birth Task Force as well. I, to this day, for the past four plus (4+) years work with Papa Ola Lōkahi as best we can to create solutions, so that this exemption can truly exist. There are currently zero (0) Native Hawaiians covered by this exemption because it is not set up. We do not have a *kupuna* Council to oversee us and Papa Ola Lōkahi has come in support as well of our birth attendant exemption, so I just wanted to clarify and I appreciate you letting me do just that.

Council Chair Rapozo: Thank you. Is there any other discussion? If not, the motion is to receive. The Resolution will come up later today and that is when we will take the final action.

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

The motion to receive C 2023-53 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

C 2023-55 Communication (03/01/2023) from Council Vice Chair Kualii, transmitting for Council consideration, a Resolution Pledging Support For Native Hawaiian Women And Girls

Councilmember Kualii moved to receive C 2023-55 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This will come up later in the Resolution. Is there anyone in the audience wishing to testify now? Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

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

The motion to receive C 2023-55 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo: Next item, please.

C 2023-56 Communication (02/13/2023) from Representative Nakamura, along with Lance Segawa, Hawai'i Health Systems Corporation (HHSC) Kaua'i Region Chief Executive Officer (CEO), requesting agenda time to brief the Council on the Samuel Mahelona Memorial Hospital (SMMH) Transit-Oriented Development (TOD) Master Plan Update Project.

Councilmember Kualii moved to receive C 2023-56 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: With that I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Segawa, if you could come up here, please. Is it just you? I see Representative Nakamura and Mr. Shiramizu.

LANCE SEGAWA, Hawai'i Health Systems Corporation (HHSC) Kaua'i Region Chief Executive Officer (CEO): Good morning, Council Chair Rapozo and Councilmembers. We are here this morning to provide Council with a briefing of the current status of the Samuel Mahelona Memorial Hospital Master Campus Plan. On Zoom, we have Representative Nadine K. Nakamura, sponsor of the project, and we also have our Planning Consultants PBR Hawai'i & Associate's Inc. Principal Kimi Yuen, and we have Ty Shiramizu. Kimi, do you want to take it away?

Council Chair Rapozo: Yes, please.

Mr. Segawa Thank you, Kimi. Actually, I do. This has been a very long process and from my perspective the best part of the process has been attention to the community. Getting community input throughout the years has been very engaging and educational. I have had the opportunity to talk to community members about their perspectives, and it is a very important one, because they live right in that area, so it does mean a lot. I think the best part of this project, and if you look at the entire State, I do not believe there is one hospital that is engaging the development of their campus to include all of these interests. I do not think that exists. This would be the first one. Granted, we have thirty-four (34), thirty-five (35) acres to work with, so that is a lot of land, but the fact that we would really look at how we can benefit the entire community as we develop the campus is unique. I think under the leadership of Representative Nakamura and the other Legislators, it is making it possible, and all you here as County leaders. That is, to me, what makes the project special. I do not think, as we look back over the years, we would be able to say there is another project like it. We could be the example here on Kaua'i. I was thinking about what was said earlier, at the beginning, about what makes Kaua'i special and I think this project could be an example, because it is complicated. It is

very complex. Like I have said, I have had conversations with community members who are not very happy, not happy. I think it is no secret that the Kaua'i Police Department (KPD) substation was a kind of lightning rod for some people, and we had to work through that. I want you to know that last week I met with Chief Raybuck and we walked the proposed site of the potential substation and there is a possible win-win there. It is going to be on our campus, right almost in the heart of it, and I think we can make it work. I guess the main thing I want you to know is the spirit of working together is really driving this project and I thank you in advance for your support. We have a longways to go, yet. We are not quite there, but we are getting close to at least a vision and I think that is what we want. Kimi, you can take it away.

Council Chair Rapozo:

Thank you. Okay, Kimi.

Ms. Yuen: *Aloha. Mahalo nui* Council Chair Rapozo. It is good to see you again. Councilmembers, *mahalo* for having us here. Again this is Kimi Yuen from PBR Hawai'i & Associates Inc. With me here, this is Ty Shiramizu, and he will be running the slides for me. We have a brief presentation. If we could get going, Ty. Okay, great. Next slide, Ty. Some of this you may have seen, as Representative Nakamura mentioned there were some briefings held with Councilmembers before. The project overview, as Representative Nakamura mentioned, was started a few years ago with a master plan that was primarily for the thirty-four (34) acres of just the Mahelona Hospital campus. A lot of the master plan priorities...

Council Chair Rapozo:

We are in recess.

Due to a power outage, the Council recessed at 9:36 a.m., and reconvened at 9:59 a.m.

Council Chair Rapozo This meeting is called back to order. I apologize for that interruption. I guess we are having some electrical interruptions here on Kaua'i. Before we get started, I just want to quickly to explain that if we cannot get back online within thirty (30) minutes, by the Hawai'i State Office of Information Practices (OIP) rules, we need to redo the entire meeting, not just pick up where we left off. We need to restart the meeting, in other words, repost the meeting, so all of what happened up to this point would be null and void and we must redo it. In the Planning Commission, that is what happened, and they had already acted on permits. All of that was null and void, because they could not get the system back up. So basically, as forewarning to everyone before you start throwing the bullets when you see that we are probably going to do away with remote meetings, only because of the instability of the system, and it could cause some major disruptions, if we have gone through six (6) hours of meetings, and the power went out, and for some reason could not get back on in thirty (30) minutes, then all of that would have to be redone. I hope you folks can understand. With that the meeting is called back to order.

Council Chair Rapozo:

Kimi, I am so sorry about that.

There being no objections, the rules were suspended.

Ms. Yuen: *Aloha. Mahalo nui* everyone. Just to note, Representative Nakamura had to leave for another meeting at 10:00 a.m., so she apologizes. We can fill you in on what she wanted to share as we go through this. I was going through the list of Master Plan priorities that have carried through in this version of the Master Plan. I think I left off with the Transit-Oriented Development (TOD). The next bullet is talking about incorporating the adjacent State lands. As noted that in the 2020 version of the Master Plan only included the main campus, thirty-four-acre property, but as Representative Nakamura mentioned, there are four (4) other state properties surrounding the hospital parcel, as well as, Kapa'a Elementary and high schools to consider. The thought was to look at that, take a step back, look at the larger community, and all of the opportunities that could be packed with this new Master Plan. Again, the partnerships with the private, County, and State organizations, and to look at an expanded, convenient, and accessible community, including all of the amenities. Ty, actually go back to the previous slide that showed the 2020 version of the Plan. It is a lot when you think about what that original vision included, and to cram that all into the single parcel sacrificed a lot of things that the community does love about Mahelona. A lot of folks enjoy their views, the almost one hundred eighty degree (180°) view of the ocean from up on the campus. When this Master Plan came out, a lot of the taller buildings were placed at the bluff, blocking the view for the community. That is the Assisted Living Facility (ALF), those are three-story buildings, we had affordable housing to the left on that overlook, too, and those were all taller three-story buildings as well, and so you lost a lot of what made Mahelona campus special by trying to include all of that onto that main campus and in the arrangement that was done. So by adding the adjacent State parcels...Ty you may go forward to the next slide. This is a view, and I am sorry, this is turned ninety (90) degrees. This is with north up top and Kawaihau Road on the left side, and obviously the ocean on the right. The main thirty-four (34) acre campus is in the middle, in that blue, and surrounding it are the four (4) adjacent State parcels, and the total campus we were tasked to look at is within that yellow outline. In addition to all of that you have the two (2) schools to the north of the site, and as many of you know, Kapa'a Public Library is on the shoreline right now. They have had potential issues with encroaching sea level rise and even regular storm events have started to put that library in a bit of jeopardy, so the State Public Library system is going through a site selection process right now, that got incorporated into this master plan early on and to relocate the library up to the Mahelona campus. As Lance mentioned, the new KPD substation was also included on the 2020 Master Plan on the campus, which created a bit of community controversy. That we have also been working through and trying to find a right location, as Lance mentioned, on the campus. Next slide. This is just the project timeline. This was really focusing on the Master Plan process. We started back, as Representative Nakamura mentioned, a couple years ago, late 2021. We have come through with what we are hoping will be the final master plan that we are going to do one (1) more round of community meetings after meeting with you. We will be presenting this to Mr. Segawa's Board, and then also having one last final community meeting to present the Master Plan before we roll into the EIS process, which takes approximately a year to do. Next slide. Back in May of last year, we had our TOD architect come up with three (3) conceptual master plans. I am not going through this in a lot of detail, but we did have a community feedback on the three options. They are not very different. Just to give folks an understanding of how to read the plan, the colors represent different land uses: the blue being the hospital and other public facilities, the yellow are potential housing

footprints, and the red were the kind of commercial type of uses, but included a lot... and when I say commercial, it is not like strip malls or anything. It has to do with the café, a pharmacy, outpatient offices, and doctors and dentists' offices, that sort of uses that related to health care and a continuum of care on the campus.

The next slide takes us to where we are today. This is the conceptual Master Plan that we are hoping to move forward. Again, the same colors are used in this version of the Plan. The only outlier is the yellow rooftop on the far left corner. That is actually on the Kapa'a High School campus. That is actually the proposed new gym for that campus, so do not get distracted by that. That is a school use and not related specifically to this Mahelona Master Plan, but we put it in because we were coordinating with Kapa'a High School on access ease and additional parking to support big events there. We wanted to put that in for reference on the plan. Just to walk through again, and I apologize the plan is again rotated with the ocean being on the top of your screen and Kawaihau Road at the bottom, but in essence, a lot of the concepts that came from the conceptual alternatives including the loop road that wraps around the hospital, again that was also included in the 2020 plan, but in this case, we did have meetings with Lawrence "Larry" Dill and Michael Moule to talk about circulation and traffic calming, and some of the improvements related to circulation on the Plan. So the loop road is still there, and I will go into that in a little bit more detail. The yellow rooftops again on the campus are residential, and in the conceptual alternatives we had actually designated different types of housing, but we thought moving forward, it would be good to just designate them in general as potential areas for housing and, again, this would be affordable housing, all of these lands are ceded lands, so the State would not be selling any of this. It would all be rental, affordable workforce housing could be housing for teachers, and health care workers. It could be affordable housing or workforce housing for a lot of the facilities that are on the campus, as well, but in general, we just kind of put rough estimates based on footprints, but the exact types and uses we are leaving off the plan to give that flexibility moving into the future depending how funding or partnerships come forward. We did not even designate specifically an assisted living facility, but that is also still in the plan as a potential support in terms of financial income for the State hospital. In blue, the flat roof in the middle is the existing hospital. Parts of it have been removed as part of this Master Plan, but basically the flat roofs are the existing buildings. There will be, as we discussed earlier, behavioral health support systems. In the previous plan, there was a new patient facility to upgrade the existing behavioral health facility that exists at the hospital today. Ty, if you could put your cursor over the building that is attached. That is the new inpatient facility that would provide ten (10) beds with two (2) stabilization beds. In support of the continuum of care for behavioral health, there is a residential behavioral health facility. Based on input from the community, because of this facility, the thought was if the police substation could be moved in-between there as kind of an anchor and an easy access for support for the hospital, as needed, that was the ideal location that was discussed with the schools and the community. Representative Nakamura went out into the community to talk with everyone. This is where the new police substation is being identified. Mr. Segawa also talked with Chief Raybuck and, as he mentioned, there is support for it there. It is away from the Hundley Heights community that was protesting it when it was at the lower right of your screen, off Iwaena Road and Kawaihau Road. Instead, in that area, we have actually located the potential site for a new Kapa'a Public Library, which is the kind of U-shaped. The thought there, too,

was that when talking with the State Library folks, they really want to make it a community library. All the services or facilities that they would have there would support the community. They often do “first of the month movies” when they get those DVDs in stock, so the idea there could be that you could have that on this bluff. If you see on my background, it is that view. To preserve that view for the community and community uses so, library activities could be located there at the top. Next door could be the relocated Easter Seals facility. Right now, they are occupying the Department of Health (DOH) building at the back of the site, which is now identified as potential housing. When speaking with the Easter Seals team, the facility there was a little too big and they also wanted to be a little more integrated into the community, so we have provided a potential location here up front next to the library. Similarly, the Ho‘ola Lahui Hawai‘i users are located in the back where one of the L-shaped residential buildings are, closer to the loop road. Similarly, they wanted to be up front in the community, have access to open space where they could have classes, and *kūpuna* care, and activities, so this is a potential location, up front and integrated with the community. If you folks are wondering about that raised side road, that Michael Moule and their team just recently constructed connecting the schools with the Hundley Heights, that is still shown on this Plan so that sidewalk would remain, integrating Gore Park into those community uses by removing that segment of Iwaena Road that cuts off Gore Park from the main campus allowing traffic to come out of Mimilo Road with some traffic improvements, slowing traffic down with potentially a speed table, but then also providing the right turn lane out onto Kawaihau Road to support that movement. A lot of these traffic improvements were looked at by our traffic engineers at Fehr & Peers, and Michael Moule and his team also weighed in. There were two (2) mini roundabouts on Kawaihau Road at the ends of where the loop road would connect. Those are also looked at and engineered by Fehr & Peers and Michael Moule.

As I move across the campus towards the schools, there is another little blue building that is envisioned potentially for the DOH Administration on Kawaihau Road. The Hospital Administration building would be the bigger rectangle, just internal to the campus with the Senior Center at the ground floor as originally envisioned in the 2020 master plan. In terms of an Occupational Therapy (OT) clinic, which you folks may be familiar with, is the big rectangle in the middle of the plan. That is envisioned to be expanded for long-term care, adding twenty-five (25) beds and the OT clinic would go towards the red building. There is a little extension that we would add. That would of course need to be built first before the OT clinic gets renovated for additional long-term care beds. The warehouse to support the hospital services is kind of a buffer between the behavioral health uses. We also understand the school often has needs for an overflow parking, so are trying to provide parking that is easily accessible to the schools, so during down hours there is access from Nunu Road, but then also that open space in the front could be used for overflow parking or other events. We have heard from the school that they are looking also for places for May Day programs and those sorts of things, so Mr. Segawa and his team are still very open to coordinating and cooperating with the schools to support things and activities that they may be having. All of the roadways, the loop road, include on-street parking, as well as bus pull-outs for transit, so those are those “T’s” in the circles that you see are potential transit hubs—one (1) at the school, one (1) in front of the building, and one (1) in the back where there is a lot of residential housing. We

have had Celia Mahikoa and her team take a look at this and they are supportive of those transit stop locations.

Moving towards the school now in the other blue building that is in the corner by the schools, that has not changed from the 2020 Plan as a potential preschool site. As you move back up on that Nunu Road extension, as many of you know, there have been houseless camps that have been coming up in that area in the back, so the thought was to actually create a location that could potentially be for transitional housing and Representative Nakamura has been talking with Adam Roversi, of the Housing Agency, about potential transitional housing on the campus. That is identified as a potential site. Representative Nakamura and Mr. Roversi went out with the school parent-teacher association (PTA) to look at Kealaula to see what that kind of facility to be like and that is potential for a transitional housing campus development here from the campus to serve the eastside communities. Everyone was really supportive of what your Housing Agency has been doing there, so there is support for having transitional housing up on the campus as well. It is noted that the DOH building, where Easter Seals is now, that U-shaped building at the back, could be renovated for housing as well. We also talked with Larry Dill from your Kaua'i State Department of Transportation (DOT) about a potential connection back down to Kuhio Highway from up here, you see a dashed alignment, which is very preliminary at this stage, but Representative Nakamura has put in the current legislative budget request to do a study to see if that is even feasible. If it is feasible, it would support primarily access out of the community, but I think Representative Nakamura is thinking when you have big school events, or now that this including more uses and residential, that you would need another outlet out to the highway, and it would support the access for the police if they needed to get back out to the highway from the new substation. When we brought that up talking with Larry Dill, he supported it if it makes sense, if it is feasible, to even look at doing something like a new roundabout at that intersection, if that becomes real. As noted, Representative Nakamura put in a legislative request to do that feasibility study as well as some engineering to start looking at the loop road, given that there is interest to get going on actually implementing the plan. We know Mr. Segawa, and Mr. Segawa can speak to this, he has funding to do the new behavioral health inpatient facility, and so they were working on an updated plan for that. They were going to do an Evaluation Assessment (EA) for that. As many of you know, the police substation also had a Draft EA come out and that is when a lot of the controversy from the community came out. We know, like I mentioned, the library is moving forward with plans to relocate their facility up to this campus, so they have funded a preliminary design report, I think based on this new location. All of these potential projects coming online in the short term, we are looking to also wrap into the EIS that we were contracted to do for the master plan, so hopefully that will eliminate duplicative Chapter 343 reviews for some of these facilities. We still need to think that through a bit, but if there is a way to do that, I think a lot of the things that Representative Nakamura is with the Legislature, trying to get funding to support these improvements and the master plan coming online. Hopefully in this Legislative session, we actually have some money from last Legislative Session to complete out the EIS. So just to give everyone a heads up about that. If you have any questions about that, you can ask me, but they are all still very preliminary. Getting back to the Master Plan, though, in the red rooftops, those are envisioned, they are labeled as commercial buildings, but again they would be health related, so outpatient, health offices, medical, dental, pharmacy, as well as, a

convenience pharmacy tied to the hospital. They are envisioned right now as one (1) story buildings, so not too much of an imposition on the adjacent residential across the street, which are all single family and the school. The thought was to provide those services outward facing on Kawaihau Road. There is an amphitheater at the bluff, and we really wanted to preserve a lot of that open space on the bluff, because of the community support for the views and people are already walking for health in the community on the campus. To support that community amenity, we really tried to keep a lot of the buildings off of that big bluff. In dashed lines around the Hawai'i Public Housing Authority (HPHA) parcel, and some of the nursing housing, we have identified a potential redevelopment site. I believe HPHA was looking to do something with this property of theirs, but we have not really incorporated any changes to that in terms of this Master Plan, but we identified a potential five-acre redevelopment area around the hospital housing, as well as the HPHA parcel. Behind the DOH parcel, when Michael Moule found some old typographic maps from the 70s, it looks like there is another one and a half (1.5) acres behind the DOH building. That is another area that got dotted out on the Master Plan for consideration for any kind of future expansion. The Kaua'i Police Activities League (KPAL) facility is left in place right now. We are not sure if that will stay or go, but when talking with the KPAL, there was support given that the wrestling facility that is there, so we left that in place for now. I think the rest of what you see in the light beige are potential pathways. Connecting the boardwalk that is existing there up the little ridge back up to where KPAL and the main campus area creates opportunities for additional walking paths. We have identified even potential areas for little pavilions and outdoor exercise equipment to support kind of health and wellness in this community. With that, maybe we can go to the next slide. I think that is all I had. Actually, maybe go back, and I know Mr. Segawa wants to chime in, too.

Mr. Segawa: Can I?

Ms. Yuen: Go ahead.

Mr. Segawa The Master Plan vision that you see here gives us kind of a view of maybe the next twenty (20) to twenty-five (25) years. The intent is as we develop, we are going to develop towards this vision, so that we do not end up with a hodgepodge campus. There are some things that we are already moving forward on. For example, the inpatient facility that you see. That is something that is already in front of the Legislature, in terms of Capital Improvement Project (CIP) asks. The reason why we are going to move forward is because the current facility is so antiquated and old. It allows us to do these things in increments so that it is still part of the Master Plan, and that is why this was important. We are not going to be able to do everything at one time. It is going to come in phases. We are in the process of identifying what is important in Phase One (1), Phase Two (2), Phase Three (3). Obviously, the money piece is going to be important, but this particular plan does leave a lot of open space, you know. If you are familiar with the campus, you can see the whole area by KPAL is going to be wide open. Whether or not it stays that way, in some ways it is going to be for future generations to decide, and I think that was one of the desires of the community. They said, "Hey, you know what? Give our future generations a say." Because if you bake it in now, then what if that generation decides to do something reasonable, and I think it is reasonable. Now, the mechanics of this property works like this: All of this acreage is under the control of the HHSC.

This is ceded land, so we do have conversations with the Office of Hawaiian Affairs (OHA) on it. Whenever we lease land for use, library, we are going to have to have an agreement with the Hawai'i State Public Library System and it is going to be actually authorized by the Kaua'i Regional Board of Directors. That is how all of this is going to have to go through, and that is why my Board needs to understand the vision. They are aware, but it is going to come up as we do individual leases, whether it is with the County for the police substation, the State for the library, or private developers. All of that is going to be legally hashed out through all these lease agreements. Now, our KPAL lease is actually expired, but I think it was one dollar (\$1) a year anyway, so I already told Chief Raybuck, let us not worry about it. We will address it, but for the time being, there is plenty of time, so they can continue operating that facility with their programs. If we decide that we need to start to look at something different, there is ample opportunity, timewise, to notify KPAL. One concept was to have KPAL right next to the police substation. I do not think in this version it is possible, because it is too tight. It was the original version that the substation was actually in the Hundley Heights area that we could do that. It is evolving. All of this is evolving. Any questions for us?

Council Chair Rapozo:

Is that the end of the presentation?

Ms. Yuen: Actually, I have something to add. Just to fill in what Representative Nakamura had to share. She is looking forward to a good partnership with the County in bringing this Master Plan to fruition. She mentioned how she was able to get funding to help upgrade the water system. She is also to get funding for that connector road from the Nunu Road extension down to the highway. She is getting funding to look at doing the engineering for the loop road to serve all of these uses and was hoping also to work with the County to reserve some sewer for the Master Plan. We know there is some upgrades going on at the treatment plant now, and we know there are other concerns that need to move forward, but she is looking forward to working with the County on obtaining that sewer to support the improvements up here. As mentioned, she is working with Mr. Roversi at the Housing Agency on transitional housing up on the campus, so she would also like your support as that potential moves forward. The improvements on Kawaihau Road, if we could continue to work with the County on those, since that is a County road and the connections will impact that. We are going to have a full blown traffic impact analysis done for the EIS, and happy to keep working with the County on those improvements. That loop road is a vision that is a County standard, but under a "complete streets" kind of concept to support pedestrian and bicycling on it, as well as a transit. I think those were the main requests that she would love to keep working with the County on in bringing this plan to fruition. So I think that is the end of our presentation. I am happy to answer questions.

Council Chair Rapozo:
add?

Mr. Segawa, did you have something else to

Mr. Segawa: Just one more thing, yes. If you saw the footprint of the current vision, what we are going to do at the hospital is, if we find that we need to do an expansion for whatever reason, we want to stay within that footprint. You can see there is so much being contemplated for all of the land, and I did learn last week, and this was a really positive development, that in one of our

buildings, we possibly can go up one more floor. That was really big for us, because that meant we could literally expand without going out, just go up one (1) story. That is what we are going to actually do. We are going to focus on that kind of approach, because we want to maintain our current footprint as much as possible, and not expand out. I just wanted you to know that.

Council Chair Rapozo: What we are going to do is I want to take some public testimony, because I know there are some people waiting. Then we will come back because I would assume the public may have some questions that you can answer. Councilmember Cowden.

Councilmember Cowden: I just have a question for him, and it might influence the public testimony. First of all, great job. Thank you for all the public outreach, thank you for being so comprehensive, and I am also appreciative how the wastewater was mentioned. This is my question, because you and I spoke about it and I brought it forward to Representative Nakamura's office, and I imagine that it is in here, but this concept of the Restorative Care Village. Just for people who are new to the Council, who might not know what that is, we have learned at the Hawai'i State Association of Counties (HSAC) of these excellent examples. This is sort of like what would be in the transitional housing areas, maybe. I was hoping we could get a minimum for the three (3), more like seven (7) units that are those one-bedroom units where people, who are without housing, have serious medical care. What this is, is so when people get hurt or they get operated on, instead of being same-day surgery, they can stay the four (4) or five (5) days that they need at any hospital, and then they can go into the restorative unit for a month or two to get better. Otherwise, we are turning them back out into the wild with very fresh wounds. Did you folks forget about that, the Restorative Care Villages?

Mr. Segawa: We did not.

Councilmember Cowden: Okay. Where is it here because it is really important to me.

Mr. Segawa: This is a lot within the hospital. There is a lot of space where we can expand that we can contemplate. That is why I said the second (2nd) floor expansion was real critical. We also are being asked to consider stabilization beds from the Department of Health. There are a number of potential uses that we can consider, I think, so that is something we are going to be looking at.

Councilmember Cowden: They might be in there for a month or two (2), and so it does not seem like it would be in the hospital property.

Mr. Segawa: I understand. With the transitional housing, because of its proximity to the hospital, we are looking at how we can support those residents, whether it is food, whether it is counseling, so we can wrap-around some services for those residents.

Councilmember Cowden: I will let you go back, because there are people who just got cut.

Council Chair Rapozo: Thank you. Is there anyone on Zoom wishing to testify? I know we have someone there, because she chimed in earlier. Did she leave? Are there any registered speakers? Is there anyone in the audience wishing to testify? Ms. Contrades Pangan, then Mr. Bruce Hart.

ROWENA CONTRADES PANGAN: *Aloha*, County Councilmember. I am very supportive of this program that is, hopefully, going to be made for our local community. I am the Executive Director at Ho‘omana Thrift Shop in Wailua, and I feed about one hundred (100) to one hundred thirty (130) houseless people on Fridays. I am wholly supportive of this project that will be happening. I have a few of our houseless people, one is a double-amputate and because of the struggles that he has in the community has nowhere to go. His legs got infected. He was being seen by the doctors and had nowhere to go. He went out into the community and he has now been homeless for almost ten (10) years. I also have another very dear friend who is also battling cancer. They get into the medical field, go and have surgeries, and then they have nowhere else to go, so they are right back out in the bushes. Literally, back out in the bushes, so I take my nurses, my staff, we go out and we check on them. I would totally support if we could have after the services that they would be rendered, because they can only stay in the hospital for so long, then they get kicked out. If Mahelona would have a residential area where they could at least heal, and not have raw wounds out in the community. Literally, they are in dirt, sand, filth. I would totally support these services.

Mr. Segawa: I just want to support what she just said, because not long ago, we had a woman with her son who had just had surgery at Wilcox Medical Center, and they were houseless. The only way she could get the wound cared for was she came to the Emergency Room (ER), and we did it. Otherwise, that could have festered and became infected. Is not an ideal situation at all. That is not probably the best use of an ER, but she had no choice.

Ms. Contrades Pangan: I have sent them many a times, and I have brought them many a times to Mahelona, as well as to Wilcox, to have their wounds taken care of. I think emotionally, physically, and financially, it would be an awesome idea if we could have this project.

Mr. Segawa: Yes, I agree.

Ms. Contrades Pangan: Thank you.

Council Chair Rapozo: Ms. Contrades Pangan. Really quick, and I am just going to ask, because I know the answer. You live really close to this place, right?

Ms. Contrades Pangan: I live one (1) minute away from this place.

Council Chair Rapozo: And you said you fully support the project?

Ms. Contrades Pangan: Yes, I do.

Council Chair Rapozo: Thank you. Mr. Bruce Hart.

BRUCE HART: Bruce Hart, for the record. I am tentatively supportive. I have been hearing about his project for years, and I am aware of some of the concerns. One of my concerns, among others, is the traffic impact. It was spoken about as the presentation was made, but I think that anybody that lives here is aware of what happens at certain times of the day at the juncture of Kawaihau Road. On the other side is the Jehovah's Witness Hall, and you have a potential bottleneck. There already is, so I am really concerned about the traffic that we generate. I have some concerns that I think echo some that were presented in regards to the police substation. I am not real familiar where it is currently, whether the community that lives there are comfortable with the substation being a part of this project, and so there is a lot I would have to look into. I am surprised that there are no others than the one, Ms. Contrades Pangan, who is here that lives within that community. They seem to be very concerned, but no one is here. I do not live in this area. I am pleased that there will be a new Kapa'a Public Library. The Kapa'a Public Library that exists has been trying to move for years and years, and I have been a part of that at different times. Where it is located is aesthetically, the Kapa'a Public Library now, is very pleasing. It is right there at the bike path, right there is the ocean, but it is a really high maintenance situation, and lately there has been a lot of foot traffic that really is not library-oriented. Again, tentatively, I am in support. Thank you.

Council Chair Rapozo:
testify. Ms. Cummings.

Thank you. Is there anyone else wishing to

Ms. Cummings: Representing Mālama Anahola, non-profit organization beneficiary control Department of Hawaiian Home Lands. It is really interesting that this project is being put forward for you folks for consideration. We had a meeting with Representative Nakamura. Representative Nakamura, *aloha*. I was disheartened that we could not talk about this. I did not know this was on your folks' radar, but a lot of the projects we are undertaking with regards to the twenty-two hundred (2,200) acres *mauka* property. Some of our ideas are "meshing" with you folks, so I think there can an opportunity to come together to decide how we are going to take on these projects. We have similar type of projects that you folks are requesting as being put in your proposal. We are looking at *kauhale* for our *kanaka kūpuna* to have respite up on those twenty-two hundred (2,200) acres of property. There is a lot of land for community use, so the position of Malama Anahola is we are working with the Department of Hawaiian Home Lands to come up with the master plan of what our vision is. I think we can be an asset to you folks regarding partnership, because there is a lot of funding on the Federal level that is actually statutory, which for us means that only *kanaka*, beneficiary of the trust, has access to these moneys. That puts us in a real good place regarding opportunities to actually build out these types of resources for different demographics that you folks want to reach. I am encouraged. I just spoke to a gentleman who was part of the presentation. We are going to hook up and then, hopefully, we can get together and let us work regarding what our regional plan is up there and your folks' regional plan, that you folks want to do. It is really interesting, you guys talk about the amphitheater, because on one of our projects, we will come before Council one (1) fine day to walk about the three priority projects the Department of Hawaiian Home Lands Planning Department is actually pushing us forward. It is a historic time right now with the Department and beneficiaries because they are allowing us to lead the

charge regarding what projects look like on the Department of Hawaiian Home Lands. It is important that we understand on the County level, on the State level, that beneficiaries of the trust has this express authority to do these types of projects, and it would be beneficial to you folks because that is going to take costs way lower than what you folks think that you folks have to come up with regarding spending. A lot of your projects is all like ours, on the ninth (9th)...

Council Chair Rapozo: Was that three (3) minutes? Is there anyone else wishing to testify? Sherri, you can continue.

Ms. Cummings: ...we have a meeting with Adam Roversi regarding transitional housing that we are looking at. We are coming to Council regarding support, because we are actually positioning ourselves to be part of a solution regarding houseless communities. We feel that we should step us as a *lahui*, and be responsible for houseless communities. We have been doing it under different partnerships. We are taking the position of creating these types of programs, besides creating shelters, so we are lifting up houselessness in a way that is real different than just putting up infrastructure and saying, "Do what you got to do to transition out." There is a holistic approach. We had a meeting with Mayor Kawakami. Mayor Kawakami is supportive of our direction. He has asked us to do some things that we have to consider. We will be having monthly meetings with Mayor Kawakami on his request regarding the priority projects and benefits to, not only beneficiaries of the trust, but to the citizens of Kaua'i, because we have to remember that we are actually citizens of Kaua'i also. So where we overlap in regarding projects is the amphitheater, because we are going to be doing something that is a proposal that we are going to be doing also, the police station, because when I was a part of the *aha* with Councilmember Kualii, I was a President, he was a Vice President at that time. We did have a regional plan. Our regional plan did include not only police, but fire. That is something that might be off your back, put into our community. We encourage that, despite some testimony prior to with the question of if it is important. Of course it is important, because we have the *pilikia* in our area. Why not put these types of services right in there to prohibit these types of activities that is taking place regarding houseless situations. We *mālama* the houseless communities, we are displacing them off of the shoreline, because we are cleaning up our shorelines, but we are coming up with a plan to take these communities and bring them on our land to go ahead and lift them up to be upstanding citizens. Just one (1) note, today, as I was driving into town I actually witnessed, so I called 9-1-1, there was a homeless, I believe, woman who had some type of compromise in her mental state that actually took off her top, lied down on the road right when you make that left to go up Mahelona. Traffic was impeded because of this individual, who obviously, had a problem. She was just pounding her head, lying down, occupying one-half of the highway and causing traffic, so there is a problem, we want to be part of the solution, we are taking a stance in and acting in accord to what we feel is our responsibility to help our *kanaka* people and other people in general. *Mahalo*.

Council Chair Rapozo: Thank you, Ms. Cummings. Is there anyone else wishing to testify? Seeing none. The rules are still suspended. Mr. Segawa, if you could come back up and we will open it up for questions from the Councilmembers. Councilmember Cowden.

Councilmember Cowden: On the slide, where you see housing above the beautiful view, where it says "open space," we see two (2) buildings and it says "housing one hundred (100) units," with parking two (2) floors of housing. I remember in at least of these discussions there was going to be market rate housing to be able to help support the economy, these two (2) red buildings in the front. Those two (2) buildings, are those market rate house or are those more affordable housing?

Mr. Segawa: Are you talking about the yellow buildings?

Councilmember Cowden: Yes, in front of the hospital.

Mr. Segawa: You know, we did not at this point designate specifically whether it is market or affordable. It was more just allocating space to housing, period. There is going to come a time when we are going to have to get pretty deep into what makes sense.

Councilmember Cowden. I appreciate that. I appreciate that somebody has to pay the bills, and we know that the hospital usually is at the trough every year, and I say that respectfully, so if I remember the first time I heard it, that maybe this was going to support the hospital.

Mr. Segawa: I will say this, that the original intent, and I am sure if Representative Nakamura was here, she would attest to this. Original intent of the vision was to create ways to monetize the property so that it could help the hospital operations. As time went on, and as needs were identified, it became very clear that there were so many civic needs, that that priority started to move down the list. Now, the one potential project that could provide some income would be the assisted living facility, and that is why, if you remember the first version, we had it on the bluff. The reason we did that was to a developer, they would want their facility to be at a very advantageous position to take advantage of the view and attract people. The community spoke and said you need to preserve the view plains, and so we had to make adjustments. To be quite honest, I do not know how a developer may react to a location in the middle, and we are going to have to just deal with that as it comes up to determine the feasibility, but I think there is opportunities and I am excited about this partnership, because I think we might be able to leverage and achieve something together where we get everything we need. If that makes sense.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: Do you have a set date for the community meeting in April?

Mr. Segawa: Ms. Yuen, did we say April would be maybe the next meeting?

Ms. Yuen: I think we are looking at calendars, but yes, sometime in April. We are trying to set that up as soon as possible.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I am not sure, but there is a lot of yellow. All of this is housing, right? It is all intended to be affordable housing, is that correct?

Mr. Segawa: Definitely a percentage of it, but I do not think we have actually laid out how it is going to be distributed. There is going to be an affordable component.

Councilmember Kualii: I would hope that would be a large component. More than half, you know. The talk specifically about a transitional housing, was that just that back area where Easter Seals is now?

Mr. Segawa: At this time, yes.

Councilmember Kualii: It was said you would be working with our Housing Agency Director, but I am curious as to what, to let the people know because non-profits and what have you, my be able to step forward and join in the quest, if you will. What kind of options are you considering? Are those buildings intended to be two-story apartment-style buildings? Would they be smaller?

Mr. Segawa: What we saw in Līhu'e was that single level facility. That was the initial thought with what we would go forward with. This conversation is really early. We only started talking about this within the last couple of weeks. Some of it had to do with the need was so great, and from Mr. Roversi's point of view, sooner is better.

Councilmember Kualii: The basic thing I am asking is you are approaching it as facilities and not single units? There is not enough land, maybe, for Habitat for Humanity to come in and help build like ten (10) homes?

Mr. Segawa: Yes. That adjacent land off of Nunu Road, Mr. Roversi thought maybe six (6) buildings or so. Not as much as we have in Līhu'e, but around there, if you take the same type of structure.

Ms. Yuen: If I could add. I think Representative Nakamura said that Mr. Roversi is actually looking at what could go there, so like Mr. Segawa said, it is really early, but he is looking at what could go there.

Councilmember Kualii: And with this plan, you are basically showing facilities, I guess like apartment buildings, in order to maximize the potential for how many units you could have?

Ms. Yuen: Yes, it is one (1) scenario. Even the footprints that are shown are very preliminary. We do not have a topographic survey base, so that might reveal even more or less plans. That is actually next, right, in line, Mr. Segawa? We got a proposal to do the more detailed topographic survey, so that we actually start moving forward with some of these near term projects.

Councilmember Kualii: Then that yellow U-shaped building in the back corner. Above that is says, "potential expansion area one point five (1.5) acres." Is that also usable land for additional housing?

Ms. Yuen: It could be, and that is where we did not know that existed, because it is all overgrown. It came up on, I think it is the 1978, topographic survey that Michael Moule found in his files, so that would be something could be looked at as well. We just dashed in based on what we had so far. It is just an estimate, yes, but it is also potentially something. There were structures in the back, and there was the road that went down to the highway from there. If you follow the driveway to that bubbled area, you can kind of see that go all the way down to the highway, but that comes out of the inside of the curve, which Larry Dill did not like, so he said to look for another place for that connection to be more on the straightaway on the highway for safety reasons. That is part of what is being looked at, too, a different route down, if it is possible, but because there was something there before, there was that road, there is the thought that there is probably some area that could be developed in the back, as well.

Mr. Segawa: I will echo what was said in public testimony about concerns regarding traffic. I have concerns around traffic, as well. As this is planned out, and on the housing side the number of units are identified, I think the traffic study has to drive what is feasible. We need from Michael Moule and others a really good assessment of what is going to be doable. From the hospital's perspective, because we have ambulance access, we have employees, as well, I do not want a constant bottleneck. It just would not make any sense. It is going to be a balancing act and I think the infrastructure, road-wise, and all the things that come with traffic, control would be critical.

Councilmember Kualii: Thank you so much. I do think it is great plan and it has come a long way from when you started, and I can tell you have been listening to the community and improving it, so I am very happy. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I just have a clarifying question. On the existing hospital, you mentioned doing that second floor.

Mr. Segawa: Right.

Councilmember Carvalho: Is there any other plan? I am just wanting to hear the existing facility right now, are there any other enhancements there, on the hospital part of it?

Mr. Segawa: Yes. In addition to the Psychiatric Unit facility and the residential treatment, there is no expansion that is going to require us to go out.

Councilmember Carvalho: Okay.

Mr. Segawa: That is why that second floor discovery was big. Mr. Shiramizu, if you put your cursor on the building that is proposed as an expansion of long-term care? That is the building that is completely concrete, and

that is where the architect said, "You know what? This possibly can handle another story.

Councilmember Carvalho: Another story? Okay.

Mr Segawa: They are doing the analysis now, because that would be ideal for us. We can grow, and it is a pretty large building, so we can get a lot of space.

Councilmember Carvalho: For the access into this area, I noticed that you had three (3) roundabouts you are including in the plan, which hopefully could help support some of that?

Mr. Segawa: Could, exactly, yes.

Councilmember Carvalho: The last one for me would the housing part of this. Any discussion as to the area adjacent to the school? Is there any talk about teacher housing? There any big movement there to support our teachers.

Mr. Segawa: There is, yes.

Councilmember Carvalho: I know there is all kinds of housing, but is there any discussion of it?

Mr. Segawa: Yes. In this housing kind of set-up, we are talking about designating certain units to the school for teacher and others, and certain units to the hospital.

Ms. Yuen: Just to add on to that, Councilmember Carvalho. Representative Nakamura, and Mr. Segawa did a survey of their hospital staff, and also the school staff, not just of the elementary and high school, but the whole complex, so she had some rough numbers of how many people might actually be interested in potentially living up here. All of that will also be in concept in the Plan. I cannot remember the exact numbers, but Mr. Segawa, if you can remember, but in total, this version of the Plan is showing roughly three hundred and forty (340) units. Again all of that can be adjusted based on design, right, and what actually comes out of the topographic survey and buildable areas, but Mr. Segawa and Representative Nakamura did actually reach out to the staff and did survey them.

Mr. Segawa: Based on staff interest, on the school side, it was about fifty (50) employees interested, and of the hospital side, roughly fifteen (15) would be interested in housing on campus. It was a pretty decent number, actually.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I am happy to hear that, by the way. I have a question with the roundabouts and just the design, and we are talking about this being transit-oriented development. Is there a bus route that is going through this,

or would it just drop off at the very front of the entrance? If somebody was coming home, is there a little bus piece that kind of rolls through it.

Mr. Segawa: Our request with the County has been we want the bus route to continue going into the campus, yes.

Councilmember Cowden: I think that is valuable. I noticed that there are garages in some of these. "Tuck under," it says, so I want to comment on the garages. I think a barrier for some of our affordable housing units is there is no place to put your stuff, if you have a lifestyle that is other than office. Are the garages going to be underneath or how is it? I guess I am asking too much detail, because you will figure it out, right, because you are going to want some stuff where people are first level?

Mr. Segawa: One concept was underneath.

Councilmember Cowden: But you will figure it out? These are just some concepts? Okay.

Mr. Segawa: Just for clarity. The red buildings, I refer to them as medical office buildings. That pretty much encompasses what we plan to use.

Council Chair Rapozo: I know members of the public might be watching and maybe did not get it early on, but this is a long-term vision. This is not something that is going to happen in the next five (5) years. This is a twenty-five (25), thirty (30) year vision, so things are obviously going to change.

Mr. Segawa: It will change.

Council Chair Rapozo: I counted, and this is my math, if I counted right, six hundred sixteen (616) housing units. If I count up all the yellow units, which is quite a bit. I know you said that the traffic study is going to drive what we can and cannot do up there, but the roadway right now, even with that new peanut-about, or whatever they call it, is creating an issue, because when the schools get out and then there is a back up in the peanut-about. I cannot imagine how any engineer did not see that coming. If you add six hundred sixteen (616), and I do not want to sound like a "Negative Nancy," I am just being real, but if you add six hundred and sixteen (616) units of housing, the State is going to have to improve the roads. They are going to have to.

Ms. Yuen: Just to clarify, Council Chair Rapozo, there is actually only about three hundred and forty (340). I am not sure if you are including the beds we identified in the hospital.

Council Chair Rapozo: No, I am adding every yellow building on your plans. When you say one hundred 100 units, go to the U-shaped building on the middle of the sheet.

Ms. Yuen:
hundred (100) in total.

For the two (2) buildings, that is one

Council Chair Rapozo:

Oh, okay. So it is not a hundred (100) each?

Ms. Yuen:
hundred fifty (150). So we are about three hundred forty (340).

Council Chair Rapozo:

Okay, three hundred forty (340).

Mr. Segawa:

I think it is still a big number, though.

Ms. Yuen:
study.

It is still a lot, and we will have the traffic

Council Chair Rapozo: My point is, right now, as it sits today, that road is at capacity. Again, the improvements that they were saying they were making is really not improving the situation. I guess my only point is that for the community that might be freaking out right now like, "Oh my God, they are going to shut down the road again because they are going to build two (2) more roundabouts," this is a long-term plan. This is a plan that is in infancy, and I appreciate you folks going to the community so often. That usually does not happen, especially with government projects, so thank you for that. I think just for the public's concern, this is a living project that continues to evolve.

Mr. Segawa: We do need to attract somehow the younger generation to our meetings. A lot of the participants are older. In fact, I was having this one (1) conversation about the plan, and he goes, "You know, I am not going to be around," because I said twenty (20), twenty-five (25) years. We do need to get the younger community interested, because really it is going to impact them big time, and we need their voices.

Council Chair Rapozo:
Councilmember Kualii'i.

Are there any other questions? Go ahead,

Councilmember Kualii'i: You might have mentioned it, but that area near the bluff between the HPHA housing and the pavilion, it says "future potential redevelopment area, five (5) acres." What does that mean? If HPHA housing gets redone it could spill over to more land?

Mr. Segawa: Yes, early on we did ask HPHA, "Hey, would you be open to relocation," and obviously it is, "Well, where are we going to go?" We posed the question only because they are in such a prime location, and so if we could find another location for that housing development, then it just opens everything up more so. At least it is a dialogue that is open.

Councilmember Kualii'i: Then you know the amphitheater here, is that meant to be big enough to hold large community events?

Ms. Yuen: No, it is really small. It is actually really small.

Councilmember Kualī'i: It is an on-campus kind of thing?

Ms. Yuen: Yes.

Mr. Segawa: The elementary school Principal really wanted us to consider if you are going to do one, do it to handle eight hundred (800) people, because that is how many people attend May Day.

Councilmember Kualī'i: A hundred (100), you said?

Mr. Segawa: Eight hundred (800).

Councilmember Kualī'i: Eight hundred (800).

Council Chair Rapozo: That is not small.

Mr. Segawa: That is big. It is definitely something where you have space, but how do you do it, right? Again, it is conversations.

Councilmember Kualī'i: I think, too, then it becomes important that that big open space in the middle could also be overflow parking because that one seems more gradual. The one where the amphitheater is is very steep, right, because the lines are close.

Mr. Segawa: It is steep.

Councilmember Kualī'i: The last thing. Speaking about that grading level change. You show in the Plan a connection to the path and it looks like it is at the edge of the campus, so that is still at the top of the bluff, right?

Mr. Segawa: Right, it is still at the top.

Councilmember, Kualī'i: How do you actually connect and get down? When the military came in and did that other section, it winded a lot because it had to go up so high and it had to be at a level, right?

Ms. Yuen: This is not meant to be Americans with Disabilities Act (ADA) accessible. It is actually not very steep, it is a little steep right at the bottom, but not very difficult. It is just a little hiking path just to connect up. It is not meant to be ADA accessible.

Councilmember Kualī'i: So, the other path is ADA accessible, this one would not be?

Ms. Yuen: Yes, exactly.

Councilmember Kualī'i: I know it could not be with how steep it is.

Ms. Yuen: I do not even know if that other one is fully ADA compliant, but it is definitely more gradual, the existing one. This one is not too bad, and its got wonderful views out at the ocean, too.

Councilmember Kualii: Thank you. Thank you so much.

Council Chair Rapozo: Are there any other questions? If not, thank you Mr. Segawa. We got you out by 11:15 a.m. I will call the meeting back to order.

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

Council Chair Rapozo: Is there any further discussion?
Councilmember Cowden.

Councilmember Cowden: I am really excited that there is really beautiful intention to address so many needs, and because we have Mālama Anahola in here. I see that is so much need. That collaboration and cooperation is great and things can happen collaboratively and side-by-side if there is some development. I want to speak about the East Kaua'i Community Development Plan that is coming up. That would have a lot of capacity to look at our roads and how we would be able to accommodate these different elements. I just want to make the comment that I worked with many community members that were very unhappy with the police department being up the hill, and I think this is sort of perfect where they have moved it. It is between people, who sometimes have behavioral problems, right? It is right between the behavioral health inpatient place is, and if people are nervous of those without housing, and I think there is a rehabilitation substance use challenge. The police are right in the center of all of that, so that is going to be helpful, you know? I do not think it is going to be hurtful. I am appreciative of the work they have done and I am glad they came in to show it to us and it looks like different community members can benefit from the awareness have gotten that.

Council Chair Rapozo: Thank you. Does anyone else have anything further to discuss? Councilmember Kagawa.

Councilmember Kagawa: I just want to thank the consultants and Mr. Segawa, and Representative Nakamura for her work on expanding. I taught at Kapa'a High School for eighteen (18) years, and I am very familiar with the area there. If you look at Kaua'i Veterans Memorial Hospital (KVMH) in Waimea, it looks brand new compared what Mahelona looks like, and KVMH really was redone a long time ago. Even that probably needs to be upgraded with the growing communities. I like the expansion plan. I like the plan looking way forward, twenty-five (25) years or more. When I hear traffic concerns, to some degree I think in a perfect world if we were housing people that are from Kapa'a, already live in Kapa'a, then we are not adding to traffic. Now if we are attracting housing for people that are transplanting to Kaua'i, then we are adding traffic. It is very hard, and Mr. Roversi knows, it is hard to discriminate when we say "Affordable Housing." A lot of times we are going to have new residents that are ones that are

purchasing, and under the United States of America. We can have *kama'aina* rates for golf courses, but when it comes to things like housing, it is very hard to say what is *kama'aina* and what is not. You can live here a year, and you are *kama'aina*, right? In a perfect world, if we can get Kaua'i residents to live there and purchase those affordable housing units, then, to me, we are not really adding to traffic. They already live here, and it would be great if we could get more young Kaua'i residents into housing. I am all for it, because, certainly, we need more inventory, and that is going to be the cure. Other than that, again, thank you for having the work done and moving forward, because Mahelona is really outdated and we can use that land to do other things as well, and expanding services is exactly what we need.

Council Chair Rapozo:

Thank you. Councilmember Carvalho.

Councilmember Carvalho: Just wanted to *mahalo* the team. I have been to several meetings, as well, but for today's discussion, I know, whether it be short-term, middle-term, or long-term, you have a plan in place. All I know is I live right on Mailehuna Road, so during the construction period there is a lot of stuff happening and a lot of people have to divert traffic here and there. The peanut-about is happening right there as we speak, and then now with this project happening right down the road, so everything is happening in pretty much this area. I really appreciate the Plan and the direction and the vision, and then the connection from all the different parts of this discussion, but the big picture is, as we move forward, and I know it is twenty-five (25) years, but as we move forward step by step just take into consideration the process it takes. That it is going to affect the people living there as you speak. It is a normal process, but in this discussion, I think you hit it with all the different options for this particular area. A beautiful view in addition to all of this discussion, but the hospital is number one (1) and from that it leads to all these other options, which could be in partnership and working together with Mahelona, everybody. I am very supportive and continue to move forward with this particular project and I look forward to more compositions. *Mahalo*.

Council Chair Rapozo:

Councilmember Kualii'i.

Councilmember Kualii'i: I, too, want to say *mahalo nui loa*, to the entire team and everyone involved. The Plan has come a long way and it has improved every time you have given us updates, so special thank you to Mr. Segawa, Ms. Yuen, and Mr. Shiramizu, and Representative Nakamura, my own Representative and a former planner. Obviously, she is a planner. You can tell by everything she touches, and a former Councilmember, as well, and who lives right there in the neighborhood, for many, many years right across the street, basically. I am really most excited about all the housing, and then about the open space, and then the improved services. Mahelona, itself, as a hospital will improve. Then bringing in those commercial medical services, and making improvements for Easter Seals and other non-profits. When Mr. Segawa talked about the goal having been to meet many civic needs, very clearly there is no better plan, probably in the State of Hawai'i, than this Master Plan as far as meeting many civic needs and just the library and the police station. I am super excited, and super supportive, and keep us updated and let us know how we can keep supporting you along the way. I will thank our Housing Agency, Housing Director right up front, because I know he

will be busy helping with that piece, and so we will be helping him as well. Thank you.

Council Chair Rapozo: Councilmember Bulosan, did you have something?

Councilmember Bulosan: Yes, I just wanted to echo all of our Councilmembers of what they have shared so far, and appreciate the hard work this team has put together. Knowing that the process started five (5) years, but really it is much longer, the vision of it, the community wanting things different for our space so we can better care for our local people, and make sure that we have access to care, and things are centralized so that we do not have to drive to Līhu'e all the time. I just really appreciate the attention to detail, but more importantly, the stay-put power you folks continue to have, because this is, you know, like we are talking about twenty-five (25) years and obviously our community is asking for quicker action on a lot of things, like housing, but I know you folks have that skillset and that care to make sure we see this project through. I am super excited and I am as supportive as everyone else has shared.

Council Chair Rapozo: Thank you. For those of you watching, www.PlanMahelona.com is the website. Please go there and check it out. We thank Ms. Yuen, PBR Hawai'i & Associates, Inc, Representative Nakamura, Mr. Segawa, and everybody else. This is an amazing plan. This is a great Plan, but if you look at, and I do not care what color building you look at, but everything in this Plan is something that is needed on this island. So sorely needed. What baffles me is how our Legislature can drop four hundred million dollars (\$400,000,000) on a new football stadium, and yet, when you are looking at the need on this Plan, and you folks have gone through years and years and years and years going through the hoops for services that we sorely need on this island, but for a stadium, boom, done, four hundred million dollars (\$400,000,000) and that is going to get increased, boom, they do not need a plan. No, we are going to build a stadium. It might be with housing and an entertainment district, or maybe not. Now it is, "Oh, we are just going to contract it out. We are going to hire somebody to plan and design," but we are giving them four hundred million dollars (\$400,000,000) off the top. Yet, here, we have to beg, borrow, and steal, and do all of these things for services that we sorely need. I think that is the frustration, because you folks are working so hard, the community has been participating. Again, kudos to you folks at PBR Hawai'i & Associates, Inc, and with Representative Nakamura, and with everyone else that is allowing the community to participate, and I mean, really, genuinely, sincerely wanting the community to participate, and again, that does not always happen. Thank you so much, and I know Representative Nakamura had to leave, but if I was at the Legislature now, I would be asking, "Where is my four hundred million dollars (\$400,000,000) to improve Mahelona? Where is my four hundred million dollars (\$400,000,000) to improve Kona and all the other State hospitals. That place it still smells. Mahelona, as best as they disinfect, it still smells like an old hospital. Somebody said, "It's antiquated." I think somebody maybe was a little more politically correct, but it is disgusting and it needs to be fixed. My point is that you guys are doing your share for these surplus moneys. I guess that is my point, and thank you for working for us here on Kaua'i. Thank you.

Ms. Yuen: No, *mahalo nui*. You know Representative Nakamura is going after it, so we will see what she can do.

Council Chair Rapozo: There is no bigger football fan in this room. Well, maybe Councilmember Carvalho, but when I get old, and sick, and hurt, I cannot go to the stadium. I need to go to a hospital. With that, the motion is to receive.

The motion to receive C 2023-56 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo: Next item, please.

C 2023-57 Communication (02/15/2023) from the Director of Finance, requesting Council approval to accept the terms contained in the U.S. Bank Trust Company's Calculation Agency Agreement, which will be taking over all responsibilities previously held by Bank of New York Mellon (BNYM) as it relates to the County's general obligation and community facilities district bond holdings.

Councilmember Kualii moved to approve C 2023-57 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion? Are there any questions for the Administration? Okay, I will suspend the rules.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: Reiko Matsuyama, Director of Finance.

Council Chair Rapozo: Thank you.

Councilmember Cowden: Thank you Ms. Matsuyama for always being diligent, and we did pre-discuss this, but if you want to just, for the record, give the reasons for why we are making this change or what you would like to say, because I think it is important for the public to know where we are being responsible.

Ms. Matsuyama: Yes, so, Bank of New York Mellon has been our trustee, calculating agent, dissemination agent, all those things for our general obligation bonds and our Community Facilities District (CFD) holdings. They have been the vendor for a number of years. Basically, since inception. We have recently had issues with basically customer service, on their front, and so it is time that we switch and make a move that we can be more reliant on, as we move forward with more bond issuances and holdings.

Councilmember Cowden: U.S. Bank Trust Company, you looked into how they work. Where are they located?

Ms. Matsuyama: In San Francisco. We did solicit. We got four (4) bids. We interviewed each and every one of them. We got to kind of know the

people that we will be personally working with, so we feel confident that this is a good move.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you, Ms. Matsuyama. Is there anyone in the audience or on Zoom wishing to testify?

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

Council Chair Rapozo: Is there any further discussion? Seeing none.

The motion to approve C 2023-57 was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo: Next item, please

C 2023-58 Communication (02/17/2023) from the Housing Director, requesting Council approval to receive and expend Federal Emergency Solutions Grant (ESG) funds, in the estimated amount of up to a maximum of approximately \$460,000.00, which may be used to provide street outreach, emergency shelter, homeless prevention, rapid rehousing assistance, and data collection via the Homeless Management Information System (HMIS).

Councilmember Kualii moved to approve C 2023-58, seconded by Councilmember Cowden.

Council Chair Rapozo: Thank you. With that, I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: Mr. Roversi.

ADAM P. ROVERSI, Housing Director Good morning, Council Chair Rapozo and Councilmembers. Adam Roversi, I am the Director of the County Housing Agency. A quick overview of the ESG program. ESG used to stand for Emergency Shelter Grants. It is a program administered by the U.S. Department of Housing and Urban Development (HUD). It recently was rebranded the Emergency Solutions Grant funds. Historically, these federal grants were given to the State of Hawai'i. The State of Hawai'i then administered a statewide application program for non-profit entities and local governments. Local governments and non-profits would apply directly to the State to receive these funds. The upcoming fiscal year, the State has announced that they are no longer going to accept these federal funds, which means that either Hawai'i will not get them or counties can step up to receive the funds, instead of the State. This request is to ask permission to at least

investigate the program further, and receive the funds, if they become available to us. The four hundred and sixty thousand dollars (\$460,000) that is noted in the Communication, is excluding the City and County of Honolulu. That is the total amount of funding that is available for Hawai'i County, Maui County, and Kaua'i County. It will be split evenly, not based on population, dependent on which counties step up to receive the funds. At least preliminarily, Maui has indicated that they do not intend to participate in the first year. Hawai'i County has indicated that they will participate, so extensively we would be splitting the four hundred six thousand dollars (\$460,000) fifty-fifty (50/50) with Hawai'i County. There is a lot of program details that we do not know yet, so there may be some questions that I cannot answer. I can offer broadly that the federal guidelines treat the State slightly differently than they treat local governments for the use of these funds. The State is not allowed to use any of the money itself. It has to disburse all the money to non-profit groups. When they talked about local governments, there is an opportunity for the local governments to directly use the funds. It is unclear, however, if we step into the shoes of the State as the primary recipient, if that is still going to be an option. We have asked that question to the regional office, and they have to confer with Washington D.C. to see how the guidelines will be interpreted. Our preference, without knowing more, is that we would receive these funds and we would primarily distribute them to local, Kaua'i-based, non-profits based on an application process. We would not retain the funds for the Housing Agency directly administered programs. That is a benefit on one hand, in that in this past year, for example, no Kaua'i non-profits received any funding from the State in this application process, so at the very least, by bringing the administration onto Kaua'i, directing our applications only to Kaua'i-based non-profits will ensure that some Kaua'i entities will receive these funds. A couple of things to make you aware of, and we will know more about these details as well, when the State was the administering entity, the State was required to put up matching funds in order to receive the moneys. We have the question, whether us, a local municipality, will be required to do the exact same match. Preliminarily, HUD has indicated probably, "Yes," but they are going to, again, get back to us on exactly that. So, if we were to receive two hundred thirty thousand dollars (\$230,000) in federal monies, prior to actually getting it and being able to distribute it, the County would have to "pony up" an equal amount of two hundred thirty thousand dollars (\$230,000). There is also a matching requirement for the recipients themselves, so if a non-profit applies for the moneys, my understanding is they need to have matching funds of some nature in order to receive the grant. That can be donations, it can be volunteer hours, it does not have to be simply cash, but they will have to have other resources demonstrating on some level feasibility of the program before they be allowed to accept these funds. That might be about the end of my notes, but to the extent that I can, I am happy answer any questions.

Council Chair Rapozo: Let us just assume that they are going to consider the counties, the local governments, as the State, and according to the grant you need to spend the money within sixty (60) days. I am just saying, if they

look at us, and I believe they will, as if we were the State receiving the funds. If the State grants the funds out, then the counties would get double the time, one hundred twenty (120) days. If they treat us as if we were the State who got these funds, then it is sixty (60) days, and then the match as well, as you mentioned, can we effectively get these funds out, if you are talking about an application process, if you are talking about a screening process? Would we be able to logistically get that two hundred thousand dollars (\$200,000) or three hundred thousand dollars (\$300,000) out into local non-profits within sixty (60) days?

Mr. Roversi: We would most definitely need to start an application process well in advance of receiving the money, so we had done a lot of the groundwork prior to getting the check in the mail, having the funds deposited, and having the clock start ticking. That would be difficult to do in a sixty (60) day period. One of the requirements of this process is that the federal regulations requires us to consult with the local continuum of care for their advice with how the funds should be distributed amongst the applicants, so it adds an extra step in the process of reviewing applications, vetting them, making decisions on the release on the funds, we have to do that sort of public consultation process, which will make it take a little bit longer.

Council Chair Rapozo: Yes, I guess that is my concern. Again, I think these funds cut into the government, and the government puts out the services or the plans, and it does not take as long as going through an application process. I just, for me, am wanting to know if you can do it in sixty (60) days, and how would we come up with the match. Is it in the budget or are we going to be using soft money or in-kind?

Mr. Roversi: Preliminarily, in the current budget, the is not matching funds. This is sort of in rush to our attention by the Department of Human Services in the last couple of weeks. We have not set up matching funds, yet. We are still trying to work the details of how we would go about administering this.

Council Chair Rapozo: What is the deadline to apply?

Mr. Roversi: I do not have any of that information. The State only informally informed the federal government that they would not receive the funds this year, so we are scrambling to set ourselves up as a potential recipient. The Council's approval today does not obligate us to enter into this program if we run into roadblocks that make it infeasible, but it at least creates the possibility for us to continue pushing forward and attempting to organize. Obviously, we would be coming to Council for approval of any matching funds.

Council Chair Rapozo: I guess, for me, we kind of want to know everything that it entails before we just say, "Aye." We want to know the entirety of

what we are doing, and that is all. I understand how these things get rushed through. Any other questions? Go ahead, Councilmember Cowden.

Councilmember Cowden: Clarification on that. So when I am looking at this at the top of page 2, where you say it has to be sixty (60) days after the date, the obligation, that is not the spending, it is deciding which non-profits would be getting it, or when that is for the State, it would be which County. Then I see it says, "Subrecipients, local government subrecipients must obligate all ESG funds within one hundred twenty (120) days after the State obligates its funds," so hopefully we can somehow have that one hundred twenty (120) days, because...

Council Chair Rapozo: That is why I said "assuming" that the feds say that we are...because there is no State in this case.

Councilmember Cowden: Right.

Council Chair Rapozo: So, my read of this is we are not going to be the subrecipient, we are going to be the recipient of the money.

Mr. Roversi: That could be.

Council Chair Rapozo: Because it is not going through the State, right? If it is going through the State, then the subrecipient would be the County. If no more State, guess who is the recipient? The County. I am just saying worst case scenario. Like you said, regarding the matching, you were told that more than likely we would have to provide the matching, because...and yet, if we were a subrecipient, we would not have to. I think they were already looking at us as the recipient, that is the only reason I asked that question.

Mr. Roversi: We have asked HUD for clarification, but we have not gotten an answer.

Council Chair Rapozo: Yes, it is going to take a while.

Councilmember Cowden: Just for the sake for people listening in the room, once an ESG recipient, who would be the nonprofit gets it, they would have to spend all the money within twenty-four (24) months.

Mr. Roversi: Correct.

Councilmember Cowden: Tell me just for clarity about the continuum of care requirement. The continuum of care, does the recipient have to be a continuum of care or it looks like the continuum of care simply has to have analyzed it, so we do not have duplication of services rather than (Inaudible) of services. Do I understand that correctly?

Mr. Roversi: I believe you are correct. We have to consult with the continuum of care. The continuum of care is federally recognized group of nonprofits that are subgroup or a local branch of what is called bridging the gap, which is the federally recognized group of nonprofits in Hawai'i County, Maui County, and Kaua'i County. It is a federally imposed requirement that we have this (Inaudible) of nonprofits that provide guidance on the Administration of multiple federal programs, not just the ESG program. I am being a little longwinded, but it is my understanding that the actual recipients do not need to be a formal member of the continuum of care, but they do have to participate in the federally mandated HMIS system, which is Homeless Management Information System. They have to participate in that electronic database system and justify the service...the use of the funds they are receiving by entering the data on the beneficiaries who they are serving into that HMIS system. That is just another layer of regulatory hoops that the nonprofit users of these funds have to jump through. They would have to engage in this federal database system.

Councilmember Cowden: Just for clarity, our continuum of care, we have one (1) provider and that is Hawai'i Family Life Center?

Mr. Roversi: No, there is multiple...

Councilmember Cowden: On Kaua'i?

Mr. Roversi: Yes, there is multiple entities within the continuum of care. Some of the members are Family Life Center, Catholic Charities, Women In Need participates, there is several others. Ashton Varner, our Homeless Coordinator is the Vice Chair of the Continuum of Care, she can tell you all much more about it in detail, but there are multiple entities.

Councilmember Cowden: Given that we have three (3) nonprofits here, I am just trying to be clear, even if they were not one of those nonprofits, that nonprofit could help the final nonprofit utilize the money if they needed to.

Mr. Roversi: That is my understanding.

Councilmember Cowden: This was a confusion I had when I first saw it. I was hopeful that this was tied to this safe zone emergency proclamation, but this is not part of what the Governor put out for being able to do rapid assistance to our providers that help homeless people that are unsheltered right now.

Mr. Roversi: Yes, this federal program has no direct connection to the Governor's emergency proclamation.

Councilmember Cowden: Okay.

Councilmember Carvalho: You mentioned Kaua'i and Hawai'i County working together on this?

Mr. Roversi: No, Hawai'i County is the only other county that has indicated so far that they are willing to participate in this program and receive the funds. Maui County has said that they may elect to participate in future years, but they do not intend to in the upcoming fiscal year.

Councilmember Carvalho: Okay. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: This grant has been going on since 2009?

Mr. Roversi: Correct. That is when the federal act was created.

Councilmember Kagawa: So the State basically did this for fourteen (14) years, not DHS?

Mr. Roversi: I believe so, yes.

Councilmember Kagawa: Recently, they told you that they were not, and so you could apply if you wanted to.

Mr. Roversi: Yes.

Councilmember Kagawa: Was there a reason why DHS no longer wants to do it? Is it because of staffing problems?

Mr. Roversi: My understanding broadly is that it is viewed as an administrative burden that is not worth the effort in the expense.

Councilmember Kagawa: Yes, because I know they have a homeless coordinator as well, right?

Mr. Roversi: The Governor's office has a homeless coordinator.

Councilmember Kagawa: I find it troubling that they do not want to do it and the reason was that it is not worth their time.

Council Chair Rapozo: Are there further questions for Adam? If not, thank you. Is there anyone in the audience wishing to testify? Do we have registered speakers?

Ms. Fountain-Tanigawa: Chair, we have three (3) registered speakers. Kenna Stormogipson, followed by Rowena Contrades Pangan.

Council Chair Rapozo: Mr. Gibson?

Councilmember Cowden: She stepped out for a minute.

Council Chair Rapozo: Or Ms. Gibson?

Councilmember Cowden: She is from Hawai'i Appleseed.

Council Chair Rapozo: Okay. Rowena.

Ms. Contrades Pangan: Aloha, my name is Rowena Contrades Pangan. I am the Executive Director of Ho'omana Thrift Shop in the Wailua area on Kaua'i. I am very supportive of these funds that are needed. First of all, outreach support, as far as I know, there are two (2) people on the island of Kaua'i. How do we reach our houseless people? Emergency shelter—where are they? There is not enough. I have one hundred (100) people that come to me on a weekly basis. Availability? Where is the availability for housing? Our data collector...I am the facilitator with Appleseed on Kaua'i. We went into a briefing two (2) weeks ago. They said for the island of Kaua'i, we have four hundred forty-four (444) houseless people. How is that? I service two hundred twenty-five (225) people, so if you come twice, you are still counted as one (1). I did an OHA grant, and every time someone comes, you cannot count them as two (2). I have some of them come every single week. These numbers here that are given is false. I was asked to go out into the community and when they were doing the counts, they wanted me to volunteer. I will no longer volunteer. I know where all the houseless camps are. Why? They trust me. They wanted me to volunteer, but they paid everyone else forty-five dollars (\$45) per hour, but they would not pay Auntie Ro, so I said no. That was the first time I refused to volunteer. The reason I know the numbers are false, is because I touch each and every one of these people. I have people coming from Kekaha because they are hungry. I have my gap association program. We go out into the community, we get whatever funds we can, and we get food. I have people coming as far as Kekaha, shame on us Kaua'i. I have people coming from Hā'ena. What is up with that? I am centralized on the island of Kaua'i. The reason people trust me is because I touch them. I am not afraid to touch our people. We need to rise above this. We need the moneys. I asked houseless people to come. Do you know why they do not want to come, because they do not want to be ashamed because they are our people. They are my family. I am a Contrades. They are afraid. Please support this funding. Thank you.

Council Chair Rapozo:

Thank you, Ro. Next speaker?

Ms. Fountain-Tanigawa:
Jr., followed by Kenna.

The next speaker is Ervin Contrades,

ERVIN A. CONTRADES, JR.: Good morning, Councilmembers. My name is Ervin A. Contrades, Jr. My story begins back in January 25, 2019 where we lost our home due to foreclosure. From there, we were forced to move out and we did locate a place over in Wailua, called the Courtyards at Waipouli. At the time, I believe it was operated by the County and it was at an affordable rental facility. At the time when we committed, we received a callback saying it was no longer going to be affordable. We applied for a three-bedroom, we were approved for a three-bedroom, and the rent was one thousand eight hundred dollars (\$1,800) per month, which was the affordable price. By the time we signed the lease, the rent went up to two thousand five hundred sixty-five dollars (\$2,565). We were forced to take it. We could afford it at the time. There were three (3) of us: my father, my *hanai* brother, and myself. We made do. We were able to pay the rent. We have been there now three (3) years, as of February 15th only to face another rent increase. We are now pushing two thousand eight hundred dollars (\$2,800), over three thousand dollars (\$3,000) with utilities. On January 20th of this year, we were served a fifteen-day eviction notice. We have not been able to pay the rent. We have not stopped paying the rent. We have been paying what we been able to come up with. My dad passed away in 2021, so we lost his income, so there is just two (2) of us, my *hanai* brother and myself. He is disabled, he is one hundred percent (100%) blind in one eye, he is fifty percent (50%) blind in the other. He also has severe mobility problems, so I became his caregiver. I am being compensated by...

Council Chair Rapozo: Hang on real quick, Mr. Contrades. Was there anyone else here wanting to testify? Okay, you can continue.

Mr. Contrades: I care give for him, it is minimum wage, they allow me nine (9) hours per week, although I put in a lot more hours than that. As I said, we were given a fifteen-day eviction notice, we were asked to go to mediation with Kaua'i Economic Opportunity (KEO), we did that, but did not come up with a solution other than it was figured that we probably could not afford more than one thousand eight hundred dollars (\$1,800) per month. From there, we continued searching for homes. We applied with all the agencies, we have applied with HUD, but everything goes on a waitlist, so that is where we stand right now. Last week we were served once again and we are to appear in court on March 20th facing final eviction paying the delinquent rent. As of February 28th, we owe nine thousand five hundred forty dollars (\$9,540). This is why I am in favor of the emergency solution here. Again, we will continue...we do not know where we going to end up. We are very hopeful that we will find something one day soon. Thank you.

Council Chair Rapozo:
anyone else wishing to testify?

Thank you very much. Is there

Ms. Fountain-Tanigawa:
speaker, Kenna Stormogipson.

Chair, we just had that last registered

Ms. Cummings: Sherri Cummings, Malama Anahola. I never knew that was Ervin. I worked with him before. Malama Anahola exists because of situations like this. The *aha* exist because of situations like this, the *‘āina* alliance exist because of situations like this. First and foremost, we are in support of this funding source. I think we can get around to this sixty-day thing, because as Council Vice Chair Kualii knows and I know under the Department of Hawaiian Homeland beneficiaries have a direct link regarding federal government, so that might be a way that we can be creative to see how we can bring these funds to Kaua‘i as beneficiaries of the trust. Again, that is something to discuss with Adam and the Administration side to be creative about how to bring down these funds as a Department of Interior oversight on trust lands. We will be going before the Commission to come up with this safe zone program that is addressing houseless communities. We realize that there is approximately, maybe sixty percent (60%) to seventy-five percent (75%) of native population that is impacted through this houseless situation. My brother folks have four hundred (400) acres of land, they are working with Jeremy Makepa. They are part of a nonprofit group beneficiary control that is taking care of the Anahola lands doing shoreline mitigation and stewardship until the Department comes up with this conceptual idea of what those lower lands look like. We are going after thirty-eight (38) acres of land right adjacent to the solar farm for specific reasons and the site of where we envision the houseless communities to be placed in, again, we are campaigning in our product because we feel that we come with a significant plan regarding how we are taking care of our houseless communities and our Hawaiian and our native Hawaiian people. We are not discriminatory. We know there are multi-ethnicity that lay within the Anahola, northeast corridor. We are hoping to expand our services out to the south and the west, but one thing at a time. We are planting our feet in the ground and solidifying ourselves as a nonprofit beneficiary controlled organization that has a little bit more opportunities to receive funding. I look forward to the support of this program and hope that between the *aha* and Malama Anahola, there can be some support for Ervin and people like him in the community who are being displaced because of economic hardships. *Mahalo*.

Council Chair Rapozo: Thank you. Is there anyone else?
Seeing none, I will call the meeting back to order. Oh, I am sorry. We have a testifier on Zoom.

KAMEALOHA HANO HANO SMITH (*via remote technology*): Aloha. My name is Kamealoha Hanohano Pa-Smith. I am an Anahola resident. I do not live on

Hawaiian Home Lands, but I am from Anahola and I was raised in the Anahola homestead. Today I am here in my capacity as a community organizer to provide support regarding the ESG for the homeless. I do work for the Hanalei River Heritage Foundation. We do culture-based environmental stewardship and a large number of people that we work with are homeless. I say the word culture-based because a lot of the work that we do is (Inaudible) in Hawaiian culture. Some of the work that we do is we work with *mahi'ai* farmers, *lawai'a* fishermen, *aloha 'āina* resource management practitioners, and then some in *lā'au lapa'au* or native medicine. I also serve as the Board's secretary for Malama Anahola. I am in support for this request for the Council to approve, receive, and expend in federal ESG designated to address the homeless. The Native Hawaiians, at least here on the eastside, probably on the westside too, comprised the largest number, and certainly the largest percentage of homelessness. Being that a lot of Grassroots organizations like the one I work for, are constantly in search for opportunities not just to service the homeless, but to build our capacity, so that we can become a little bit better, more intentional like some of our western counterparts in the areas of human services, social services that do services for the homeless. Somehow we have all these different services available, but I do not see a lot of coordination and cooperation and collaboration between our western mainstream counterparts and our Native Hawaiian serving organizations. When there is funding available like this, it would be good to be able to put some funding towards investing in the Native Hawaiian community, being that we have the highest number of people who are homeless. Also, building the capacity of organizations to work in a more intentional way and in a way in which you can also provide some training for western organizations that are interested in working with native populations. The cultural-based services that we offer as a native serving organization are particularly important, relative to the high number of homeless people that we have. I think using cultural-based strategies to help...as resilience strategies to help people overcome adversity are important as well. I do support and of course I am a part of what is going on in Anahola and specifically associated as the Board secretary for Malama Anahola, so there is a possibility to have a land instrument and Anahola and to have that area serve as a place or as a template for a safe zone based on the proclamation recently announced by Governor Green. I think this would be a good place to start to build the capacity and to actually have something in place that would help to solve and provide some mitigations for the homeless, at least here on the eastside of Kaua'i, but of course if there is an opportunity to also expand to the south, the westside, and also on the north shore. I am familiar, similar to Rowena, who was working with these populations here on the eastside and the north shore. There has been a shift now right, so you have your north shore homeless people are now coming to the eastside, from what I can see in some of the work that we are doing out there. Having funding that might be able to build this capacity to do these types of work on the eastside, I think would be very important. I do want to say that the participants in the programs that we do from a percentage perspective are about ninety percent (90%) of the people we serve are Native Hawaiians and then the next population is pacific islanders. We have a long history, our nonprofit

of working on east Kaua'i to develop and implement these culture-based programs for the houseless on Kaua'i. I think that there is a commitment, not just on my part, but on the part of a lot of organizations here on the eastside, such as the 'Aina Alliance, Malama Anahola, (inaudible), and of course the Hanalei River Heritage Foundation. We find different ways to collaborate when it is important and really the goal is to try to figure out how to fight this systemic houselessness that seems to be pervasive in our community and help people live a better life and a time out of adject poverty.

Council Chair Rapozo: Kamealoha, that is the end of your time. I am sorry. That was six (6) minutes.

Mr. Pa-Smith: Okay.

Council Chair Rapozo: Thank you.

Mr. Pa-Smith: *Mahalo, aloha.*

Council Chair Rapozo: Is there anyone else wishing to testify? Seeing none, I will call the meeting back to order. Is there further discussion? Councilmember Kagawa.

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

Councilmember Kagawa: I support this grant and I want to thank Adam and the Mayor for jumping at this opportunity to try and get these moneys that the State no longer wants to handle. It is a great deal. It is our responsibility to take care of our local homeless population. It is basically a fifty percent (50%) discount, because we match whatever they give us. Any time you go shopping, if you get fifty percent (50%) off, it is going to be gone, right? It is a great opportunity for us to take advantage let another state or county take it, because if we do not take it, someone else will. You cannot get fifty percent (50%) off, right? It is a great deal for us. Hopefully, Hawai'i Island participates. It would be nice to have a partner when we started off something, so if they do it...and then we can work together and share our ideas. We have great local providers that would be able to use the money wisely to expand to a larger population, perhaps, or expand services that we already provide to those we are already helping. I am one hundred percent (100%) behind it and again, I want to thank Adam in the Housing Agency, Ashton, our Homeless Coordinator for jumping at this opportunity to expand. Thank you.

Council Chair Rapozo: Is there anyone else?

Councilmember Cowden: I am totally in support of trying to do that. I recognize Housing Director Roversi that it might be harder than it seems, but if we do not even try, there is no possibility, so I appreciate the effort. I appreciate the people who have come. I want to recognize Hawai'i Appleseed for flying over. I want to also acknowledge in alignment with what Rowena has said, which is that I was offered the opportunity to volunteer in the headcount and I sort of did a pre-piece. I think that the number is undercounted. I appreciate those doing the counting, are doing it along the federal guidelines and that is what they have to do. Many people will not even raise their hands, because they are afraid they can lose their child. Some of them are expecting and they do not want the baby taken when the baby is born. There are a number of reasons they do not reveal the land where there are staying. It is a difficult process for both our houseless coordinator and all our nonprofits...it really is an urgent need. I appreciate the efforts that are being made for being ready to have that safe zone when we are able to start making that happen. These sixty-day or "shovel-ready" projects are tough. I agree with what my colleague, Councilmember Kagawa just said, so thank you all and again, I am supportive of this.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: *Mahalo nui loa* to our Housing Agency Director Adam. It is unfortunate the State has decided not to do this anymore, but instead of letting that money disappear and go back to the feds, I think it is really important that you are taking the chance and trying this. Two hundred thirty thousand dollars (\$230,000)—if that is what we end up with or half of the four hundred sixty thousand dollars (\$460,000)...is not much to do all of this: street outreach, emergency shelter, homeless prevention, rapid rehousing assistance, data collection, and we have heard from the testifiers, thank you for your testimony, but clearly when it comes to affordable housing and when it comes to housing our unhoused, we really need all hands on deck. We really need to be going after all the different funding, we need to be partnering with everyone we can, government entities, state, county, and the feds, and also local nonprofits because we hear the very real painful horrifying stories of how individuals and many native Hawaiians are suffering, and that should not be in our homeland. It is our land. It should not be. This is a small thing, but we all need to just keep pushing and changing things so that those types of situations do not happen. Thank you.

Councilmember Carvalho: I appreciate the discussion with Sherri and Kamealoha. The bottom line we need to reach out and secure whatever we can, no matter what. If it is small, medium, large—that does not matter. This effort right now, we need to pull together and support Adam and the team at the Housing Agency. Hearing the story from Mr. Contrades, there are so many similar situations on the island, and I am just talking "Kaua'i." We need to stand strong, look at opportunities, jump onboard, support each other, especially this discussion on our housing situation, our houseless, our homeless, whatever support we can get.

I think this is just one more step forward. I am totally in support. *Mahalo* for the discussion and moving forward...*imua*.

Councilmember Bulosan: I echo the Councilmembers remarks and whatever money we can get to support these challenging times is important. I am going to make light; I want to welcome back Councilmember Kagawa. You had two (2) awesome quotes already and I am going to stick to the fifty percent (50%) discount, once you said it...your analogies are awesome, because it makes it real—if we can get that two hundred thirty thousand dollars (\$230,000) and match that and make an impact, why not? We have to get these things out and that is to our people. Maybe a chance to us to not even attempt to get it and then let alone let it sit, so I appreciate our team for making that effort to get this money to our people.

Council Chair Rapozo: I appreciate Adam. These of the types of opportunities that sometimes just drop in our lap, we will get a call from some state or federal agency and say, “Hey, you folks need to apply for these funds.” I do not want to sound negative, but as far as our Homeless Coordinator and wherever that sits in the Administration, we need a plan, so when opportunities like this...I will be honest, I would much rather the request come in and say, “Should we be successful in getting these funds, we are going to utilize it for...street outreach, homelessness prevention.” We need a plan, so when opportunities like this come, we can move. The problem of doing this for so long is, I know the reality of it, right? You get the money, we cannot spend it on time, we lose the money. That is why we need a plan, so when opportunities come, as Council Vice Chair Kuali'i said that at the federal level, there is a lot of funds we need to be going after, but we cannot go blind, we have to have a plan, and if we want to focus on...I am into tangible things like data collection. No, I do not think we should be spending two hundred thirty thousand dollars (\$230,000) on data collection, not when we have *kūpuna* and *keiki* sleeping in the rain. Rapid rehousing, emergency shelter, homelessness prevention—I think exactly what Mr. Contrades talked about. That is not right to no fault on his own, because we have a housing crisis, because we have greedy people, that he gets kicked out of his house. How can we step up? With funds like this we can. We could have stepped up when you received the first notice and not when he is nine thousand dollars (\$9,000) behind. I guess that is what I am asking. Let us formulate a plan. We have a full-time Homeless Coordinator. We need to prioritize what we can and if we had the money...you know, if I inherited one hundred thousand dollars (\$100,000) today...just someone called and said, “Someone died and left you one hundred thousand dollars (\$100,000),” I know at my house what I need to do in the level of priority, whether it is changing my windows or doing a new kitchen, I know. I would not have to think what am I going to do? Actually, I would buy a boat, but do not tell my wife, but the bottom line is we need to set our priorities so that when we have these opportunities, we can move and we do not need to worry about a sixty-day...we can get this out in thirty (30) days...we can get this out in fifteen (15) days, because already know what we are going to use funds for. Of course, I fully support this. This was a blessing from someone saying,

“Hey, you need to get it done,” and we have to get it done. We need the Council’s approval to apply, expend, and all of that. My message to the Housing Agency’s Homeless Coordinator is to let us formulate a plan so we do not have to think about how we are going to use that money. We should already know the need. With that, the motion is to approve.

The motion to approve C 2023-58 was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo:

Next item, please.

C 2023-59 Communication (02/22/2023) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the second allotment in the amount of \$29,051.00, Fiscal Year 2023, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

Councilmember Kualii moved to approve C 2023-59, seconded by Councilmember Carvalho.

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

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to approve C 2023-59 was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo:

Motion carried. Next item, please.

C 2023-60 Communication (02/23/2023) from the Housing Director, requesting Council approval to receive and expend Congressionally Directed Spending, in the amount of \$8,500,000.00, to be used for the construction of the community center and 40-unit senior housing project at the County’s Lima Ola Affordable Housing Subdivision in ‘Ele‘ele.

Councilmember Kualii moved to approve C 2023-60, seconded by Councilmember Carvalho.

Council Chair Rapozo: Adam, if you wanted to come up, I will suspend the rules.

There being no objections, the rules were suspended.

(Councilmember Kagawa was noted as not present.)

Mr. Roversi: Aloha, Chair. Adam Roversi, again, Housing Director for the County of Kaua'i. We are asking the Council's approval to receive eight million five hundred thousand dollars (\$8,500,000) in Congressionally Directed Spending, that we received through Senator Schatz's Office. This was the first time that Congress has utilized earmark funding in couple decades, if you can remember, from way back when, Newt Gingrich was in the House. 2021, was the first year that this program was reenacted. We submitted for two (2) projects—the Community at Lima Ola Senior Housing project at Lima Ola, which is forty (40) units. We asked for a little more than this, but we are happy for what we have been given. Eight million five hundred thousand dollars (\$8,500,000) is nothing to sneeze at. It is essentially grant funding, there is some reporting requirements attached, but otherwise it is free money to the County, so I encourage you to approve it. I would like to highlight that Lima Ola has taken a long time to get to where it is, but success...I think we have demonstrated our success in being able to purchase, manage, oversee a complexed largescale development, and taking Senator Schatz's staff on tours of that projects is what resulted in us getting this money. It seems like a long road to get here, but when we can take federal funders, state funders on a tour of the successful project, even though it seemed difficult to get here, it brings more funds to our projects and breathes further success. We will also be coming back to you, hopefully not too long from now, but we have been notified that we should be getting a little over twelve million dollars (\$12,000,000) in the 2023 federal appropriation, also for projects surrounding Lima Ola.

(Councilmember Kagawa was noted as present.)

Mr. Roversi: In a little in excess of twenty million dollars (\$20,000,000) in outside funding that we have brought to Lima Ola by showing the state and the federal government that we can successfully develop that project.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: This eight million five hundred thousand dollars (\$8,500,000) is what you had already presented to us that you were hoping to get, right? This is not an additional funding than we were expecting, right

Mr. Roversi: Correct. This has been presented to Council previously.

Councilmember Cowden: It is not like we are getting additional money, this is what we were hoping for.

Mr. Roversi: Correct.

Councilmember Cowden: Okay.

Council Chair Rapozo: Are there further questions? If not, thank you, Adam. Good job. It is always good to get money. Is there any public testimony? Seeing none.

There being no one present to provide 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 2023-60 was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

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

C 2023-61 Communication (02/27/2023) from Councilmember Bulosan, requesting the presence of the Executive on Transportation, to provide an update on the Kaua'i Bus regarding rebranding, Kaua'i Bus App, and the Kaua'i Bus WiFi.

Councilmember Kualii moved to receive C 2023-61 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: With that, I need a time check. Where are we as far as caption? Do we still have some time? I cannot remember when we reconvened. Up to 12:30 p.m. Okay. I am reading your presentation and I am not sure we can get this done within fifteen (15) minutes. Just for the public, and I will check with staff, because we do have to take a caption break at 12:30 p.m., I know some of you have been here all morning waiting to testify, so I would ask that if we can have a late lunch and see if we can wrap up what we can to accommodate those that have been here all day. Is that alright? Okay. With that, you can start.

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: Celia Mahikoa. I want to thank you, Council Chair and Councilmembers for this opportunity. Councilmember Bulosan requesting our report here. I wanted to provide you with some information of some of the initiatives that we have been taking recently to just improve the rider experience and information accessibility for our customers and the rest of the public who inquire for information about the Kaua'i Bus. Just starting out. I want to provide the introduction, special thanks for our Information Specialist Serge Marcil, who had assembled the presentation PowerPoint for us. I work with a very skilled and talented team of members who we work with that we are blessed with every day and this is just one contribution of the many that occur every day as we serve the public. Let us get started. This is the agenda, basically, of what we are going to be discussing today. I will be going over, as requested, some information about our attempts at rebranding and what is to come. The Kaua'i Bus App, that we activated last year, the availability of Wi-Fi for riders who use the Kaua'i Bus, and then just taking some questions and answers should there be any further questions.

Just to start out, we are on page 3, just showing the logo that we have always had was the cane (Inaudible). In recent years would be outgoing of the plantations in the cane. We decided to assemble a group who was able to design a crisp new logo that was decided upon. The original logo was created around the '90s paying homage to the sugar cane industry. This new logo, we had it redesigned, carries great importance for the team in modernizing the look of the Kaua'i Bus, the outcome—it is a sleek crisp logo which includes homage to the original design with the green font that we have. We are sticking to the green font and then showing aspects of the wind below, which illustrates movement from the mountains to the *makai*. The many roads traveled on our beautiful island of which we get to serve each day, serving our customers with safety, comfort, and *aloha*. We have a delivery of buses coming within the next few months. There has been some backlog on deliveries with the COVID-19 recovery situation going on, however, we have new ones coming in soon and those will be the first ones for which we will be having the new logo placed on them. The next sheet shows the actual bus design that we are looking at implementing with this next group. There will be a few years whereby we are transitioning from the cane to the new logo, however, we anticipate getting there within the next four (4) years, we should be able to pull a full transition within that period by replacing our older vehicles.

At the same time, we are working on instituting a new uniform policy within our agency, of which the new uniforms have the new logo on them. The Kaua'i Bus—in responsible for providing safe and effective transportation for members of the public, I wanted to prompt the ability for riders to be able to readily identify employees of the Kaua'i Bus, as we go particularly to their homes for pick-ups and drop-offs. We use uniforms to help promote and foster an environment of professionalism, safety, cleanliness, and brand identification for the agency and for the public. Additionally, we are thankful to have been able to carry out the passenger shelter improvements over the past years, which will also be transitioned in the near future with having the new branding under this well.

We have also worked on redesigning our new signage, trying to upgrade it to be able to provide additional information for the public, so we left a space on the newer signage to include an area for the QR Code, so that folks can attach to our website, our app, and they are able to get to that easily. We are trying to upgrade ourselves into the new technology that is available for the public to use. We also put some effort into upgrading our profile image and signatures for consistency among all the members within the agency, as well as when we do electronic meetings, investing in consistency among the team and our logo presentation. One other item that we are extremely excited about that was implemented a little over a year ago was having the Kaua'i Bus Tracker App, which actually provides the public with live information about where buses are located. This is extremely useful. I use it myself when I am catching the bus home from Līhu'e to Moloa'a and am able to see when the next bus is coming, it is just extremely useful, particularly for our customers who say if they need to plan out what time they need to be at the stop, they can actually see where the buses are at. We were able to get some stats on these downloads and see that there are about four thousand nine hundred (4,900) downloads on Apple, at the Apple App store, the Kaua'i Bus Tracker, from February through December of 2022. Downloads via Android were a little under one thousand (1,000). We see there were downloads from other countries as well, because their individuals were coming here for vacation and

wanted to get information about using public transit while they were on the island. They are now able to easily access that information and actually see the route activity before they even get here.

It shows you where the nearest bus stop is when you are on the app, which is also very helpful for visitors, in particular, because they are not familiar with the island layout. They are able to see that and it helps them coordinate their trips. It shows the full bus routes as well, so that is on page 12. Page 13 shows the favorites that you are able to save on the frequently used routes that you have. Page 14, we are seeing alerts, we are working towards. I am getting to a point where we can actually maintain on-the-spot alerts, so when things happen, such as traffic accidents, shutting down and we will therefore be unable to service certain stops, being able to provide that type of information is our ultimate goal. We are still working out the steps needed in order to get to that, because we operate in such early hours in the morning to late evening, it can be a challenge to have that type of coverage. Maintaining consistency for the public is important to us. Additionally, it just has the information on page 15. You are more than welcome to look through it and provide us with questions at any point on the information that is provided. These all link to the information available on our website as well. There is also a website version of the app, so people can download it on their phones and then there is also the website version, that provides estimated arrival times as well, so there is a bunch of information for the public that is available out there. We are excited about the success in which it is being used by so many of our riders. Additionally, just to highlight from several years back, we were able to make Wi-Fi available on all of the Kaua'i buses, and there is a dual benefit. One, our riders are now able to utilize Wi-Fi onboard. For an hour ride from Kekaha to Līhu'e, they are able to utilize that, and then additionally these Wi-Fi units serve as portable connecting points, internet access, say when an emergency situation occurs we have buses that can be stationed in various areas on the island that serve in this way for the community. That is about all we have for today. Are there any questions?

Council Chair Rapozo:
have anything to add?

Thank you. Councilmember Bulosan, did you

Councilmember Bulosan: Every weekend this last month, my fiancé and I will take trips out to each side of the island using the bus.

Ms. Mahikoa: Nice.

Councilmember Bulosan: And the app, the drivers, and just the ease of using the bus has been awesome.

Ms. Mahikoa: Thank you.

Councilmember Bulosan: I just wanted the public to know that all these changes have been made so that we can have better access to our areas and better transportation. One of the biggest things for me was accessibility and I was hoping that when I jumped on here, that some of these things would be made, and you already did it. Thank you.

Councilmember Kualii: I am curious and maybe you can get back to us later, but I sense that the things that have been improving, you have been making these types of improvements and people are happy about it, but with all of the improvements are we seeing an increase in ridership?

Ms. Mahikoa: At this point, it is difficult to discern the increase coming out of the COVID-19 recovery versus what these new features are inspiring for additional ridership. We track it and, yes, we are seeing increases, but I would want to make sure that we are providing a proper or accurate assessment of what is driving the increase.

Councilmember Kualii: I have not paid enough attention and the budget is coming up again, but are you still doing the discounted bus pass program?

Ms. Mahikoa: Yes, we are.

Councilmember Kualii: Has it grown? I would imagine that is helping increase our ridership, if we can grow that program.

Ms. Mahikoa: Thankfully the agencies that are carrying out the distribution of it have just been very excited about the program. We did integrate into a committee review in scoring process for this year, so that has been very useful for so many.

Councilmember Cowden: Does this have anything that communicates for the driver? I have not used it for a usual stop in so very long, but like Anaina Hou, the bus does not go there all the time, right, or does it now?

Ms. Mahikoa: It does now.

Councilmember Cowden: It does now, okay.

Ms. Mahikoa: We removed all bus stops.

Councilmember Cowden: There used to be unusual stops, like Moloa'a is now a regular stop, right? Is Anaina Hou a regular stop? Are there irregular stops still yet on the island?

Ms. Mahikoa: We removed on-call stops because of that...it was sometimes breakdowns in communication or it was prompting some challenges. That would address what I was going to ask.

Councilmember Cowden: Great! I was just going to say, excellent. I do not know if I can say that, because it is not a question.

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

KITO CASTILLO: Kito Castillo. I had a quick question. I did try riding the bus and it was a good experience, but I noticed that there were no transfer

tickets. If you have to do a transfer, you get off, and then you have to pay again. On O'ahu, they give you a ticket, and then you can just transfer bus and then continue on to your destination. I am just wondering if there are any plans to add transfers to the bus. That is all I have.

Council Chair Rapozo: Thank you. I will bring her back up and she can answer your question.

Ms. Mahikoa: Celia Mahikoa. Thank you for providing that question. With that, that brings us to an excellent upcoming subject that we are working on is fair collection upgrades that we are working with. We were provided taskforce assistance through what they call (Inaudible), it is a transportation organization from the mainland and they have access to professionals who are able to assist us with identifying. We are going through the procurement process right now in getting portals installed on the vehicles that will help us to go to electric, our mobile version type of fair payments. This is our first step towards working aligning with...there is a statewide initiative just starting up in regard to getting everyone aligned with the Holo Program, that the ridership card that O'ahu is implementing, which can be utilized on their buses, as well as the rail, that is upcoming soon.

Council Chair Rapozo: Well, not soon, but anyway.

Ms. Mahikoa: We are looking within the upcoming years to all align into a statewide coordinated payment system. At that time, it would be much more effective for us to be implementing things such as that transfer.

Council Chair Rapozo: Right now, if I wanted to go to Kekaha and I head out, I get off in Puhi to run into the mart over there buy me a water or juice, I need to pay again to get out to Kekaha?

Ms. Mahikoa: Yes. Each time you board, you would pay. Unless you are a frequent rider, you would get a bus pass. That is always the recommendation for individuals who ride often.

Council Chair Rapozo: Is it that much of a problem to do transfers like on O'ahu? I know we were doing transfers way before we had any type of electronic...I mean I rode the bus all over in Honolulu when I was a kid, they just gave you a paper. I loved the transfer, you get off at Ala Moana, you do your thing, and then go to the next stop. Is there a possibility without having to...

Ms. Mahikoa: Because we are heading towards an electronic solution, that we probably would not...how we have resolved it here on Kaua'i is typically individuals should not need to catch two (2) buses to get to where they need. That would usually involve a shuttle on a mainline trip, so with the mainline, you are paying the full fair of two dollars (\$2) when you board. For the shuttle, which would take you further into either Kapahi or Kōloa-Po'ipū, that would be the fifty-cent fare. We have found a middle ground in operating in that way to just not need to...up to this point implement a transfer, but we are looking at investing our future for fare payments in an electronic method. That is where we are headed.

Council Chair Rapozo: I do not know if that answered your question, but I guess the answer is no.

Councilmember Cowden: No, for now.

Mr. Castillo: In this case, the fare is two dollars (\$2), it is very reasonable, but the point is if, I, for instance, wanted to go to the airport, I would have to get off in Hanamā'ulu and then catch the 100 shuttle to the airport, but then I have to pay twice. I would not be able to get a ticket...if I am going to the airport, I am paying to get to the airport, but then I have to get off and transfer because the route does not go straight to the airport, and then I have to pay another full fare. That was my question. If there was any type of transfer to continue and go to your ultimate destination. Thank you.

Council Chair Rapozo: Something to look at, I guess. I think that is a reasonable request. You should not have to pay twice if you are going to one destination.

Ms. Cummings: Sherri Cummings, Malama Anahola. You folks were talking about this software program that the Kaua'i Bus is doing regarding rebranding, what the look is, and how you can attract more people. The brother behind here mentioned the amazing experience he had with Honolulu. The Holoholo bus pass that they do, the good thing about it is they came up with an exceptional plan. First, I support local businesses, local opportunities for these types of Information Technology (IT) opportunities, in general. The funny thing about it is the Holoholo pass in Honolulu with the IT makers who created the software, they sponsor me, Malama Anahola, so I wanted to give Celia the opportunity to "hook up" with these people to create what I think is the missing link for the person in the back not to pay twice. There is that capability to do that. These folks are professionals, they are local native individuals that have an amazing product. They brand incredibly, they manage their people that they service. This is a missed opportunity if we do not use these folks. They compete on federal levels and state levels. They are very big people in a big world, and they are just a small Hawaiian nonprofit group and for-profit as well, so I think this is an opportunity, they will be down here with us. I just wanted to speak to that point and just say that it is a possibility and we have people out there that can create this and they probably would not pay near to what I think the City and County of Honolulu paid for something like this. Just to put it out there.

Councilmember Cowden: What did you say the name was?

Ms. Cummings: I did not say who they were, but they were the ones who actually...

Councilmember Cowden: So, you do not want to say the name.

Ms. Cummings: Not at the moment.

Councilmember Cowden: Okay, no problem.

Ms. Cummings: But they will make themselves known.

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

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

The motion to receive C 2023-61 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo: We will take a ten-minute caption break.

There being no objections, the Council recessed at 12:40 p.m.

There being no objections, the Council reconvened at 12:50 p.m., and proceeded as follows:

Council Chair Rapozo: I will call the meeting back to order. Can we have the next item, please?

LEGAL DOCUMENT:

C 2023-62 Communication (02/24/2023) from the Housing Director, recommending Council approval to execute the Third Amendment to the Building Loan Agreement between the Hawai'i Housing Finance Development Corporation (HHFDC) and the County of Kaua'i, which seeks to clarify an inconsistency between the current loan agreement and the intentions of HHFDC and the County relating to repayment options.

- Third Amendment to the Building Loan Agreement Lima Ola Workforce Housing Development Phase I Project (Dwelling Unit Revolving Fund Loan)

Councilmember Kualii moved to approve C 2023-62, seconded by Councilmember Carvalho.

Council Chair Rapozo: Did any Councilmember want Adam up? Yes, please. Adam.

There being no objections, the rules were suspended.

Mr. Roversi: Aloha, again, Chair and Councilmembers, Adam Roversi, Housing Director for the County. As it is hopefully apparent in the communication, we consider this proposed amendment largely being housekeeping. It fixes a discrepancy between the Hawai'i Housing Finance Development Corporation (HHFDC) board in approving the loan agreement, and the document that was actually drafted. As currently drafted, the loan agreement provides that the County shall provide finished completed lots to the State as a payment on the loan. The board's

intention was to allow us to do that if we chose to, but not to require it, so the present amendment just changes that language to make it clear—that is our option and not a requirement. For context, we have no intention of attempting to transfer lots to the State and the State has no desire to receive them. Therefore, everyone is happy.

Council Chair Rapozo: Thank you for that explanation. Are there any questions for Adam? Thank you very much, sir. Is there anyone in the public or on Zoom wishing to testify? Seeing none, I will call the meeting back to order.

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

Council Chair Rapozo: Is there any discussion?

The motion to approve C 2023-62 was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

Council Chair Rapozo: Next item, please.

Ms. Fountain-Tanigawa: The next item are Claims.

CLAIMS:

C 2023-63 Communication (02/13/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Keith King, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

There being no objections, C 2023-65 was taken out of order.

C 2023-65 Communication (02/21/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Patti Thiele, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-63 and C 2023-65 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

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

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to refer C 2023-63 and C 2023-65 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

C 2023-64 Communication (02/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph Kua, for mental, physical and emotional injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-64 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

Council Chair Rapozo: Thank you. Mr. Kua.

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

Mr. Kua: My name is Joseph Kua and I used to work for the County of Kaua'i, I was terminated on February 7th. Twenty (20) years of service. I have no idea why I got terminated or the real explanation why I got terminated from the County of Kaua'i. On January 12, 2023, I had a meeting to show up with an allegation, to show up at the transfer station. I showed up at the transfer station on January 20th and from thereon, I was terminated. Why? I have no idea. With that said, I want to say thank you, Chair, thank you to the Council, thank you to the staff for staying over the lunch time, and listening to this very serious issue. I have been working for the County for twenty (20) years, and what has happened to me right now—being terminated on February 7, 2023 has caused a lot of emotional, physical, and...I do not know what...that I got terminated, and now I do not have...it is very hard for me now. This is the rules and regulations that the County of Kaua'i needed to follow and the Administration did not follow the policies and guidelines that was served by...Workforce Hawai'i. What happened to me was I was treated, but unequal under the terms and conditions of employment harassed and retaliation by the Administration of the County of Kaua'i. It was not just the Administration of the County of Kaua'i, but it is the Hanapēpē Baseyard, the supervisor, and the DRO really, really was not following the protocol, rules and regulations that they needed to follow. This training was provided to all employees and employers. Excuse me, this is very emotional for me right now.

Council Chair Rapozo: Take your time.

Mr. Kua: What they did to me...(inaudible) court and arrest records, states right here...that is what they used on me. They used my court and arrest records. This book right here states the facts of everything from Day 1. This goes back to 2021, 2022, and 2023. Everything here, confession everything, what the County of Kaua'i, what they did to me wrong, right here, all of this. A lot of what the hired help that they brought from Honolulu, that I defended myself in and defeated them by the policies and the guidelines of the County of Kaua'i. I passed the forensics psychiatrist, I passed the (inaudible) psychiatrists. It states right here...I keep all my *palapala* from when I first started with the County of Kaua'i, I kept everything, all my policies, etcetera. This is what the County of Kaua'i reads, "the County of Kaua'i will not condone or tolerate discrimination in the workplace. Violations of this policy by any individuals with authority will result in disciplinary action. This is with our collective bargaining agreements and rules of the civil service commission (inaudible) appeals board. The County of Kaua'i is (inaudible) and departments, agencies, management, supervisors, and personnel employees have a responsibility to prevent acts of discrimination. The County of Kaua'i is committed to provide a work environment that is free of discrimination including harassment and retaliation." What the men did to me...one, accuse me of

something that I did not do in the County of Kaua'i. There are no allegations of anything...of whatever they are pointing out. I would like the Members to investigate this serious matter, because I have no idea. I do not know if they are targeting me, but here is my personal file that they sent me. There are no allegations in my personal file of anything that I did wrong in the County of Kaua'i. I have proven myself by my book. Excuse me. I am a person that documents everything. I want to say this Councilmembers and staff, I want to thank J. Robertson and Max on Hō'ike. I want to address this to the people, because I think the citizens and the public who are watching now...they all are watching and can see how very serious of how this will turn out. Again, I am not here to overthrow the County of Kaua'i, I am here to find justice, understand why they did that to me without no allegations, then fire me for no reason. The intent to terminate me and the Chief of Engineer...the intent to terminate me was "rubber slipper" and not taking the job. I was forced under the (inaudible) to take a job that was not my job. I was not supposed to be there. I have a letter stating the fact, which you folks have, Chair, Jade Tanigawa has this, and I have everything over here. I am sorry.

Council Chair Rapozo: Mr. Kua, you are going to have to wrap it up because of your time, please.

Mr. Kua: I am just being retaliated by the County of Kaua'i, harassed, and as you can tell I am very emotional, physically, mentally disturbed. I am heading to the doctor to figure it out together. I want to thank everyone. Thank you, Chair, thank you, everyone. I am sorry. But I hope you take this matter very seriously. Thank you.

Council Chair Rapozo: We will, sir. Thank you. Matt, can you come up real quick? As you know, the claim has been filed, so obviously...and this is for you, Mr. Kua that we cannot speak on it as the Council, but what would be a good time where we could get briefed in Executive Session? How long for a review?

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. I think we can get this in front of you...we are actually aiming for your next meeting. At this point, it would be preliminary information, but we can brief you on.

Council Chair Rapozo: How about a month?

Mr. Bracken: Yes, a month would be better.

Council Chair Rapozo: Let us schedule a follow-up update in a month. Is there any public testimony? Mr. Hart. Oh.

Ms. Cummings: Sherri Cummings, beneficiary of the Department of Hawaiian Home Lands. Mr. Kua is also a beneficiary of Hawaiian Home Lands, so right now it is a little bit more serious than what most people think. Our protection is under the Department of Interior, so there is some recourse in what Mr. Kua has the ability to pursue regarding protecting himself. I just want to make that known to the County that there is an opportunity for him to seek justice through a higher process, if need be. That is my mana'o. *Mahalo*.

Council Chair Rapozo: Thank you. Mr. Hart.

Mr. Hart: For the record, Bruce Hart. Twice today I have been...and I think all of us have been emotionally moved, and certainly by his testimony and I know as I get up here often, that you care. I see it in your faces and I see it in the work that you do. I just ask, as a member of our community's behalf, go find out what the facts are and let him know. I really appreciate being here today. This is a lot of the reason I attend, is because I am able to interject myself into these types of situations and hopefully help. I know this will work out. The fact that he came to you, I know moves you all. Thank you.

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

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

Council Chair Rapozo: Is there further discussion? The motion is to refer to the County Attorney.

The motion to refer C 2023-64 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember DeCosta was excused*).

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

RESOLUTIONS:

Resolution No. 2023-23 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jaclyn K. Kaina*)

Councilmember Kualii moved for adoption of Resolution No. 2023-23, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any further discussion? Is there any public testimony? If not, roll call.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2023-23 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-28 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Aimee Lorenzo*)

Councilmember Kualii moved for adoption of Resolution No. 2023-28, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any further discussion? Is there any public testimony? If not, roll call.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for adoption of Resolution No. 2023-28 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-29 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Micah R. Finnila*)

Councilmember Kualii moved for adoption of Resolution No. 2023-29, seconded by Councilmember Carvalho.

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

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

Ms. Cummings: Sherri Cummings, Mālama Anahola, representing Department of Hawaiian Home Lands beneficiary trust, in the capacity of the founder and the president of Mālama Anahola. I am asking for consideration regarding this passing or whatever phase you have going on for the Board of Water Supply that you folks table this until I can bring Eleanor Cummings, Native Hawaiian Legal Corporation (NHLC) lawyer to come down and give a workshop, if you folks are willing to participate with. We have a vested interest in water reserves. We are the hierarchy of water regarding Commission on Water Resource Management (CWRM). We are legislatively protected, there is

nothing no one can do regarding development without the consideration of the build-out of the Department of Hawaiian Home Lands. There are going to be three (3) build-outs that is happening. One is on the island of Kaua'i on the eastside, which is the two thousand one hundred (2,100) acres that we are taking over, *mauka* lands right adjacent to Vandersuit. There is going to be a *kau hale* type subsistence agriculture with opportunity for building homes. There is going to be homesteading on there as well, so that is a development. We got Hanapēpē, Department of Hawaiian Home Lands is expanding the lots, they are also building up in Hanapēpē, so that is another development. Those are on the regional plan that is going to come out very shortly. We also have the Kekaha side. There is a development that is coming—there are two (2) phases, one, Sean Andrade folks will be putting up regarding...as soon as they get their water system going through Kaua'i Island Utility Cooperative (KIUC) and so on and so forth. They are going to be awarding farm opportunities, possibility with *kau hale*. They also have that strip alongside (Inaudible) that they are going to be developing to put homes in there as well, besides agriculture-type opportunities. That is development as well. So, we got three (3) developments going on line and no one is talking to the Department of Hawaiian Home Lands. The Department of Hawaiian Home Lands—we have a water policy. Our position is the Department of Water, Department of Hawaiian Home Lands, and the beneficiary sit down together to decide how we are going to move regarding opportunities for water. We have first rights to water, we have water reserves that is superior to anyone asking for water, so someone needs to talk to people regarding housing opportunities for the Department of Hawaiian Home Lands and beneficiaries like us. It affects my project, up on the two thousand one hundred (1,200) acres, because we are going to have homestead opportunities as well. I just wanted to state that for the record, if you could kindly consider holding and putting a pause on anyone, because I want to be part of that Board of Water Supply. Maybe Council Vice Chair Kualii or maybe someone who is engaged in the Department of Hawaiian Home Lands with regards to that water policy and that piece that the Department of Water should be knowing about. We have placed out a phone call, so there is going to be an opportunity for us to speak to Mr. Tait from the Department of Water. I ask that we all pause, if we can, and see if there is an opportunity to get NHLHC out here to give you folks a workshop regarding the water policy for the Department of Hawaiian Home Lands.

Council Chair Rapozo:
question for you.

Councilmember Cowden has a clarifying

Councilmember Cowden: I am unsure how many openings there are on the Board of Water Supply right now, if there is any. Is there just this one? Okay. I am hearing what you are saying, but it is not specifically about this individual, who has been selected for her strengths in Human Resources (HR), and just recognizing the strong need that the Department of Water has for hiring people, so that is why she was selected. So, if I am hearing you correctly, if there is one (1) position, you are hoping for someone with DHHL or beneficiary background to have that position.

Ms. Cummings: Absolutely. If you are talking about homes for the island of Kaua'i and we are going to be apart of the solution to the inventory for opportunities for people to get into homes, I think that would definitely take

priority over someone that brings expertise to HR purposes. I watched you folks vet out who she is, what she is, I take no qualms with this individual, because they bring that level of expertise, but if you have to make a choice between someone that has *ike*, to put them in this direction of how we can best move the housing issue than get someone who is better to do HR work. Put someone on that Board that can discuss how we make homes happen for the island and believe it or not, I think DHHL will put up more housing than the County themselves. That is my position.

Councilmember Cowden: Thank you very much.

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

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

Council Chair Rapozo: Is there further discussion? Councilmember Kagawa.

Councilmember Kagawa: For me, this is one area where I feel like it is confusing, and that is why and how the County is involved with the Department of Water because they are independent of this body. We do not see their budget. We do not get to help them solve problems, which they may have, they just report to the Board of Water Supply. We appoint whoever is recommended by the Mayor or their department and after we do the appointment, that is all we have to do at the Department of Water. In some ways it is confusing because we do not have the oversight to see the effect of our appointment—is it improving, not improving, is it fulfilling the needs that we have? We do not have regular dialogue, like we have with other departments. With this Sherri bringing up what she had, I think maybe for the future I would say we need the Charter Commission to possibly rename one of the other positions and using a Hawaiian representative instead. I agree that we do not need a so-called HR person on the Board of Water Supply, but for now, the Charter says to have an HR person, that is what the voters voted for way back when they adopted the make-up of the Board of Water Supply. For me, I am inclined to support, considering the changes that Sherri wants, we can work on as well, simultaneously.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I really appreciate what Councilmember Kagawa had to say. What Ms. Cummings had to share is really important and we should be thinking about that as far as the Hawaiian Home Lands Trust and the water reservations, and all they have instore for helping with our housing solution. Clearly, CWRM talks about the DHHL water reservations, but we never hear our County of Kaua'i, Department of Water talk about it, and I am not clear how we are honoring it. I like Councilmember Kagawa's suggestion about looking at a Charter Amendment that at least on the Board of Water Supply, that we have a seat that is not just dedicated with someone with Hawaiian blood, but to a native Hawaiian trust beneficiary, so whether they are a homesteaders, on the wait-list, or eligible to be on the wait-list, it would be a trust beneficiary. At least you would have one (1)

vote on the Board. I think that is really important. I will work with you to put something forward, a proposal. Just on a personal level, I would say that she mentioned me for the Board of Water Supply and I am very happy being on the Council and I do not think I can do both, but clearly there are other native Hawaiian beneficiaries out there that would do a great job, including Ms. Cummings herself. I think today I will just vote in support Ms. Cummings just to make the point, but the process is that we normally follow the appointments of the Mayor, as long as we do not see a conflict or problem with that individual.

Councilmember Cowden: As someone who has, especially my first couple of years, attended or tried to attend every Board of Water Supply meeting because we do not hear from them and it is so important. I was doing the phone piece, I have not gone recently. I am not sure that we are required to having an HR person on the Board of Water Supply, I do not believe I have ever seen one before, so I am not sure that the Charter does require that. Had it not been for Ms. Cummings being here, I completely prepared to approve Ms. Finnila, because of the skillset that she has and the need. That said, if there was a motion, not making it yet, to defer, I am willing to contemplate that because the person from the NHL— I have seen him speak a number of times on water and he is phenomenal. There is both surface water, which matters for the Lihue area where it goes through the surface water treatment plant, so that is when there is the potential for diversions, that is important, that is deeply influential of what we are seeing with the Department of Hawaiian Home Lands in Wailua and different places that have been unable to be develop. We need to be having the water reservation, so that the Department of Hawaiian Home Lands commitments are not just simply an aspirational goal...in the close to forty (40) years that I have been here, I do not see them manifest. I am in agreement that water and the Department of Hawaiian Home Lands commitments are very important. The Commission on Water Resource Management—that is another area layer, with the surface water. I like the appointee. I am very open to being willing to learn more.

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

Councilmember Carvalho: Very simple. I support what Sherry brought to the table, I think it is an important part, and what Councilmember Kagawa mentioned. I know there are a lot of back and forth happening, but whether it be this process or that process, I think we need that representation at the table, especially when we talk about water. I appreciate the discussion and I am supportive of that.

Council Chair Rapozo: Is there anyone else? If not, the motion is the approve.

Councilmember Cowden moved to defer Resolution No. 2023-29, seconded by Councilmember Kualii.

Council Chair Rapozo: There being no further discussion on the motion to defer. The motion is to defer. Let us do a roll call.

The motion to defer Resolution No. 2023-29 was then put, and carried by the following vote:

FOR DEFERRAL:	Bulosan, Carvalho, Cowden, Kagawa, Kualii, Rapozo	TOTAL – 6,
AGAINST DEFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

Resolution No. 2023-30 – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR CALENDAR YEAR 2023

Councilmember Kualii moved for adoption of Resolution No. 2023-30, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any further discussion? Is there any public testimony? Go ahead, Councilmember Cowden.

There being no one present to provide testimony, the meeting proceeded as follows:

Councilmember Cowden: I appreciate everyone and I am still holding with my same concerns that I had two (2) months ago, I have full belief in you, Councilmember Carvalho. I think it is really important that we have skill, experience, and the political grace to represent our County well. When I look at the demographic makeup of all of our county councils in the island, and I know how I feel, as the single councilwoman on the council, I cannot in good faith vote yes to how we have it laid out.

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

The motion for adoption of Resolution No. 2023-30 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Kagawa, Kualii, Rapozo	TOTAL – 5,
AGAINST ADOPTION:	Cowden	TOTAL – 1,
EXCUSED & NOT VOTING:	DeCosta	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes, one (1) no, and one (1) excused.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-31 – RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO ENACT A STATUTE EXEMPTING BIRTH ATTENDANTS FROM STATE LICENSURE REQUIREMENTS

Councilmember Kualii moved for adoption of Resolution No. 2023-31, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any public testimony? Okay. If you have not testified earlier today, I will suspend the rules.

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

BRUCE HART: For the record, Bruce Hart. I understand the issue and I did not whenever testimony was given before. I did not feel comfortable. There were a few questions that I asked some of the testifiers and I am satisfied, and I am in support of this Resolution. I think it is basic...(Inaudible) got up here and said, "It is a basic human right." The program—apprenticeship has been all the way back from millenniums. My own feeling is that there is some type of movement within our government to control everything. I was concerned about health and safety, and I am satisfied as to that. I believe that the midwifery or birth attendants that they are as well trained and they are just as capable as those that go to a school. Again, I am in support of this. Thank you.

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

SARAH PONITKOFF: I am Sarah Ponitkoff. I have birthed five (5) children, three (3) overseen by an obstetrician-gynecologist (OBGYN), birth in a hospital; one of the births through having a nurse midwife. I had the blessing and gift an opportunity two (2) with a traditional midwife. Those experiences for me...if I did not have that choice, I would never know what a profound difference it could make for my life, for my personal experience through having a very strong bond with this midwife who I chose to interview whereas with my OBGYN, I was assigned. I was able to interview the midwife, I was able to decide whether or not it was the right fit for me and my family to go through with this birthing experience. I found the midwife to be extremely knowledgeable, professional. The whole experience—I got to know my body, I got to know what I would be experiencing in a way that I had no knowledge of previously, through my first three (3) birthing experiences. To take that away from a mother and her child, it is criminal. It should be a choice. We all should be able to choose what we want to do and what experience we want to have with our body, with our child, with our bond. I cannot give enough praise over the difference that I even see through my children who were birth at home with the midwife. They are totally different children, they are very peaceful and there is just a very different experience for them. I know it will impact their entire life, so, thank you.

Councilmember Kagawa: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: The babies you had with the midwife were born here on Kaua'i?

Ms. Ponitkoff: On Kaua'i.

Councilmember Kagawa: Oh, okay.

Ms. Ponitkoff: Yes.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify that has not testified earlier? I have a question that I wanted to ask someone, I am not sure which one of you here could answer this, on behalf of the midwives. Let me ask the question first and whoever feels like they can answer...in 2019, when Act 32 was passed, the whole purpose of this Bill was to allow the birth attendants to come up with their policies; their roles and functions, come back to the Legislature in three (3) years, so that the Legislature could decide, now, that was never done as far as the Legislature is telling me. That was never done...can anyone answer me why?

Ms. Duarte: Yes. I am the Taskforce Chair.

Council Chair Rapozo: Hang on. You scared me. I forgot we have Zoom. Go ahead, you can answer. I think you are the most qualified. State your name again.

Ms. Duarte: My name is Kristi Duarte; I am the Taskforce Chair. We have put in, every year, since 2020, we have put in a bill. In 2020, I was emailed by a senator. I was asked for the Taskforce recommendations, told they wanted to introduce it and schedule a hearing for it, because they were the first committee it would go into. I trusted her. I gave her everything. She took it...even the Department of Health came in and testified. There was not safety issue and she deferred it and killed it that day. It never moved forward. In 2021, we tried to put another bill to address the situation and it would not get scheduled for a hearing, so we had nothing that year. 2022, I worked with my senator and he really helped us. He got it scheduled and he noticed that we needed to get on the same page with the Department of Commerce and Consumer Affairs (DCCA), and so he created a Taskforce to give us 2022 to prepare for 2023, right now. He created a taskforce bill, it went to that same senator that had reached out to me two (2) years ago, and she killed the taskforce bill. She killed the opportunity for us to work together again. Here we are in 2023, and like it was mentioned, we moved through both subject committees with unanimous support, all yeses.

Council Chair Rapozo: What happened in the Senate?

Ms. Duarte: The Senate—we had hundreds of people call asking for it to get scheduled. It did not get scheduled. I called for five (5) minutes to talk about this situation, no response over and over.

Council Chair Rapozo: Do you know why? It is in the House right now. It has to cross over to the Senate. What are the chances of this even passing? Because I do not know the answer, I have not spoken to the Senate...

Ms. Duarte: Everything has to go through two (2) Senate Committees. I am not hundred percent (100%) sure, but I believe it is two (2); House and the House Committee on Consumer Protection and Commerce. My senator is on one (1) of those, as the Chair. I am continually trying to work with him. It is positive. This Bill is our only chance to do what it was supposed to do four (4) years ago, which the Legislature intended to do.

Council Chair Rapozo: That was my question, because if the purpose of this Bill back in 2019 was to give you folks time to come up with the information that they need to create legislation and you are telling me that in 2020, 2021, and 2022, you did, and they shut you down.

Mr. Duarte: Yes, and I have all those bill numbers and it has been part of my public testimony too, just with the history of this issue.

Council Chair Rapozo: Okay. I trust you. I do not need to see your bill numbers. Councilmember Cowden.

Councilmember Cowden: I have a quick question. Who is your senator?

Ms. Duarte: My senator is Senator Jarrett Keohokalole.

Councilmember Cowden: Have you found a difference in gender where you had support or opposition in the legislators? Honestly...

Ms. Duarte: Yes.

Councilmember Cowden: ...only women have babies. I just wondered if there is a difference. Do you have more support from one group over another?

Ms. Duarte: Nothing that I have actually noticed, but the good thing is, I really feel our bill moved forward this year, because the opposition was less. This year, we really had the only national organization that issues the certificate for licensure come in full support of our bill. We had DCCA verbally testifying in support, and that they would continue regulations, and so we had a lot of the big stakeholders. In CPC—the committee hearing report shows that there were no medical organizations that opposed. There were only a midwife organization that opposed, but this year was very different, very minimal in opposition.

Councilmember Cowden: Okay, thank you so much.

Council Chair Rapozo: Real quick. The goal and objection is to exempt birth attendants from getting any type of licensures from the State?

Ms. Duarte: No, it is to...

Council Chair Rapozo: Is that a bad thing?

Ms. Duarte: It is two (2) things. First, it is to continue regulation of them, and one thing I did not get to share today was the history of the auditor and the Sunrise Report. If we go back to the Sunrise Report of 2017, he made two (2) recommendations. His first recommendation was licensure of all midwives. He mentions in his report, there are so many different midwives here. There are the professional midwives, there are traditional midwives, there are so many, and he was recommending licensure of all of them. His second recommendation was the legislature should examine if it is appropriate to use a national private organization as the standard, because he says in the auditor report that will unfairly and unnecessarily create a competitive advantage, and you are benefiting one sector of the midwives. He says all of this. What happened was in 2019, they took this beautiful Sunrise Report that if they had incorporated a pathway for all midwives, right, we would not be sitting here today. But, instead, they benefited one segment of the midwife group, but they put in that clause that in three (3) years they intend to incorporate all birth practitioners. Right now, it is almost like we are trying to stop the bleeding. We need to stop them from going illegal, because people want access and the choice to these providers. Secondly, of course it would have been ideal to have licensure accessible for all cultures, for all people, and I think that would be the second step because in 2025, this will sunset, this licensure law, and they will have to go in again with either the program stopping because it is not able to sustainable itself or they are going to have to create legislation to create a pathway available for all midwives to be able to get a license. That is the long-term goal.

Council Chair Rapozo: I hear the argument from both sides, and part of this Resolution that concerns me is where it says, "Be It Further Resolved, that the Council supports the enactment of a statute that extends or permanently exempts birth attendants from State licensure requirements." I do not know if I support that. A permanent exemption for birth attendants that have no...

Ms. Duarte: This is what DCCA testified at the CPC hearing. They said, "even though they are exempted, they are not unlicensed." She clearly said...it is very confusing, but she clearly says it in the testimony, "if you are exempted and you follow the rules set before you, you will not become unlicensed." The moment you become unlicensed, then we go as responsible to do what they have to do.

Council Chair Rapozo: I just do not see it in the Bill. I see the reference to licensing for midwives, but not for the attendants.

Ms. Duarte: HB 955.

Council Chair Rapozo: Yes.

Ms. Duarte: If you look into currently what...right underneath it should show what they have to follow..."does not advertise as a license midwife, does not carry alleged drugs and devices, discloses to each client in writing their training and education, has to have a transport plan, verbally and in written form discloses this information," those are all the things that they have to follow, which they are regulated under. Chapter 26(h) of the licensing law, requires a profession to be fully licensed or other restrictions to enforce regulation, so they are currently regulated and they have to follow this. If not, a complaint is filed and they are required to show the form that is provided by the DCCA if they are compliant with everything on that list.

Council Chair Rapozo: Okay. I read the exemptions...it says, "a person acting as a birth attendant on or before July 1, which is the date they are trying to extend, has to show their education and training.

Ms. Duarte: Yes.

Council Chair Rapozo: Okay. What kind of education and training?

Ms. Duarte: Provided by the DCCA.

Council Chair Rapozo: Is the form specific that certain requirements in education or training?

Ms. Duarte: No, the form allows for women to access the training and education that they want. It allows for reproductive rights and choices to be made based on what a woman feels she is safer and comfortable for. This form is available on DCCA's website.

Council Chair Rapozo: Thank you. Are there further questions?
Councilmember Kagawa.

Councilmember Kagawa: The Bill that you folks have; you do not want it to be regulated?

Ms. Duarte: We do not want it to be what? I am sorry.

Councilmember Kagawa: Regulated.

Ms. Duarte: We are asking for continued regulation.

Councilmember Kagawa: I guess the confusion...we are getting this from the legislature, telling us...we are not even asking them, they are texting us, they want to be regulated, they want an exemption from certification and because this is the safety and health of residents that is at the heart of this matter, some regulation is needed. This is what is coming from the Legislature.

Ms. Duarte: Yes.

Councilmember Kagawa: I did not make that up.

Ms. Duarte: You know what, I had a meeting with a very, very high-up person in leadership and they spoke with a group of people, I asked them to speak to them, and they began to say that we need to work on legislation for next year, because we need better guardrails. I said, "Excuse me, may I ask you if you know what guardrails are currently in place," and they did not know. She responded, "I do not know," because no one reads the bill. That is what is happening. No one knows what our bill is saying. I have talked to multiple ones because I am only the one who is able to get...if I can get a meeting, and they tell me, "Oh, my gosh, I thought this was a free-for-all exemption; it is so confusing," but it is not, because DCCA is verbally saying they are going to continue to regulate these birth attendants.

Councilmember Kagawa: If we pass this Resolution on the County of Kaua'i, do you think that now they are going to read the Bill? This is about women's right to choose, which is basic, who is not going to disagree with that statement and belief that we want that for all girls, all birthing moms. From the Legislature side, we are getting these other messages that it is not about that, it is about being worried about the safety of women and children, it is very confusing. We are coming in really late in the game. Tomorrow is the deadline and I am just sort of frustrated that we have a lot of questions, really, to make a honest decision...

Councilmember Cowden: I have a clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Thank you for being on the taskforce. Are you a midwife yourself? You said you are?

Ms. Duarte: No, I am not a midwife.

Councilmember Cowden: Okay.

Ms. Duarte: I am representing the public.

Councilmember Cowden: We have a midwife here, can I put her right there?

Council Chair Rapozo: Is that possible with our high technology that we have now? You keep mentioning "regulated by the DCCA," the Department of Health has absolutely nothing to do with...and I am not talking about midwives, because I think the part on the Bill about midwives is quite clear. The Bill clearly talks about the requirements for a midwife, the training and certification requirements. Is that correct that the midwives and the birth attendants are two (2) separate things.

Councilmember Cowden: No.

Councilmember Carvalho: They are two (2) separate.

Council Chair Rapozo: Help me out. I am asking the question. That is why we are here. Again, I am focusing specifically on the Bill, the original Bill, you have the section on midwives and the requirements for midwives. Application for license as a midwife, to obtain a license you have to provide the application, of course the fees, because the State has to get their money, and proof of current unencumbered certification as a certified professional midwife or a certified midwife. If you want to be a certified professional midwife, there is a whole bunch of other things. So, that is a midwife.

Ms. Duarte: That is what is defined in our law as a midwife, so the definition for a midwife is a person licensed under this chapter, right...oh, go ahead.

Council Chair Rapozo: Under the exemptions, though, when you look at exemptions and it says, "A person may practice midwifery without a license to practice midwifery if the person is"...and this is so bazaar, because it says you can practice midwifery without a license if the person is a certified nurse midwife holding a valid license under Chapter 457. So, as long as you are certified as a nurse midwife, then you are exempt.

Ms. Duarte: Yes.

Council Chair Rapozo: A student midwife, and this is just another one that plays on wording, but where it changes "direct supervision" to "under the supervision," why was that change made? Does that mean that a direct supervision means that person has to be there?

Ms. Duarte: It was changed because we included another nationally recognized pathway to licensure.

Council Chair Rapozo: Right, but...

Ms. Duarte: We wanted to include...so those student midwives that are in the process evaluation portfolio, so that they could also be supervised as a student midwife.

Council Chair Rapozo: I know but under the supervision of that person, that new amended section versus direct supervision... "direct supervision" tells me if KipuKai is my trainer, he needs to be there when I am practicing or learning.

Ms. Duarte: These amendments were made by the DCCA, so it could include other pathway to licensure.

Council Chair Rapozo: Okay. The part that I am talking about is Section 5 where it says, "A person acting as a birth attendant on"...and then you have a list of requirements and I am trying to figure out...so DCCA is going to regulate...DCCA is a business registration section, it is not a medical section. This is bazaar that DCCA would be regulating...

Ms. Aoki: We got put into that.

Council Chair Rapozo: Excuse me?

Ms. Aoki: We did not decide that, they...

Council Chair Rapozo: I am just saying...we are all friends here, so I am not one-side over the other. To be honest with you, I have not decided how I am going to vote yet, because there are a lot of questions that I have.

Ms. Duarte: DCCA has created a midwife licensing program, so if you go on their website, under the Midwives Licensing Program, you will see midwife applications and birth attendant forms. That is why the midwife licensing program is going to be the ones to continue to regulate the birth attendant. The Executive Director of the Midwives Licensing Program Leann Tsushima is the one who testifies for this Bill.

Council Chair Rapozo: Okay. Councilmember Cowden.

Councilmember Cowden: This is in response to the question that Councilmember Kagawa asked from whoever the Legislator is that texted him. There was a comment about safety for the mother and the child, and you are a midwife, so how do you see fear as influencing the safety of the mother and the child in the birthing process? The emotional head space of the birthing parent, I hate saying that, I am going to say it "a woman has a baby," how does fear affect the safety of both her and the child?

Ms. Aoki: From the mother's perspective.

Councilmember Cowden: From the midwife's perspective, do you find that fear...if you are helping a frightened woman have a baby, is it different than a calm woman?

Ms. Aoki: Well, initially we talk about all those things, right...

Councilmember Cowden: I am saying at the time of birth. I am not talking about the process. At the time of birth, if a woman is frightened, is she going to have an easier time, a more dangerous time, or a safer time when the baby is born?

Ms. Aoki: Depends on what she is frightened about.

Councilmember Cowden: Okay. Help me.

Ms. Aoki: Well, what I was trying to say is that it is all in preparation, that is what midwives do. It is not just like, "Okay, here is the birth," and then baby happens, and then see you later. It is the entire emotional, spiritual, and physical component that we are preparing, it is preparation. Fear is a huge part of it, worry is of both mother and father, and we address that in

preparation. How do we address it? We do a lot of counseling, actually, a lot of tears, a lot of crying, and talking about what caused that and where that fear stems from. At the time of birth, if it arises, we address it there too. When women are afraid, it can slow the process of birth, because fear is a huge component of closing down the openings. You are in a very vulnerable place to birth and if you are in fear, you are in fight or flight, you are not in a, "Let me just open and be extra vulnerable." That does not happen. When you are in fear, labor can be prolonged for hours and/or days, and maybe they can have a traumatic birth.

Councilmember Cowden: Thank you. The reason why I asked the question, so maybe you can say whether you think that is accurate or not, but personally I am always the middle ground, I had a midwife in the hospital. I was a little afraid of the "doctor" process, even though I really liked my doctor, but I was afraid because I wanted my baby to have every possible advantage, I was one of those who had difficulty having a child. So, nothing was going to go wrong. If someone is frightened, if they are afraid to go into the hospital, are they going to be more safe or less safe than if they are comfortable at home? One of my stories I wanted to share was I have friends who were totally afraid to go to the hospital and it was not much of a choice, so guess what, they went in the bathroom by themselves, had the baby in a bathtub, and did not have a husband or anyone. Granted not first births, but each one of those kids are totally functioning men that have no problems, no drug problems, nothing, but when they had no choice, they just went in the bathroom and had the baby. They knew what they were doing and they were good, they had the baby in the tub, everyone I know has had the baby in the water, even in the ocean. But safe and effective, if you are frightened, I am not sure it is the right choice.

Ms. Aoki: Right, it is a personal choice.

Councilmember Cowden: It is a personal choice to not be frightened.

Ms. Aoki: Well, what are they afraid of?

Councilmember Cowden: They are afraid of the hospital.

Ms. Aoki: If they are afraid of the hospital, that is something to address as well. In care, we address all the fears and the why. What is it? If you go into a place of fear, again, it can affect your labor and emotionally, spiritually, and physically if it affects your baby because you are not releasing and relaxing to let go, I do think it is about...our job as midwives is to usher them. Usher them through all the emotions and helping them become...meet them where they are at. It is their responsibility to birth. We are not taking it on. We are supporting them side-by-side to...

Councilmember Cowden: Thank you. I think you answered my question.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I have four (4) questions for Kristi. How long has the exemption been in place?

Ms. Duarte: The licensure law passed in 2019.

Councilmember Bulosan: If HB 955 passes, an exemption is extended, will more people get hurt?

Ms. Duarte: Will more people get hurt?

Councilmember Bulosan: Yes, if it passes...

Ms. Duarte: The Department of Health data shows that there is not an issue. That is what was testified prior to even licensure being required and the data in 2021, which has been available also shows the safety of planned home birth.

Councilmember Bulosan: Okay.

Ms. Duarte: In our State.

Councilmember Bulosan: If HB 955 does not pass and does not get extended, what happens to access to care for moms?

Ms. Duarte: I think it is very dangerous because at this point the only options they have is what the government is allowing them to have, which is what they do not feel safe with.

Councilmember Bulosan: If that happens, then what happens to pregnant mom's choices for birthing processes, if does not get extended?

Ms. Duarte: They lose choices and their only choice is to either be touched by someone they do not want touching them or birth at home alone, which I would say I would not want happening.

Councilmember Bulosan: Do you know people born and raised here in Hawai'i that if they had the choice to have their kids here, and if this passes and they cannot have their kids here, would they move away? Do you think that is something feasible?

Ms. Duarte: I do not think they would move away, I think it would go underground. They could move away. I cannot speak...but there is a lot of people. I mentioned there are people sleeping in these high winds, their tents are ripped down outside the capitol, these are all women. It is just not going to provide a safer situation if this is not extended.

Councilmember Bulosan: My last question, in your opinion if this does not get extended, we might create more harm for birthing moms...

Ms. Duarte: Yes.

Councilmember Bulosan: Thank you.

Council Chair Rapozo: Are there further questions? Councilmember Carvalho.

Councilmember Carvalho: You are a licensed midwife?

Ms. Aoki: Yes.

Councilmember Carvalho: And you are supporting the position that birth attendants also have to be licensed or in regulation as well?

Ms. Aoki: I am supporting the birth attendants to be regulated, yes.

Council Chair Rapozo: "Regulated" does not mean licensed though.

Ms. Aoki: No.

Council Chair Rapozo: He is asking...

Councilmember Carvalho: Yes, I am asking the licensed part.

Ms. Aoki: Okay. I do not think the license makes a difference in terms of that you would be a better provider or a lesser provider.

Councilmember Carvalho: Okay.

Ms. Aoki: Because I have definite experience with license providers that I would definitely not choose that person. It is not because they are licensed that we decide who to go with. I know it is one-way of categorizing to create a status and approval, and I think traditional midwives or birth attendants, are as valid and appropriate care providers with the same skillset as a license provider. They go through the same skills, the same number of births that they need to attend to qualify for a license. They pass the same exact exam. I think it is a big part of the cultural and traditional aspects that does not get passed on if you do not continue with the apprenticeship and that direct life experience that we have, that we learn from women. What I learned is from sitting at births with women, with my midwife, and what she showed and how she directed me is how I learned to be a good midwife. We can all read books and take a test and get a license and a lot of people I know do not practice because they did not get that direct experience to feel the confidence, but they have the license, but if they do not feel confident to practice because they lack that apprenticeship, that experience...I am not going to that person just because they have a license for care. That does not make me feel safe. I do not know if that answers your question.

Council Chair Rapozo: I am assuming midwives charge for your services, correct?

Ms. Aoki:

Yes.

Council Chair Rapozo: That is probably why DCCA is consumer protection, that is probably why they put them in there, it makes no sense, but that is probably why they put them in there. What assurances are there based on the Bill that someone looks in the "yellow pages," or online, and they find birthing attendant or midwife. If we do not have a requirement for licensing, how can we ensure that person is going to be safe and qualified to go do what they claim they can do and get paid. Barber shops have to be registered and certified and licensed. Private investigators, I used to be a private investigator, and I had to go through a ringer to get a license, because they wanted to ensure the public that when the public is paying me, that I show the State that I have the qualifications to be a private investigator, same like the barber, same like a lot of these professions. Without licensing, how can the lady that just moved to Kaua'i, does not know anyone, wants a midwife, finds one, how can she be assured that person is trained and going to be treated...

Ms. Duarte: Because the birth attendant is required to disclose three (3) different things: their training, their education, and if they have had any misconduct or civil lawsuits or criminal conduct related to this midwifery profession. That is more than a licensed midwife is required to disclose. A birth attendant is actually required to disclose more to the client than a licensed midwife. Ms. Aoki could probably speak on, if there is a complaint or grievance, I believe it is the same, whether it is a birth attendant or a licensed midwife when it comes to a lawsuit being filed.

Council Chair Rapozo: But it does not specify the training and education. In the Bill, it does not, it just says you got to tell of your training and education. It does not say that you need to show that you are trained in midwifery. There is no assurance to the public, based on the Bill as it is written...do not get me wrong I agree with midway, I was actually a midwife back forty (40) years ago, not by choice. I was a cop, I got called to a domestic, went there, lady wide open legs on the couch, and gave birth to her fifth child in my hands. I had no training. I almost threw-up. All I knew was to boil water and get towels. Boil water for what? I do not know, that is what I saw on television, I never got trained. My point is there is no assurance to the public, when I go online and I call this person, they are not obligated to tell me they were trained in any type of medical training for these types of things.

Ms. Duarte: They are required to disclose their specific training and education that they had received...

Council Chair Rapozo: I know but this is what it says, "persons education"...oh, you have to tell the person that the person's education and qualifications have not been reviewed by the State.

Ms. Duarte: No, that is not it. I am sorry, the winds are high that I cannot access the internet on my computer, but on the actual disclosure form, which I emailed everyone yesterday, it discloses specifically bullet points that they are supposed to disclose. It is not just saying, "Well I am not by the State," I

think that is a good start, so that if someone has a red flag, they can say well I do not want someone who is not recognized by the State, but they are required in the disclosure form to disclose form to disclose exact training and education that they have or have not received.

Council Chair Rapozo: But there are no requirements for training and education.

Ms. Duarte: There are no requirements listed specifically, but women want to choose different types of training and education.

Council Chair Rapozo: I got it. I understood. Are there further questions?

Ms. Aoki: Do you understand that the difference between the PEP process that we have been talking about?

Council Chair Rapozo: What process?

Ms. Aoki: The PEP process, the portfolio evaluation process.

Councilmember Cowden: What is PEP?

Ms. Aoki: Portfolio Evaluation Process. That is the apprenticeship pathway that students can take and you must do the same skillset and attend the same number of births, and take the same exact exam as a licensed midwife, who is eligible for licensure. That is part of the pathway that we are requesting to continue, because that is the same exam, it is the same education, but that is what the PEP process is. That is recognized by the national organization, which is the North American Registry of Midwives who certify these apprentices that take that apprenticeship pathway to become a midwife. If they choose to take that exam then they become a certified professional midwife. Currently, if this Bill does not pass, that pathway, even though you are taking the same, you would probably get a better education, but the same skillset, the same birth, and same exam, but they do not qualify for a license.

Council Chair Rapozo: If not pass, why would the Bill not be prohibited or why would that not be able to happen?

Ms. Aoki: Because they are not Midwifery Education Accreditation Council (MEAC) accredited. They oversee certain types of school. There are many midwifery schools, but there is only five (5) or six (6) MEAC accredited programs, and so Act 32 made it so that you can only go through a MEAC accredited program in order to become a midwife in Hawai'i, and then you can qualify for a license. Our point is that it is the same exact exam if you come through an apprenticeship pathway or if you go through a MEAC accredited program.

Councilmember Cowden: I have a line of questioning, it will not go long, but it is intended to show something that I think you are not understanding.

Council Chair Rapozo: I understand perfectly well. Listen, I am going to read this testimony because...

Councilmember Cowden: Can I ask my questions?

Council Chair Rapozo: I am going to read this testimony because I want to get their response as well. This was submitted to the Legislature back in February from Ahahui O Na Kauka, I am sure you all read this testimony. "Ahahui O Na Kauka is an organization of Native Hawaiian physicians dedicated to the health of the people of Hawai'i. We recognized that there is mistrust among Native Hawaiians and other indigenous communities towards western medicine. There is still much western medicine can learn from traditional practices to improve the health of our *makuahine* and *keiki*, mothers and babies, as physicians have moved away from outdated practices, such as immediate amblocal cord severance or separation of mothers and babies after birth, and have made traditional practices such as skin-to-skin bonding between mothers and infants immediately after birth now, the standard of medical care. Such practices can coexist with lifesaving standards of care in modern medicine, particularly in the early recognition of complications during pregnancy, labor or neonatal care where timely referral advanced medical care services can prevent permanent disability or death. A recently published study in 2022, based on data from the State of Hawai'i and the Neonatal Intensive Care Unit at Kapi'olani Medical Center for Women and Children demonstrated that infants with hypoxic brain injury were three times more likely to have had a planned home birth in Hawai'i." There was a reference to the study here and I can provide that. "Our *makuahine* mothers in Hawai'i have the right to decide where to give birth and with whom as their birth attendants. They have the right to seek reproductive justice, defined as a human right to personal bodily anatomy and have children in a safe community. This proposed bill seeking to allow any person to practice midwifery without a license completely undermines the Hawai'i Midwife Licensure laws intent to ensure that home birth occurs as safely as possible with appropriately license and skilled providers and thus undermines the ability of the *wahine* to seek reproductive justice. While there is already a provision in the original bill that exempts Native Hawaiian healing practices, this proposed bill seeks blanket exemption to allow any layperson midwife to manage a woman's pregnancy, labor, and newborn birth regardless of their education, training, or skills. While creating pathways through which individuals may obtain licensure as necessary, more information is needed to determine whether including the North American Registry of Midwives portfolio evaluation process as proof as successful completion of a formal midwifery education and training program is significant. Additionally, more information is needed regarding the supervisors of the portfolio activities would include currently unlicensed birth attendants and whether they would be able to effectively provide appropriate supervision and apprenticeship to midwifery trainees in Hawai'i. Rejection of HB 955 will ensure that *wahine* who choose to have homebirth, will be attended by competently skilled providers with *eke* to both embrace traditional cultural values and advanced medical interventions when needed to achieve optimal health balance of spiritual, physical, mental, and social well-being." This is submitted by Ahahui O

Na Kauka, just so that you know, this is made up of Dr. Marcus Iwane, Dr. Martina Kamaka, Dr. N. Mahealani Lum, Dr. Kara Wong-Ramsey, Dr. H. Kaleleonālani Blaisdell-Brennan, Dr. Kapono Chong-Hanssen, Dr. Ku‘ulei Christensen, Dr. Leah Dowsett, Dr. John Timtim, Dr. Nina Baker, Dr. Kā‘ohimanu Dang, and Dr. Chelsey Ruth. That is what they submitted in testimony, is there any validity to what they said?

Ms. Aoki: I would just like to say those are doctors' opinions.

Council Chair Rapozo: Which I hold quite highly, by the way.

Ms. Aoki: No, no, no...yes, I know, I do too, it is just that we are not (inaudible), we do not practice that, we are not medical care providers, we are midwives. We provide midwifery care and that is a really very different way of practice.

Council Chair Rapozo: Is it like doctors and chiropractors.

Councilmember Bulosan: That is actually the analogy I want to explain later.

Ms. Aoki: I feel like we are continuously are getting pushed into paralleling or wanting us to be like...not like Obstetricians, but we keep getting compared to (Inaudible) and we do not practice (Inaudible). They are wonderful in emergency and they are amazing surgeons, right...they are actual surgeons. We do not do that. If we need help and support, that is who we go to for that type of need. The low risk, the women that choose and believe in their own selves and their bodies how they want to receive care, it is their choice. They can choose to go to an obstetrician and lots of people do, and that is wonderful for them, but there are lots of women who want midwives because they see the connection and the bond that is necessary for them to go through their birth process. I know that they did not withdraw their opposition, but just from the inside scoop...

Ms. Duarte: Sorry, my phone died or is giving me issues. I talked to Ahahui O Na Kauka, when I read their testimony that said they needed more information, I did reach out to them and they thanked me for all my information and I was told that when it came to the Finance Committee, they would submit comments only and they are no longer in opposition. I have also been talking with Papa ‘Ōlelo Kahi, who has been in support of HB 955 and making calls every single day trying to get this Bill to move forward to be put to a floor vote. In regard to that study, that was 2014 through 2018 data. I have the Department of Health data from 2019 to 2021 and there were zero babies born in planned home birth with adverse serious injury or maybe Health Information Exchange (HIE) or anything that would fall into that category, because I have the data. It shows every single baby that needed oxygen, oxygen for six (6) hours, going into Neonatal Intensive Care Unit (NICU), and there were zero from 2019 to 2021. I just wanted to point out that this has been something that we have been trying to work on with the community and those who opposed and not against, and also the Health Chair has worked on amendments. This is a Bill that is still not set. We want

amendments. We certain things put in and we need those things so that everyone feels that there is someplace we can come to where we can all agree within the Legislature that the training and education is enough.

Council Chair Rapozo: Thank you. Are there further questions? If not, thank you. We will call the meeting back to order unless there is further public testimony. Does she still have time for this item? Real quick because we had told a Zoom testifier that we ended the public testimony. Go ahead, since you are here.

Ms. Cummings: Sherri Cummings, Malama Anahola, beneficiary of the trust, Native Hawaiian. This is silly, what is happening right now. Take it back to when we inhabited these islands. Hawaiians did not have no such thing as westernization. This is how we practice when we give birth. There was no *eke* western wise regarding how to give birth. We would take our hands, we would *lomi*, when we cannot bring through the canal, there are proper practices so that we can make our babies come out. To even discuss and have this brought up before DCCA where we need to be regulated, I am not too *mauau* with what is happening, I am just sitting here for one particular reason, but all these things coming up regarding Hawaiian issues. To say we have to be regulated for our practices, because this is what we did forever, that is ridiculous. Before white men came here, we had a population, which is beyond anyone's recognition, that is the only way we gave birth through this type of way of how we *hanau* our babies. I do not think this should be even debated. I think this should be passed. I was just telling this lady here...I do not even know who she is, move it out of Finance, put it into a Hawaiian Affairs Committee where we can help, because this is the types of things that we have to make sure our cultural practices...because this is our practice. We are not going come before people and say this is how we give birth, but this is what is happening. To even put a label upon...I do not want to say commercialization, but to say things to prohibit the way as we, as *kanaka*, make decisions, to me that is wrong. I asked that you folks pass without even considering any type of prohibiting the people behind me to take it up to let the Legislature to decide. That is all I have to say.

Council Chair Rapozo: Thank you. Mr. Hart, real quick. I am going to get hammered because the Zoom person was denied.

Mr. Hart: I will be quick. Wow! First, I appreciate the concern, especially Councilmember Kagawa, you receive these texts, this is confusing now to me. It is confusing and yet we are under the wire. This is supposed to go tomorrow. I tell you, I am undecided, just like you, Chair. I do not know what to do right now, because my primary concern when I saw this on the agenda is the health and safety of the mother and the baby, so I do not know what to do.

Council Chair Rapozo: Go ahead, Zoom.

PAHNELOPI MCKENZIE: My name is Pahnelopi McKenzie. I want to thank you for holding this serious meeting and thank you for letting me testify. I did submit written testimony and so I will stand on that. I just want to say that safety is the upmost concern that we are all very concerned about. This issue is

much...this is about midwifery and this is about a path of choice, this is about the rights of us to have a choice of who we are cared for, but it is also about safety. It is about the maternal health crisis that America is in. When we look at safety and I am hearing you talk about certification, but the truth is certification is not making people safe. In hospitals, we have sixty percent (60%) to eighty percent (80%) of unnecessary deaths happening to our people by people that are certified. With the traditional midwives, we are not seeing those numbers, so it is very clear that the education system and the certification system is not what is keeping people safe. We have to move past thinking that we do not have to look at the people that have these certifications and credentials and the name M.D., we have to be looking at that. We have to be looking at the neglect that is happening to mothers in the hospital. It is extremely serious where we are at. I think through time, we continue to place focus on the midwives, that the midwives are not safe, but that is not true. The data shows that is not true. Yes, the concern for safety is real. But the concern of who is not safe is not the midwives. The midwives are regulated by one another. Midwives provide absolutely amazing care and as far as those doctors, (inaudible) field is so important, absolutely, they are the expertise of surgery, of problems, and midwives want to work in collaborative care. But with the continued criminalization of midwifery, we ruin collaborative care. Midwives are always trying to work in their community. Eighty-five percent (85%) of midwives that exist, it is only two percent (2%) of midwives actually serving. When we look at the Center for Disease Control (CDC) information, these statistics of this industrialized maternal health crisis is in the hospital, it is with these doctors. The hypoxic study—that has been shown that that was a faulty case study and there are doctors that are standing by that saying, that is not a study we should be using against midwives. I really think it is important that we remember that licensure is not what makes people safe. They are liable by insurance, but the Health Department has said yes to HB 955, the Consumer Protection has said yes to HB 955, the DCCA said we will continue to regulate, Papa Olo Lokahi...there is so much support for this Bill, so yes, it is about safety, but midwives are not the things that are not safe. Our women are dying. Our babies are being neglected in a hospital system that has legalized manslaughter, legalized violence for no reason. They do not know normal. They know surgery and so we have to stop criminalizing midwives and start looking at maternal health. Midwives are not the problem. They really are not. The education system is based in a very narrow scope of what is actually midwifery, what is actually care, and they leave out all the other practitioners that care so much and have so much to share, and you will notice that the Midwifery Organization (MO) is all settler midwives, all licensed, and all white, and they are basically participating in this law as if it was 1920 and they are continuing to say that they know best and they do not know best. There are so many midwives from around the world; Japanese midwives, their numbers are doing good, New Zealand midwives, they are doing, America is not doing good. We cannot standardize Hawai'i based on American statistics. It is wrong and it is violent and we must have HB 955 be a part of this law, because who is getting hurt is the sixty percent (60%) to eighty percent (80%) of people who are being born in the hospital. It is not the people that are born with midwives. It is just not...thank you for hearing me. I am just a community member, I am not a midwife, but this is a very serious issue and we must work together to get us out of this maternal health crisis and the midwives are not where we need to put the focus. They are not hurting people, they are safe, they are safe, they are so safe. We must protect the midwifery and we must protect

birthing people, and we must end this maternal health crisis by holding who is not safe accountable. That is all I have to share for now, but if you have any questions, I would love to answer to the best of my ability.

Council Chair Rapozo: Thank you. Let me just say we had two (2) babies. One was born with a heart issue, the baby was born in the hospital, and I was very satisfied with what happened in the hospital. I do not know if people think we are trying to throw midwives away, that is not what this Bill is about. I think this Bill is about protecting midwives. I do not think anyone on this table has ever mentioned anything about or disrespecting midwives and thinking it is not a good thing. I think it is a great thing, but I also will sit here and say that we have had our share with medical issues with our kids and have all been successfully treated in hospitals around this State. I think to say eighty percent (80%) of the hospital kids are mistreated, I think that is an unfair assessment.

Ms. McKenzie: That is data that is being shown by the CDC, (inaudible), and the World Health Organization—that is their data.

Council Chair Rapozo: That is your opinion. I am just saying I do not want to vilify doctors and hospitals and likewise we are not vilifying midwives. It is not about that. We have heard from everyone that having a child born with a midwife is extremely happy and that was a good thing. This Bill is simply about regulation, like everything else the State does, and at the end of the day, the State will decide.

Councilmember Cowden: Are we ready for discussion?

Council Chair Rapozo: Yes.

Councilmember Cowden: Because you are doing discussion.

Council Chair Rapozo: Yes, yes, I am, but when someone comes up and testifies and makes a statement like that...

Councilmember Cowden: Okay, so I have a follow-up comment.

Council Chair Rapozo: Go ahead. The meeting is called back to order.

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

Councilmember Cowden: I want to say part of the reason why there is some accuracy in what she said that high risk pregnancies are typically directed through obstetric care. If it is really high risk, they are already set up here or at Kapi'olani. People do not go to a midwife if they know there is a problem. I do not know anyone in their right mind who does. That is not where that happens. I was in this movement before I was in office, at least five (5) years, on my radio, all different types of ways. Like I said, I chose to have my baby in the hospital, but legislative behavior like this is profoundly eroding public trust. I think what has not

come up is the (Inaudible) that happens in the hospital and this progressive regulatory increase, because once someone is forced to do something, even like the vaccine schedule on kids, there was almost nothing when I was little. I think I had five (5) and now it is seventy-five (75). People are afraid for several reasons. You shared your story; I am going to share mine. This was ten (10) years ago or more. I had a person who was houseless call me, she was going into labor with twins at seven (7) months, I was not even going to take that in my house, she wanted to have her babies at my house. I said that was a view of high risk of pregnancy and I told her no and that she needed to go to the hospital, she would not go to the hospital because she thought they would take her babies. Where she went was to the estuary in Anahola and then she called me from down there. I went down there and the first baby came out fine and the second one was just coming out when I got there and she was blue. I was nervous. She was so afraid to have anyone called down there. I called Dr. Scott Sims, this was a veterinarian, because he would help a horse in labor or whatever, but he would not come. I called an ICU nurse who came and I told her bring oxygen, what do I know, right? The nurse came down and worked on the baby, eventually I did find out like five (5) months later, the baby did have some heart murmur, so there was a problem. That ICU nurse ended up calling the hospital and I honestly felt better that the baby went to the hospital, but guess what they took those babies, and they took them away permanently. She could have raised them, she was not in a perfect situation, but her babies were taken. That is another reason why people will go to the hospital. I am hoping...the question I was going to ask Ms. Aoki, I do not need an answer, but do they take someone who does not have the money to pay. What I see is that when we have the kind of (Inaudible), then you do not have the choices. In these past few years, we have just seen medical freedom taken from so people. Also, what had come up and what I want to support is that the things end in flow are not always availability of doctors or even the people with the right paperwork. I know I had a pregnant niece in a difficult pregnancy who came to stay with me when she was four (4) months pregnant. I could not get an OBGYN appointment or even a midwife appointment until she was maybe seven (7) months along. We sent her to a different sister. She had the baby in another place, because I failed to have some kind of support, especially...the baby is fine...but it is not as cut and dry as you say. I do not mean to be sexist, but I am going to be. A man does not know what it is to be having a baby. You can be a concerned father, but it is a completely different experience when it is your own body and your own fear. I so wholeheartedly support...I cannot more passionately say how important I think it is and how much I trust that this group is going to do a good job on this. I spent probably five (5) years on this, going over to the Legislature, talking to different parents, being involved, and I am relatively conservative, right? I have vaccinated my children and have had them in the hospital and that was where I lived, not the kosher thing to do. I so hope, I strongly urge us to complete the consideration of this Resolution, so it can pass and I hope that Maui County and Hawai'i Island do the same thing. They did already. So, I want to stand in unity with them, with our families, with our other island counties, and encourage our Legislators to not get away with what Kristi had said, because that is what they do. They just do not put it on the schedule. It is a lack of democracy in our legislative structure. They can just simply not put on things on the agenda and when they had the support that they had...I thank you, because it is stressful for me, even when I think about that mother being separated from her children. By the way, I have known one child born at home that I thought should

not have been born at home, very, very stubbornly born at home, ten (10) days beyond delivery. That child has cerebral palsy (CP). I do not know if it is related, but I would worry. It is not like I have never seen a difficult situation. I am thankful for hospitals to be able to take care of a baby's heart at birth. I have faith that Hawai'i Birth Collective uses what they are working on and I want to support this.

Council Chair Rapozo:

Thank you. Councilmember Bulosan.

Councilmember Bulosan: As the introducer of the Resolution, I wholeheartedly support my Resolution and the last few weeks have been a tumultuous journey as a healthcare practitioner. I practice chiropractic, I specialize in the upper neck, the nervous system, and my profession is about one hundred (100) years old and it has been run parallel with a lot of what midwives have gone through—the last one hundred (100) years, just what is going on. I really appreciate our community here on Kaua'i. I appreciate the ability to be on this Council with my healthcare background, because without my healthcare background, this would actually not be on this table. I do not think this Resolution may have not come here or the review of HB 955 worth following what was happening with midwifery in Hawai'i...only because we need representation and that perspective. I brought forth this Resolution because I saw what was going to happen to or may potentially happen if HB 955 does not pass and that this does not get extended that basically moms and potential birthing moms in Hawai'i will lose access to care and have higher risk of not getting the care they need, and potential new keiki that come into life here may not get the care they need, that potentially Nikki and I consider having kids, this path of wanting to have kids and how we birth our own kids, will not be available to us. It is disheartening, sad, and unfortunate that the State Legislature cannot see the clear decision of wanting to bring this forth, pass it, and continue the path of making just laws, so that access to care can be a social norm and not a wish for a lot of people. I just have to say this is such a refreshing place to be, to be able to have this on the agenda and I just have to say thank you to our Chair from the get-go you said, as long as we submit things to be on the agenda, you will allow it to be on the agenda and to be heard. I just cannot fathom why this is not being heard at our State Legislature, so that the community can share. It is super sad, it is heartbreaking to hear people doing stand-ins and sleeping over at the State, just so they can get care for birthing. That is hard to imagine that in 2023 we must fight for that on International Women's Day. I am not even a woman and I have to fight for this. This is just a resolution to say please listen to it tomorrow, please bring it to the floor. It is just to listen, it is not even...we think resolutions have no weight for some people and this might have because it going to join Maui County and Hawai'i Island. We hope that it will make an impact on people's decisions to bring this to the floor. Regardless of what happens here on the vote and if this Resolution passes, I obviously want it to pass, this is my "call out" to Speaker Scott Saiki, please bring it to the floor, please. It is important. I have more to say about it, but I wanted to hear what everyone else's thoughts are.

Council Chair Rapozo:
Kagawa.

Is there anyone else? Councilmember

Councilmember Kagawa: I think the reason you are not hearing the Bill is the votes are not there. For them to put it on the floor and to put their names on who is for and who is against is not the style of the Legislature. It does not work that way. If they know the votes are not there, they stay in unison and will let it sit somewhere and not be heard. This practice has been happening for years and I do not think we are going to change it today. Apparently from the Legislature in 2019, there were a set of things that were laid out for the group to do to get it passed, and now three (3) years later, those issues have not been resolved. Those issues are handled by the Legislature. This is not the Council of the County of Kaua'i's function to make that decision. All we are doing is trying to pass a resolution telling the Legislature what they should do. This is not the place to debate it. We have so many County issues that need our attention, we just talked about homelessness, affordable housing, et cetera. This is an issue for the Legislature. In my eight (8) previous years we have ever introduced a resolution to tell them what to do. They do not like to hear that—the County contradicting them. That is how you build bonds, because they will hold it against us later. When we are asking for something that our Kaua'i people need from the State, they will say, "Why did you support that resolution, we told you the reasons for it." Again, reading back from the text message that I received. "Since 2019, twenty-four (24) women got certificates to be midwives under the regulatory process. There was a separate process for traditional birth attendants through Papa Ola Lokahi." Obviously, this issue has been on the news, I have seen Channel 2 news. I have seen it about four (4) times where they covered the group that is sitting in front of Kyle Yamashita's office, and then they are sleeping over at the Capitol. I am sure if you are on the Channel 2 news, the Legislature is paying attention about this particular issue, because they have to answer to their constituents. "I am watching the news, what is going on with birth attendants"? They know the answers or they have the solutions to what you folks need to do. I think coming through the County Council is not going to help, but anyway that is just my opinion. I am going to be voting no. Thank you.

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

Councilmember Carvalho: I appreciate all the discussion, I totally support midwives, birth attendants, and the process. There is a place for everything. My wife, Regina, has been a registered nurse for thirty (30) years, and she retired. She has been at that table and I understand that totally. All of our children have been born in the hospital. I have nothing against options or choices, but I do...I have a concern about having it regulated somehow, not in this way or that way...just some type of regulation. I know you are going to say, "Yes, it is," okay, fine. There are other areas that seem to be not fully on the table, if you will. After all the discussion that has happened and trying to look for balance, yes, the Legislature has their process of what they need to go through and how they need to follow-through, and if this is something that was moving in a very positive way, it would have passed no problem—in the Senate and the House. Having gone through the process and other issues. I just wanted to say that I am still at the point where I feel there is support, but at the same time on the hospital side and trying to assure that no matter what side it is, there is some type of support and regulation in place. That is what I am hearing we need. There is an emotional side, there is the responsible side, and as a councilmember, we have to look at things that are

really going to affect everything else. That is just my *mana'o* and where I am coming from.

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

Councilmember Kualii: The main thing I wanted to say is that I appreciate...and *mahalo nui loa* to everyone who came forward to testify. I thought that your testimony was very thoughtful, compassionate, and thorough. I learned a lot from a lot of you here and some virtually. I came into this assuming that I would support it and hearing from you only made me feel more strongly that I need to support it, and yet, I thought this vote was going to be an easy vote for this Council. I understand, too, because we spent some time on it today, why some of my fellow councilmembers have concerns, but I am not going to share their concerns, I am going to side with supporting you folks and all the testimony I heard today. I will support. Thank you.

Council Chair Rapozo: Is there anyone else?

Councilmember Cowden: I have a final thing to say.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I am so passionate about it. I want to say I am willing to personally risk retribution. I am willing to do that, because I think nothing is more important than personal medical freedom and individual sovereignty, which we have been increasingly losing. To me, this is not about the health and safety of a child, because I have looked at it close enough over the years. What this is about is commercial control in a number of years where we have been deeply about commercial control. I am not suggesting for you men that it is about commercial control, I am saying the movement that is demanding complete immediate obedience and subservience to what some group of people, somewhere where some acronym says, we have to break free of that. We have to find our healthy peace. This is not about heart surgery. This is about something as natural as being alive, so my expectation is that we are going to have increased underground birthing and that even in our encampments, we had a sixteen-year-old deliver in a dumping rain at 'Anini in lightning and I did not call on that, because of what happened to those other two (2) babies, and the baby is fine and she has him—he is a year-and-one-half old.

Council Chair Rapozo: Thank you. Councilmember Bulosan.

Councilmember Bulosan: I definitely understand the sentiment that Councilmember Kagawa is sharing, I understand the truth behind it. If the truth behind it was a straight shot, this should not even be a resolution needed at all. Being in this room and having this discussion is unfortunate. I am really grateful because we are having this discussion. This body does not vote on this. I am so happy how much Councilmember Kualii has learned. There is a parallel between chiropractic and midwifery. The last person that got arrested as a chiropractor practicing chiropractic was in the 1980s and it is because they thought they were

practicing medicine. There were some laws changed that made it to really understand that chiropractic is separate from the practice of medicine, that when we care for as a chiropractor, it is chiropractic care. Basically, what is happening here is that we are going backwards on midwives. Say this does not pass and on July 2nd a midwife that is certified, who has the skills to take care of someone that can practice the care and can do it, and have been doing it for thirty (30) years, well now, potentially, be arrested for practicing illegally. That is just how it is going to be now; we are going backwards. Because it is close to me, as a practitioner, it is hard to accept that as a possibility. When I introduced this Resolution, when I looked at worst-case scenario, that is what the worst-case scenario that we are looking at. This exemption will allow them to be able to practice legally and be regulated and to do it the way it is supposed to. This is so unfortunate that it had to be in this situation. Again, I wholeheartedly support this Resolution as an echo to our legislators and to just acknowledge all the wealth of knowledge that we got to learn today and the support that we had to have this discussion. If tomorrow happens and it is not call on the floor and this Resolution passed today, at least the people of Kaua'i and all the moms who will lose that access to care on July 1st, at least they knew that we stood up for them.

Council Chair Rapozo: Is there anyone else? It comes down to me, I guess. Let me just say that the biggest travesty in all of this is the fact that the Legislature can just kill something without having a public process. I want to make that known. That is not right. You saw what happened earlier when the power went out. The State Legislature passed a law that puts such a restriction on us about what we can and cannot do, and yet one person, the Committee Chair can just pretend this does not exist. That is the travesty. I am pissed off. I called this office yesterday and was assured of a phone call back and they never called me back. His office. I never spoke to the chair, but I spoke to his office person. That is the real travesty. So, the public does not know which representative supports it or not. The chair will take the bullets, whatever, he does not care—business as usual. I can tell you that unless some miracle happens tonight, this is not going get a hearing. This is from the people that I know at the Legislature who I called yesterday. That is the reality of it. It is unfortunate. I will tell you what the turning point was and I am going to take her word for it, for me, was when Kristi came up and said they introduced the bill in 2020, 2021, 2022, and in those three (3) years...now, Kristi, please do not...I am going to check...I will never talk to you if you lied, 2020, 2021, and 2022, the birth attendants did their part, if what she said is true. They submitted bills and recommendations and the same garbage happened—we just not going hear them. Just put them in the “We are not going to pass it shelf,” as so many bills get to. The chances of this Bill passing anyway is rough, because it already failed out of the Senate. You have to understand, it has to pass both sides. It has to crossover, it has to...and for the life of me and what bugs me is that, again, the attempt was made to go ahead and give the Legislature what they needed to create a bill that was going go properly regulate midwives, that is the travesty. I guess we could too...I guess I could have told Councilmember Bulosan, “No, I am not going to put it on the agenda,” but then this would be my last term. The Legislature, no one knows who is yes or who is no, because there is no transparency at all. The other part that really...I go to the barber shop, I have not gone in a while, but I go to a barber shop, he is licensed, but if all of a sudden he retires or loses a license, I would still get him to cut my hair. I would. I think the impact on

the industry...if my wife is pregnant and she says, "I want to get Mieke to be my midwife," I would not care if she was licensed or not. My wife wanted Mieke to be her midwife, guess who she is going to get as her midwife, I would get Mieke, whether she has a license or not, because that is her choice. That is the secondary part of my decision today—it is about the choice. It is about the mother's choice of how she wants to handle her pregnancy. Like Council Vice Chair Kuali'i, I learned a lot today. I was not lying when I said earlier that I was undecided, I really was. Sherri, your testimony was...the visual was "Wow, why are we overcomplicating this." Back in the day, they never worried about who or what, you know? I will say in many cases and I am going to defend the hospitals and the doctors, when you have a problem during pregnancies, the last place you want to be is in your bath tub with someone who does not know what they are doing, especially here on Kaua'i. We do not have a Kapi'olani Hospital. If you are on the North Shore or on the Westside, good luck. I realized that. At the end of the day, the choice is the choice whether you are licensed or not licensed. That is the choice of the mom. Obviously, I am going to be supporting this today, but understanding I personally on the public safety side do not think that we should allow no regulation and that no one should be checked. I am going to use a chiropractor as an example. What if Councilmember Bulosan never had a license, but someone told me that he was good, he had a good teacher. I go and see him, he gives me a couple adjustments, paralyzed, then what? Same thing with childbirth. You do not know what you do not know. I told my story earlier and back then we did not have portable radios as cops, so I had to run to the car for tell dispatch, "This is not a domestic, someone is giving birth, send the medics," and I could hear the sirens coming and I am telling this woman, "Wait." But the head was coming out already and I had the towels, I had the boiling water, and the baby came out like a rocket, along with everything else that comes out with babies. That was the nastiest thing for a nineteen-year-old to see. I was not going to suck their nose and mouth, I am not touching...I put the baby right on the mom and I said, "Here is your baby," and I hear the ambulance coming closer, and thinking, "Hurry up." The medics finally came and they did what they do, they cleaned the baby up, they checked the mom. That was her fifth child, so the baby came out pretty quick. The medic asked me if I wanted to cut the cord and I said, "No, I want to get out of here," but he gave me the scissors. Remember, I am nineteen (19) years old. I put the scissors on the cord, he clamped it, but it kept sliding out of the scissors, and I was ready to pass out. Finally, it was cut and the blood squirted. Yes, real graphic, but imagine if never had the medic, imagine if it was just me, or imagine if it was an untrained, unsupervised midwife or "mom's friend." Who knows what could have happened. That is my concern that is inside, but at the end of the day, I trust mom to make the right choice, the right decision, and do her homework and do what they do.

The motion for adoption of Resolution No. 2023-31 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Kuali'i,	
	Rapozo	TOTAL – 5,
AGAINST ADOPTION:	Kagwa	TOTAL – 1,
EXCUSED & NOT VOTING:	DeCosta	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-32 – RESOLUTION PLEDGING SUPPORT FOR
NATIVE HAWAIIAN WOMEN AND GIRLS

Councilmember Kualii moved for adoption of Resolution No. 2023-32,
seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony.
Councilmember Kualii.

Councilmember Kualii: I will just put forward that on January 19th, the four (4) of us attended the presentation of this report and it is part one of a two-part report called, “Holoe A Analo Wahine O Iwi” (Inaudible) Missing and Murdered Native Hawaiian Women and Girls (MMNHWG) taskforce report. I will just read a couple things from the Resolution. “WHEREAS, a 2018 report by the Urban Indian Health Institute titled, “Murdered and Missing Indigenous Women and Girls: A snapshot of data from 71 urban cities in the United States,” documented the crisis of missing and murdered indigenous women and girls in the United States but did not include Hawai‘i or any information on Native Hawaiian women or girls; and WHEREAS, the lack of data on Missing and Murdered Native Hawaiian Women and Girls (MMNHWG) gives the appearance that MMNHWG is not an issue that warrants further exploration and/or government resources and is often called “the invisible crisis,” and WHEREAS, no concerted effort has been made to thoroughly study and understand the MMNHWG crisis to allow for the development of a comprehensive effort to support and protect Native Hawaiian women and girls from harm; now, therefore, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council commits to working with all government and private stakeholders to ensure Native Hawaiian women and girls receive the services and support required to protect them from being abused and exploited. BE IT FURTHER RESOLVED, that the Council encourages all residents of the County of Kaua‘i to learn to recognize the signs of sex trafficking and abuse, and to have the compassion and courage to report incidences to authorities.” Thank you.

Council Chair Rapozo: Edie, I was informed that you would like to speak.

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

EDIE IGNACIO NEUMILLER: Thank you, Chair and Councilmembers. I am in support of this Resolution for Native Hawaiian Women and Girls. I carry two (2) hats—a Kaua‘i Commissioner on the State Commission on the Status of Women and also President of Zonta Club of Kaua‘i. Both organizations have supported the report that was done by Dr. Nikki Cristobal, which is also on the Committee on the Status of Women website. If you want to review that again, that report was done pretty recently. Also, the January 19th community meeting gave more information on what it was all about. Obviously, I do not have all the statistics in front of the me, but one item that I just wanted to mentioned is that more than one-fourth of missing girls in Hawai‘i are native Hawaiian women. I truly support what it said in

this Resolution, specifically the last paragraph on page 1 that Council Vice Chair Kualii read, "all government and private stakeholders to ensure Native Hawaiian women and girls receive the services and support required to protect them from being abused and exploited." I wanted to give my wholehearted support to this Resolution. I am keeping it short, so that you can all go to lunch pretty soon. I have had to come back and forth, but I was dedicated to make that verbal support for the Resolution.

Councilmember Cowden: Thank you.

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

Ms. Cummings: Sherri Cummings, Malama Anahola homesteader, beneficiary of the trust. I support the Resolution and just wanted to bring to light that a homesteader was a victim of this circumstance right here, our very dear Kelekoma 'ohana. Till today, she is missing, no one knows nothing about. I graduated in 1987, Stacy would today be a graduate of 1989. She has been missing since the tenth (10th) grade. Us, Hawaiian people, we do not talk too much, so we are a statistic that no one knows really nothing about. We try to problem solve on our own. We do not go out and reach out to agencies to help us with our situations, whatever the need be. We are trying to shift the mind in how people think today, our *kanaka* people. I just want to say, I am empathetic towards what has happened, the systemic problem for our native women, youth, and thank you folks for recognizing Edie and the work that she has done so far.

Council Chair Rapozo: Thank you. With that, I am going to call the meeting back to order. Any further discussion?

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

Councilmember Cowden: I was the teacher of the younger brother when that young woman went missing and I would say that left an indelible, painful piece on him. I still connected with him. I wholeheartedly support this and I grasp how deeply our indigenous people across North America, and certainly Hawai'i and a lot of the Pacific Islands, the challenge is there. I completely support this. Just for the record, and no one feels hurt, I care about all missing women and children, men...I care about everyone, and I am very much in support of this Resolution.

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

Councilmember Bulosan: It is a no-brainer. I am glad that we are bringing this to the table.

Council Chair Rapozo: If no further discussion...

Councilmember Kualii: This just represents important work that is continuing and this is just part one of a two-part report. The second part should be out at some point this year. I appreciate everyone's support for this Resolution.

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

The motion for adoption of Resolution No. 2023-32 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Kagawa, Kuali'i, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. Next item. Can you read us into Executive Session?

EXECUTIVE SESSION:

ES-1091 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to brief the Council and seek approval of a settlement related to the opioid litigation against CVS, Walgreens, Walmart, Teva, Allergan, and other related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Cowden moved to convene in Executive Session for ES-1091, seconded by Councilmember Kuali'i.

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

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to convene in Executive Session for ES-1091 was then put, and carried by the following vote:

FOR APPROVAL:	Bulosan, Carvalho, Cowden, Evslin, Kuali'i, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	DeCosta	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Thank you. With that, the Council Meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 3:02 9.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc