

COUNCIL MEETING

NOVEMBER 1, 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, November 1, 2023, at 8:35 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 Bill DeCosta
Honorable Ross Kagawa
Honorable KipuKai Kualii
Honorable Mel Rapozo

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

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there anyone in the public wishing to testify on the agenda? Seeing none, is there any discussion?

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 unanimously carried.

Council Chair Rapozo: The motion carried. Can we go to the Consent Calendar, please?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, would you like to recess the Council Meeting and call to order the Public Hearings?

There being no objections, the Council recessed at 8:37 a.m., to convene in Public Hearings.

The meeting was called back to order at 8:40 a.m., and proceeded as follows:

Council Chair Rapozo: Next item, please.

MINUTES of the following meetings of the Council:

September 20, 2023 Council Meeting
October 4, 2023 Council Meeting

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

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

CONSENT CALENDAR:

C 2023-233 Communication (10/25/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Joining The State Legislature In Requesting The Department Of Education To Implement A Filipino History, Culture, And Identity Social Studies Course For High School Students.

Councilmember Kualii moved to receive C 2023-233 for the record, seconded by Councilmember Carvalho.

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 receive C 2023-233 for the record was then put, and unanimously carried.

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

COMMUNICATION:

C 2023-234 Communication (10/20/2023) from the Chief of Police and Christian Jenkins, Lieutenant, requesting Council approval of the indemnification provision in the Contracted Guest Room Minimum, Cancellation Option, Indemnification and Holds Harmless, and Attorney Fees sections in the Grand Hyatt Kaua'i Resort & Spa Group Sales Agreement, for the Inter-County Criminal Intelligence Unit (ICCIU) Conference in 2024.

Councilmember Kualii moved to approve C 2023-234, seconded by Councilmember Cowden.

Council Chair Rapozo: Are there any questions for the Kaua'i Police Department (KPD)?

Councilmember Cowden: Yes.

There being no objections, the rules were suspended.

CHRISTIAN JENKINS, Lieutenant: Good morning, everyone. For the record, Lieutenant Christian Jenkins, Kaua'i Police Department.

Councilmember Cowden: I understand this is just an indemnification and holds harmless. I am curious since you are here. Could you tell us a little bit about what you do with the ICCIU Conference at the Hyatt? Give us a little bit of information about it.

Mr. Jenkins: Sure. The Kaua'i Police Department is hosting the ICCIU Conference in 2024. The conference is attended by State, local, and Federal law enforcement agencies within Hawai'i. It is an intelligence and investigative sharing conference in which each attending agency presents past, ongoing cases, and resources that their agencies can provide to our law enforcement partners to combat criminal enterprise, drug trafficking organizations, and terrorists operating within the State of Hawai'i. This conference is usually held once a year by one of the police departments in the State—2024 is Kaua'i's turn. The last time we hosted was, I believe, right before COVID-19 where we used a different venue, but this is probably one of the largest conferences in the State for criminal intelligence aspects of law enforcement.

Councilmember Cowden: Who among our police team gets this education? Obviously not everybody can go, right? Who attends?

Mr. Jenkins: Correct.

Councilmember Cowden: Who attends?

Mr. Jenkins: For the Kaua'i Police Department we have our Criminal Intelligence Unit, which I am the Lieutenant of, usually our Vice Narcotics Unit because they deal with the Criminal Intelligence Unit quite a bit, and then usually our Assistant Chiefs of Police and Captains are afforded the opportunity to attend, as well.

Councilmember Cowden: I appreciate how the Police Department basically cross-pollinates in the training. People might be in the Traffic Unit for a while and they are in Investigative Services for a while, so by the time there is upward mobility, people are really well cross-trained. Can leaders from the other departments attend also, or is that taking too many people off staff?

Mr. Jenkins: No, for this conference, there is probably one hundred (100) to one hundred twenty (120) people who will attend this conference and that stems from the Federal Bureau of Investigation (FBI), the Bureau of Alcohol,

Tobacco, Firearms and Explosives (ATF), the Internal Revenue Service (IRS), the National Crime Information Center (NCIC)—all law enforcement agencies to include the Federal law enforcement agencies, so this is a rather large conference and training opportunity for everyone.

Councilmember Cowden: I thank you for giving us that update. I appreciate that we are hosting this and that we have this opportunity to cross-pollinate with the other islands and the State and Federal. Thank you.

Mr. Jenkins: Thank you.

Council Chair Rapozo: Are there any other questions? Go ahead,
Councilmember Kagawa.

Councilmember Kagawa: How many members from Kaua'i will be attending?

Mr. Jenkins: We will probably have our entire Vice Unit which is nine (9).

Councilmember Kagawa: Nine (9) and...

Mr. Jenkins: All the Assistant Chiefs and Captains, and then our small Criminal Intelligence Unit, so probably twenty (20) to twenty-five (25) from the Kaua'i Police Department.

Councilmember Kagawa: Can you explain this...what does this indemnification do?

Mr. Jenkins: Usually, when the Kaua'i Police Department has contracts, they will go before the County Attorney, as everyone knows. When we ran this by Steven Hall, Deputy County Attorney, he said as a formality, we should come before the Council and let them know some of the indemnifications. Some of them are contracted guest room minimum. How this works is all the agencies pay for their own hotel costs, so we are not going to have any costs there. The hotel is trying to lock in a certain number, so they do not lose money, and if they do not hit that certain number, then we are liable for paying for some of that. With the amount of people that we are expecting to attend, we will far exceed any number, so that will not be an issue. The next item was a cancellation option which gives them the right or us the right to cancel within a specified time and if we do not cancel before a specified time, we might be liable for some of the financial costs. For this conference, we should not have any issues with that, because this is a yearly conference that all the Federal agencies, all the police departments gear towards and put in their budget, so they have money to attend this. The "Hold Harmless" is basically if anything happens on their grounds, if anyone gets hurt, if there are any issues, they are not liable for it. This is a work-related conference, so the regular workers' compensation and all of that will take care of anything like that. It is the same for any attorney fees. If anything should arise from that, whoever loses, if there is any litigation, would pay a reasonable amount of the attorneys' fees. Again, this is just a formality. We

have had this conference here several times in the past at different venues and there has been no issues.

Councilmember Kagawa: Thank you. I just thought this was perhaps something like the Grand Hyatt Kaua'i Resort & Spa giving a discount because they want to stay on good terms with the police. This is just to reserve a certain amount of rooms for the conference, and this guarantees that the Hyatt will provide that certain amount, which you said we should meet and will not be a problem.

Mr. Jenkins: Correct. There is always a registration fee that we have everyone participating pay to us that takes care of the food and everything, so the County and the Kaua'i Police Department is not out anything for that.

Councilmember Kagawa: Alright, thank you.

Council Chair Rapozo: Just to clarify too. On the indemnification, if anyone gets hurt, is it only if it is negligent activity by us? If it is a hotel issue, this does not apply?

Mr. Jenkins: You are correct.

Council Chair Rapozo: Thank you. Are there any other questions for KPD? If not, thank you, sir. Is there anyone in the audience 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 2023-234 was then put, and unanimously carried.

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

LEGAL DOCUMENT:

C 2023-235 Communication (10/17/2023) from the County Engineer, recommending Council approval, of a Department of Water Waiver and Release Agreement and indemnification for Tax Map Key (TMK) No. (4) 3-5-001-167, Līhu'e, Kaua'i, Hawai'i, for a joint Police/Fire Training Facility.

- Waiver and Release Agreement

Councilmember Kualii moved to approve C 2023-235, seconded by Councilmember Carvalho.

Council Chair Rapozo: Administration, if you want to come up. You can give us a brief overview of what you folks are doing.

There being no objections, the rules were suspended.

TROY TANIGAWA, Acting County Engineer: Good morning, Councilmembers. This indemnity agreement is something that is required by...

Council Chair Rapozo: Did you state your name?

Mr. Tanigawa: I am sorry. I did not. Troy Tanigawa, for the record. This indemnity agreement before you is required by the Department of Water (DOW). This project is in an area that does not have DOW infrastructure for water delivery, so that agreement says that we are going to waive the services from the Department of Water and if we need water, we will get water from the private system.

Council Chair Rapozo: Are there any questions?

Councilmember Cowden: Like with the last testifier, what type of training do you do there?

Mr. Tanigawa: I do not have the details about that, but it is a joint training facility between KPD and the Kaua'i Fire Department (KFD). They are doing the development. We are just acting on their behalf with the execution of this agreement, so they can go on with their development.

Councilmember Cowden: Is this generic for the facility, in general?

Mr. Tanigawa: Correct.

Council Chair Rapozo: Are there any other questions? Go ahead Councilmember DeCosta.

Councilmember DeCosta: Thank you, County Engineer Troy Tanigawa. The facility is already in place, correct?

Mr. Tanigawa: No, they are not.

Councilmember DeCosta: Is it an open area to conduct this training or are we going to be developing a facility?

Mr. Tanigawa: From what I understand, they are planning some structures for that property. We do not have the details yet, but they have plans to develop the area to serve their needs for training.

Councilmember DeCosta: Again, I am not trying to tie this to housing, but it seems like we are making an exception, which I truly believe is good, right? We have a place where the KFD and KPD can train, there is no County water, so we can bring our own water facility in, we can make this happen. But when I look across Kaua'i, we have many houses that want to be built that the County and DOW does not have water for those homes and we deny them the opportunity to build, but we

decide to allow the KPD and KFD to build a training facility. I just wanted to make sure that when I look at things like this, we are being fair and equitable across the board with everyone. This is not a message for you, County Engineer Tanigawa. This is a message for DOW that if they are going to be signing off on something like this, then they need to be equitable to all. Thank you for that.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a follow-up. I see that we have a TMK and I should get that pulled up, but this is here in Līhu'e, is that correct?

Mr. Tanigawa: That is correct. It is at the old Honsador baseyard.

Councilmember Cowden: Alright, so we talked about that quite a bit. I would think that Honsador already has water.

Mr. Tanigawa: They are on the Marriott's Kaua'i Beach Club (Marriott) master meter. The distribution system there is through the Marriott.

Councilmember Cowden: Okay. That is why you said private water systems, so it is not like there is no water, it is just that it does not have its own account at this point.

Mr. Tanigawa: DOW is not directly servicing properties there.

Councilmember Cowden: Okay, but is the water itself coming from the same surface water treatment plant?

Mr. Tanigawa: The Marriott has a master meter that meters water coming from DOW.

Councilmember Cowden: Okay. Alright, thank you.

Council Chair Rapozo: Basically, when you get a building permit, you are required to have DOW sign off and this is just saying, "We are waiving the service from DOW?"

Mr. Tanigawa: Correct.

Council Chair Rapozo: Thank you. Thank you very much, Troy. Is there anyone in the audience wishing to testify? Seeing none. Is there any further discussion?

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

Councilmember Cowden: I have a small comment.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I just want to appreciate the fact that we are utilizing buildings that have gone vacant and under used, and using it in a positive and productive way to be supporting both KPD and KFD, both of which have had growth that they do not fit very well in their own facilities. I appreciate Councilmember DeCosta's question, because it does seem odd, but I am satisfied that they have water, so they have County water at the building, but I appreciated where your question came from.

Council Chair Rapozo: Is there anyone else? Seeing none

The motion to approve C 2023-235 was then put, and unanimously carried.

Council Chair Rapozo The motion carried. Next item, please.

CLAIMS:

C 2023-236 Communication (10/10/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Irvil Kapua, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-237 Communication (10/17/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Insurance Company as subrogee of Candice Teshima, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-238 Communication (10/19/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Benjinette P. Iwai, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-236, C 2023-237, and C 2023-238 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?
Seeing none.

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

The motion to refer C 2023-236, C 2023-237, and C 2023-238 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: Staff, can we get...I do not need the entire claim, but on these three (3), can we get the claim form, the part that describes them? Can you make copies for our Executive Session, as well? Again, it is a pattern that just does not stop. Next item, please.

COMMITTEE REPORTS:PLANNING COMMITTEE:

A report (No. CR-PL 2023-03) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2023-01 – Communication (10/19/2023) from Committee Chair Carvalho, requesting the presence of the Planning Director, to provide an update on the 2023 Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use permit SMA(U)-2015-6 at Tax Map Key (TMK) Nos. 4-1-003:004(por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the “permits”), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua‘i (the “Conditions”) with Coco Palms Hui LLC, as Applicant (“Applicant),”

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

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

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

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

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

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2023-04) submitted by the Public Safety & Human Services Committee, recommending that the following be Received for the Record:

“PSHS 2023-03 – Communication (10/09/2023) from Committee Chair Cowden and Councilmember Bulosan, requesting the presence of the Emergency Management Administrator, the Fire Chief, and the Hawai‘i Wildfire Management Organization to provide a briefing on community fire protection, outreach, planning, and emergency notifications,”

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

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 report was then put, and unanimously carried.

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

RESOLUTIONS:

Resolution No. 2023-63 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE BOARD OF WATER SUPPLY ORGANIZATION

Council Chair Rapozo: This will go to a public hearing. This was the Resolution that came up and was deferred, so we would need a motion to...

Councilmember Kualii moved that Resolution No. 2023-63 be ordered to print, that a public hearing thereon be scheduled for December 6, 2023, and that said Resolution be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

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

Councilmember Cowden: I would like to just re-state what the Resolution is, and I have a small amendment that I would like to move to amend as circulated, and this came out of the last discussion. Just for the members of the public that might be viewing or hearing was for the first...

Councilmember Cowden moved to amend Resolution No. 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Bulosan.

Councilmember Cowden: This is about the Board of Water Supply and what was brought to our attention in the past. The last person we were putting on the Board of Water Supply is the long-standing, overlooking of the Hawaiian Homes Commission Act, so the basic Resolution is adding specifics for three (3) of four (4) appointed members, but this amendment says we are adding four (4) words which says, "The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council." The added four (4) words are, "of the four (4) appointed members," and then I will read the rest of this sentence: "At least one member shall have knowledge and awareness of environmental and Hawaiian cultural concerns by way of the person's education, training, occupation, or experience; at least one member shall have knowledge and awareness of business concerns by way of the person's education, training, occupation, or experience; and at least one member shall have knowledge and awareness of land development and infrastructure concerns by way of the person's education, training, occupation, or experience." This is patterned after the way the Planning Commission is saying there needs to be at least representation of these different skillsets. It does not mean they

all cannot have it, but it just needs to be there, and that leaves one (1) of the four (4) with a very open position, but this is highlighting the four (4) appointed members. That is what it is, so that is my movement to amend as circulated.

Council Chair Rapozo: Is there any discussion on the amendment. We are on the amendment. Is there any public testimony on the amendment, which is simply adding those four (4) words? Go ahead, Councilmember DeCosta.

Councilmember DeCosta: I am very uncomfortable. I see the word “environmental” in there. No disrespect to our environmentalists who are sitting out there right now, but that group has stopped us many times doing many things on this island that could make this a better place.

Councilmember Cowden: Correct. Can I say...

Council Chair Rapozo: Hang on, Councilmember Cowden. Let him finish.

Councilmember Cowden: Okay. I am sorry.

Councilmember DeCosta: You do not need to be so defensive.

Council Chair Rapozo: Go ahead, Councilmember DeCosta.

Councilmember DeCosta: I am very worried that we have a system in place already which consists of all seven (7) of us who can literally ask any question we want.

Councilmember Kualii: Maybe that discussion should be on...because the amendment is just of the four (4) appointed members.

Council Chair Rapozo: Good point. Thank you, Councilmember Kualii. Do you have an issue or any questions on “of the four (4) appointed”?

Councilmember DeCosta: I do not like the word “environmental.”

Council Chair Rapozo: No, the amendment is simply, “of the four (4) appointed members.” That is the amendment. Let us get past the amendment, and then we will get to the main Resolution and then...

Councilmember Kualii: I also have an amendment.

Council Chair Rapozo: Hang on. Let us do this one first. Let us start with the amendment. The first amendment which is adding, “Of the four (4) appointed members.” That is the amendment. Is there any further discussion? I actually suggested that, because with the way it was written, it was not clear, that we could have your ex-officio members have that requirement, so this is of the four (4) appointed. Mr. Sykos, do you want to testify on the amendment? Okay.

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

Councilmember Kualii: For clarification, obviously you can support the amendment and then not support broader language later.

Council Chair Rapozo: That is correct.

The motion to amend Resolution 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Council Chair Rapozo: We are back to the main Resolution, as amended. Councilmember Kualii.

Councilmember Kualii moved to amend Resolution No. 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Kagawa.

Councilmember Kualii: My amendment basically gets straight to the heart of the concern that was brought forward to us in testimony by Sherri Cummings, with regards to the make-up of the Board of Water Supply not having specifically the Hawaiian Homes Commission Act or Hawaiian Home Lands issue. My amendment basically adds, "All four (4) appointed members shall have knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code by way of the person's education, training, occupation, or experience." That last part was just the strain of how they word it. Obviously, this is the basic stuff that pretty much all Board of Water Supply members should at least have an awareness of.

Council Chair Rapozo: I have a real quick question. The make-up of the Commission is seven (7). Why would only four (4)...this is just for argument's sake, if you are saying all the commissioners should have this basic knowledge, why would you limit it to only four (4)?

Councilmember Kualii: Because the other members are well-qualified and trained. The Planning Director obviously has...I am perfectly fine with removing "four (4) appointed," and having all members because I think this is the basics. I am perfectly happy with the amendment of removing "four (4) appointed."

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a concern where it says, "by way of persons education, training, occupation, or experience," because I think there are probably very few people out there that really know in a deep way...

Councilmember Kualii: Listen to what you are saying. Really knowing in a deep way...

Council Chair Rapozo: Hang on, Councilmember Kualii. Go ahead.

Councilmember Cowden: What I would be more comfortable with is whether it says, "all four (4) appointed members or all members shall have training, knowledge, and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code," but taking out, "by way of the person's education, training, occupation, or experience," because I think the ability to get seven (7) people who have had a career or a life experience where they have that would be very difficult and I think if people are trained in it, because really, honestly, I only grasped it this past summer since we had that person come up and then we had Alan Murakami talk to us. I have heard it for decades, but I did not get it until right now, so I think if we train them, because what I would like to say is I have two (2) concerns. One is we would not find those people. We would not find seven (7) of those people or four (4) of those people. The other one that Councilmember Kagawa brought up is if you have four (4) people that have the depth of knowledge, you are going to have an activist Board where we want some balance on the Board, because we have long overlooked our Constitutional obligation to Hawaiian beneficiaries. We have long overlooked that, but that is maybe five percent (5%) of our population, if that. If every single decision that we made came down to making sure we address that long overdue injustice, we would probably have much more problems, so that is my challenge and why I would want to take the "by way of a person's education, training, occupation, or experience" out and I would put, "shall have training, knowledge, and awareness."

Council Chair Rapozo: That is the exact same language that you have in your Resolution.

Councilmember Cowden: The reason why I have that in my Resolution is that when you have one (1) person who has development experience by way of the education, training, occupation, that means that has been their career, so they come in and they really understand it. It is not that they just read some training on it, they really understand it, and another person really understands the business, because the Board is supposed to be the balance to the Department of Water in case they are making choices that the general public does not like. The reason why I framed "Hawaiian cultural concerns by way of the person's education, training, occupation, or experience," and I really could take "environmental" out if we needed to do that, but the reason why that is such a soft description, rather than Hawaiian Homes Commission Act, which I tried to put in multiple times, is I kept getting a "no," that there was a problem with being that specific. That was going back and forth with the County Attorney, so I softened it, and that is why it does not have that, but if everyone can have training on it, great. Everyone should probably have training in each element of this. That is my thought, Councilmember Kualii. I am not sure if you heard what I was saying, but maybe some of it.

Councilmember Kualii: I heard it all.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I understood you right there at the beginning. I agree and am willing to withdraw my amendment and rephrase it.

Councilmember Kualii withdrew the motion to amend Resolution No. 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2. Councilmember Kagawa withdrew the second.

Councilmember Kualii: It will basically keep most of that middle part that talks about, let me read it. It will say, "All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code."

Council Chair Rapozo: Is there any discussion on that?
Councilmember DeCosta.

Councilmember DeCosta: I have discussion. Are we now saying that all four (4) members do not have to have these qualifications, and that we will provide training for them...

(Councilmember Bulosan was noted as not present.)

Councilmember DeCosta: ...so they can be *akamai* about the State Constitution, the State water rights and the Hawaiian Homes Commission Act?

Councilmember Kualii: Yes.

Councilmember DeCosta: Are we now going to provide training for the people that come before us, that we elect, that are appointed by Ellen Ching...

Council Chair Rapozo: They are appointed by the Mayor and confirmed by the Council.

Councilmember Kualii: The training is an orientation training that the Boards and Commissions staff does for those boards anyway. We are not providing the training. We are just saying that the commissions will...

Councilmember DeCosta: Has that training ever happened before?

Councilmember Kualii: I believe they do an orientation training, but I do not know that it guarantees that these things are included, and I think the concern primarily was on the Hawaiian Homes Commission Act. Those three (3) things are all part of their *kuleana* anyway.

(Councilmember Bulosan was noted as present.)

Councilmember DeCosta: I really thought this was all in place already. For the first two (2) terms, I thought I was able to ask people questions up here and I felt that there were qualified candidates, and it seems like now what the two (2)

people are doing with the amendments to this Resolution is putting something in place that has not been in place. What message are we sending to our people who have faith in our Planning Commission or...

Councilmember Kualii: Should we ask the Planning Commission?

Councilmember DeCosta: I have a hard time grasping this.

Councilmember Cowden: As the introducer of the Resolution, I am happy to answer that. I think that in the almost five (5) years that I have been here, I have not ever heard the Council ask, until Ms. Cummings forced us to ask about the Hawaiian Homes Commission Act. I have never heard us ask, "Do you understand the Hawaiian Homes Commission Act?" In the experience that I have had since we appointed our last Board of Water Supply member, that the public brought it to us, I realized I did not even understand the Hawaiian Homes Commission Act. I finally grasped how important it is for the Department of Water as we set out water reservations, that this group is not overlooked, and it has been overlooked. I would think, as he is doing an amendment, that what would be required is that before they come to us, and if Ellen Ching is listening anywhere, that they would get this training even as they are applying so that when we are talking to them, we would be able to be aware that they understand it. When I put "environmental" in here...actually, I need to go back to that when we are done with this amendment.

Council Chair Rapozo: Councilmember Kualii. I am sorry, Councilmember Kagawa.

Councilmember Kagawa: I appreciate what Councilmember Cowden is trying to imply that this Resolution will change the direction of the Department of Water so that they become more *akamai* about the Hawaiian Homes Commission Act, but I do not buy it. We have Troy Tanigawa, a Hawaiian, on there. We have Ka'āina Hull, a Hawaiian, on there. The Board of Water Supply has to function like a business. It is just like with the sewer lines. We would like to connect all the sewer lines today—that would be the right thing to do, but who is going to pay for it? It is the same with the Board of Water Supply. We would like to give everyone affordable housing, including the Hawaiian Homes Commission Act which is the low-hanging fruit. They have money to build homes, they have a plan. This type of resolution is not the answer. It is a huge waste of time that can already be served. It is a business decision that needs to be made by the Board of Water Supply. Troy is a member. He understands the Hawaiian Homes Commission Act and how we are not complying, but you will not change anything with this type of resolution. It is not going to happen because of the Resolution. It is going to happen because of changes in the business of the Board of Water Supply doing better and being able to financially do the things that you are talking about being done. It is not going to be changed by you putting in this language and saying we are going to train them. They already know. It is just a huge waste of time. Thank you.

Council Chair Rapozo: Hang on. Let me get this amendment introduced so that we can have that discussion.

Councilmember Kualii moved to amend Resolution No. 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3, seconded by Councilmember Kagawa.

Councilmember Kualii: This is just what I talked about. The words are now, "All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code."

Council Chair Rapozo: Is there any discussion on this? Basically, we already had the discussion. Councilmember Cowden.

Councilmember Cowden: I want to honor what Councilmember Kagawa is saying. I understand the concern. I also want to acknowledge that right now we have a Planning Director and basically a Public Works Director... County Engineer, I guess is what we really call it, that went to Kamehameha Schools.

Councilmember Kualii: Troy went to Kapa'a.

Councilmember Cowden: And Kapa'a?

Council Chair Rapozo: Troy went to Kapa'a.

Councilmember Cowden: Troy went to Kapa'a. Right on, Kapa'a. We have that and as I said last time, we have to think ten (10) years into the future, twenty (20) years into the future, and we might not have that. As I said last time, we might not even have a council who understands the Hawaiian Homes Commission Act. We might not have a mayor. This is an effort to push us in that direction, and this is a response from to community request from a portion of our community, the beneficiaries, that have been stridently raising their hand for one hundred (100) years, and somehow it has not been addressed yet, and this, by the way, is no guarantee...

Council Chair Rapozo: Councilmember Cowden, we are on the amendment. Let us have a discussion on Councilmember Kualii's amendment.

Councilmember Cowden: Well, I think it is, is it not? It is why we would want to have it, because I am responding to the statement that we have two (2) very competent people with some Hawaiian ancestry in these positions and I am saying someday that we might not, that is all. I am saying, "Someday we might not."

Council Chair Rapozo: Got it.

Councilmember Kualii: Let me clarify that this question has nothing to do with what high school you went to or what culture you come from. This is about information, knowledge of the State Constitution, Hawaiian Homes Commission Act, and the State Water Code.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I feel that we are going over and over and over. The Mayor has a responsibility with his team to provide the support in who they provide to us, and we make the decision here. That is my understanding. Knowing that, and if we approach the Mayor and the Administration saying that this is what it is, I know that they would be totally open to talking to us about this discussion right here. I think we are going too far into all this. It is up to the Mayor to decide and the Administration, and yes, I think it is awesome to have all of this included which I know is always at the forefront when we make decisions, so that is where I am at, right now.

Councilmember Kualī'i: Council Chair Rapozo.

Council Chair Rapozo: Go ahead.

Councilmember Kualī'i: The amendment is substantial, so will you be taking testimony on the amendment?

Council Chair Rapozo: Correct. Councilmember DeCosta.

Councilmember DeCosta: I actually feel offended. Fourth generation Portuguese. My wife is Hawaiian. My father was raised with the Kanahele's from Pākalā. I know just as much as a Hawaiian about what is right and what is *pono* for the Hawaiians. You do not need to be Hawaiian to know that. Whether the Mayor, who comes after us, who is not Hawaiian or not culturally tied, that if you are saying a European might be our Mayor...maybe he or she might have the same cultural ties that I have as a Portuguese/Spaniard. We are trying to set everything in stone and take away all the power that people have. They elect us, because we have power. We are like the Mayor, because he or she has power. Councilmember Carvalho was Mayor at one time. He had the power. You do what is right for the people of Hawai'i and here is the catch point, the *kanaka maole* need to vote, too. If the *kanaka maole* vote, they will put whoever they want in the office. We all vote. People put who they want to represent their people. I think we are trying to overthink this too much. That is my *mana'o*.

Council Chair Rapozo: Okay. Going forward you will direct your comments to me, not to each other. It is directed to me. Councilmember Cowden.

Councilmember Cowden: I have a final piece on that. I hope that we do hear from the public. I am bringing this forward from the public. I recognize that we have a general plan, we have different water plans, and we have all different types of vectors as Councilmember Carvalho is saying where this training on Hawaiian Homes Commission Act could happen. I am not arguing that there is not another place. I am responding to what I felt was a very legitimate request that this is something that belongs on the Board of Water Supply. I felt it was very legitimate and meaningful and training. It is not ethnic. This is not ethnic. It is up to you folks, it is up to the voters, so I am complete with what I am saying now, and we can hear from the public.

Council Chair Rapozo: Thank you. Is there any other discussion before I take public testimony? Is there anyone in the audience wishing to testify? Let us vote on the amendment, and then we will have discussion on the entire Resolution. Remember now, this is not just a resolution. This is a Resolution for a Charter Amendment. This is not a normal resolution where we are urging the Administration to do something or the State. Should this pass, it will go on the ballot.

Council Chair Rapozo: Are there any registered speakers?

Ms. Fountain-Tanigawa: There is one (1) registered speaker, Sherri Cummings.

Council Chair Rapozo: Ms. Cummings.

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

SHERRI CUMMINGS: Sherri Cummings, for the record, as a beneficiary of the Trust. This was never about race, Councilmember Kagawa.

Council Chair Rapozo: Again, direct it to me.

Ms. Cummings: I am just addressing it. This was never about race. The person who spoke to you folks before was pure Japanese, Alan Murakami. He is the biggest advocate for the Department of Hawaiian Home Lands (DHHL) beneficiaries for water, so it was never about race. I will address some comments that threw me off...the comments that were stated. Let me start by saying that Troy Tanigawa is in the room, Ka'āina Hull is in the room. Very *kanaka*, very Hawaiian. Not beneficiaries. Do they know about DHHL beneficiary rights and water rights? I am going to tell you, "no," and if you do not believe me, you can call Ka'āina here. It is the same thing I told you folks, except for Councilmember DeCosta and Councilmember Carvalho. The presentation we gave you folks. I can tell you when I went to Ka'āina and he told me straight. He said, "Sherri, two-thirds ($\frac{2}{3}$) of everything that I saw which was completely law," and this is what I am tripping about. This is just law. There is nothing in your folks' Charter that talks about our rights, which is law. What are you folks afraid of? I can tell you, you never had the Water Use Development Plan. I went to the Director of Water[sic], Adam Roversi, and do you what he told me? I am going to put it on record. "There was no Water Use Development Plan." Who brings the Water Use Development Plan to the Board of Water Supply? On record, I am going to tell you—the developer. That was from the horse's mouth. Water Use Development Plan is mandatory for water reservation rights for us as people. That never happened. I went to the DOW Manager and Chief Engineer. God love him. I love him. He knows what I am talking about. You have the best person on the job today. He is very, very passionate about our rights. Why? I can tell you. If you folks knew who he was before you had confirmed him to put him on there, he would not be there. This man is solid, because of who he deals with—native American Indians—which is our fight. When I spoke with him in April, and when he came here to you folks, that is exactly what he said. He created a Water Use Development Plan because he knew that what was happening was wrong, and all we are asking for...you folks can put a Botanist Committee together and Ellen Ching

goes ahead and says, "Yes, we have a Botanist Committee." If you folks will not pass this, create a committee for native Hawaiian rights, water rights, Rehabilitation Act rights, and cultural rights, because every time you folks turn around and ask us, "Who is the right Hawaiian?"

Council Chair Rapozo: Okay. Hang on, Sherri. Do you have a clarifying question?

Councilmember Cowden: I have a clarifying question, forgive me. You said you were talking to Ka'āina Hull and he said, "Two-thirds ($\frac{2}{3}$) of," and then you did not finish your sentence.

Ms. Cummings: He did not know two-thirds ($\frac{2}{3}$) of our Water Code, and water rights for DHHL beneficiaries. The first thing he told me when I went in there was, Sherri,...and I will throw it all out there. Try come at me, because this is what he said. "No go try, no go try and say that they never build, because we do not give them infrastructure in water." All infrastructure is really not working. It is *pepe'e*. You folks know that. And I told him, "I am not DHHL. I am not here to tell you folks you folks are unlawful, but I can tell you one thing, you know and I know what I showed you folks was law. It is not my mistake."

Council Chair Rapozo: I am going to stop you here. Do you have a question?

Councilmember Kualii: I have a clarifying question. You said the name Adam Roversi, but you meant Joe Tait, correct?

Ms. Cummings: No, Adam Roversi included. I went and I did my presentation to the Housing Director.

Councilmember Kualii: When you said about the knowledge in the Native American system, who were you talking about?

Ms. Cummings: That is Joe Tait all the way.

Councilmember Kualii: Yes, but you did not say his name.

Ms. Cummings: Yes, he is amazing.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Is there anyone else in the audience wishing to testify? Okay, Sherri, you can come back for a second time.

LONNIE SYKOS: For the record, Lonnie Sykos. I would say that I get an absolutely amazing education every time I come to these chambers and listen to this woman talk. Now, to some Members of the County Council left of the Chair, I am nothing but a *haole*, however, I have in my fifty-some years in this State, paid attention to what has occurred with the native Hawaiian population.

(Councilmember DeCosta was noted as not present.)

Mr. Sykos: I moved here before the cultural revival. I have witnessed the cultural revival and amongst what have I witnessed is the Hawaiians have finally reached the point that enough of them have higher education and life's experience that they are finally exerting their civil rights. Part of their civil rights is in the Homestead Act and DHHL and all this body of law that I am not an expert in, but I do know from the State Supreme Court decisions if nothing else, that we do not fulfill our legal obligations to the Hawaiian population. Here on this island, our water is a mess. We have hundreds of millions of dollars to spend on expanding our pipe systems, so we have adequate water going to our existing people. Many of our people do not have fire flow. The lowest hanging fruit in the State for housing is for the Hawaiians and it requires putting infrastructure on their land which requires the water which now is now is this, our Board of Water Supply. Our Board of Water Supply and our Department of Water have systems.

(Councilmember DeCosta was noted as present.)

Mr. Sykos: This is not an indictment of the individuals. Our systems are dysfunctional. If they were functional, we would not be in the circumstances we are in today with all of our many water issues. I assure you, if you do not pay attention to what your legal obligations are under the law, including but not specifically or excluding anyone else to the native Hawaiians, you are going to be sued until you become knowledgeable. I support the intent of this.

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

TOMMY PASSARELLA: Good morning. Do any of you know me?

Council Chair Rapozo: Can you state your name, please.

Mr. Passarella: Tommy Passarella. Out of the front panel, do any of you know me personally?

Councilmember Cowden: Yes.

Councilmember Kagawa: No.

Mr. Passarella: No. Anyone else?

Councilmember Cowden: I do.

Mr. Passarella: Does the Mayor really know what is best for "We the People?" Does he? I asked him a little while ago at the mall. I asked, "Why is Hā'ena Beach Park not open right now for legal camping?" I remember a few years ago, we had a major one-day event at the college about rights and there was a panel. I was staring at, I believe, Mrs. Case. Now, Steve with AOL has a lot of land over here and he also has a lot of water. We have Ed Case also, who I just emailed again. He is one of our Congressmen, but we also have a ton of homeless veterans over here. I

cannot even get a bus pass through the County for homeless veterans. We have Community-Based Outpatient Clinic (CBOC), which helps veterans that are over there. We cannot even get bus passes for our homeless veterans. I am staying in a house right now as a homeless veteran. I got cut off within three (3) minutes. I waited hours that day. I just happened to be there by "accident." There are not any accidents. There is control. My brother is a Marine, but I also remember Hawai'i's last queen and that should be shown in every school in the world from the age of kindergarten through college, every year. That is what our government is about—control. Control of water is not truly rights, but I heard this morning that Pierce Brosnan has a diversion that goes to a lake from Wainiha. He is a nice guy. I have never met him, but I have heard a lot of nice things about him. Does he really have a diversion going to his property? Go look it up. How much bottled water gets pumped in through Costco in one month? We live in one of the wettest places on Earth. How much plastic bottled water gets shipped through Costco? How good is the quality of water in our schools? Do we have filtered systems? It is a yes or no question. Canyon Water Systems is probably one of the best systems out there. It is only a couple thousand dollars. Are we truly consuming the best quality of water we can? It is a yes or no question. I talked to a KPD officer who said that they were not mandated to take the vaccines, but yet our military was poisoned. It is a flat-out poison.

Council Chair Rapozo: Sir, we are talking about a resolution. We are trying to amend...

Mr. Passarella: My question is, does the Mayor know the best for our County?

Council Chair Rapozo: That is subjective.

Mr. Passarella: It is very subjective, but we were poisoned. I could not even walk in the library because I was not poked.

Council Chair Rapozo: Again, this topic is about the structure of the Board of...the Commission.

Mr. Passarella: Who controls that Board?

Council Chair Rapozo: The Mayor appoints, and the Council confirms.

Mr. Passarella: How much money do they get on the back end of it? Look into it.

Council Chair Rapozo: Okay, your time is up. You can come back for a second turn.

Mr. Passarella: My time is up?

Council Chair Rapozo: You have three (3) minutes.

Mr. Passarella: Why? Who presses that button?

Council Chair Rapozo: Sir, you have two (2) chances. At three (3) minutes...

Mr. Passarella: Who presses the red button? Is this American Idol?

Council Chair Rapozo: Sir?

Mr. Passarella: Yes, sir.

Council Chair Rapozo: First of all, thank you for your service. I am a veteran as well, but we have rules, and you have three (3) minutes.

Mr. Passarella: You have three (3) minutes?

Council Chair Rapozo: Hang on. Once everyone else speaks, you have an opportunity for a second three (3) minutes.

Mr. Pastorella: Oh, great. I did not know the rules.

Council Chair Rapozo: My apologies. I should have let you know because it is your first time here.

Mr. Pastorella: Yes, I have not been here in a while. Thank you.

Council Chair Rapozo: The thing is, the testimony needs to be focused on the topic that is on the agenda, which is the make-up of the Board of Water Supply.

Mr. Pastorella: The Board of Water Supply should be totally revamped. It should be totally revamped from the top, from the head down.

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

BRUCE HART: For the record, Bruce Hart. When this came up two (2) weeks ago, it was said...I think everyone agrees that the sentiment is correct. I know I am not supposed to, but I appreciate what Councilmember Cowden is trying to do and I think we all do. We want to see those that are in control of the water have an understanding of just what that power is...

(Councilmember Kagawa was noted as not present.)

Mr. Hart: ...and how it is going to impact our community and the people of our community. We want to be fair about who gets water, when they get it, where they get it—all the different aspects of it—and I cannot

see anything wrong with having board members who are educated thus. My only concern is making it a Charter Amendment. I do not think it is necessary to make it a Charter Amendment. I am going to use an example at the national level. For instance, the President and his administrative team appoint, and the Senate vets. I do not see that there is a whole lot of difference in this from that perspective. The Mayor appoints his team, he does not just do it himself; he does not sit in a room and decide all by himself. His team decides and what I would like to communicate at personally...and I know that probably the mayor is watching. He usually watches this...that we are concerned. We are concerned that these people that you appoint have this type of education so that they can do the job well. Then, I would like to encourage this branch of government, and I want to point this out...I do it on occasion...this is not an agency. This is a branch of our government. That is so important for this Council to understand and the people to understand. This is a branch, but I am asking that we send the message that we are going to vet these people. If they are not qualified for the Commission, for the Board, we are going to say so. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify for the first time? Seeing none, we will start at the top. Ms. Cummings.

Ms. Cummings: Sherri Cummings, beneficiary of the Department of Hawaiian Home Lands. I will state for the record, born and raised Homestead. I do not think I am asking for anything big. I think what we are asking for is education, and I say this because he brought up a good point. I do not know what his name is. He is the one who came after me.

Councilmember Cowden: Lonnie.

Ms. Cummings: Because it is the truth. This is going to be a lawsuit waiting to happen and I thank our former President, President Obama, because he made it real for us, as beneficiaries. The Code of Federal Regulations (CFR) supports us as beneficiaries, so when we talk to the County, like I said, and it falls on deaf ears...and I do not mean that lightly. I know you folks listen...and we did that because the State kept screwing us over and over again. Every time we, as Hawaiians, did what was law, so we had to go to the "Big Guy" and create the CFRs that protect our rights so that when County and State do this to us, we have that telephone call that will protect us. It is different, because the State and DHHL cannot come in here and tell you folks what you are doing is wrong. It is the beneficiaries who can. That is where the game changed. When I always came here, it was never about, "Oh, we are bigger, and we are this and we are that." It was always to educate because you folks talk about protecting our rights. Look at the Water Code and see, because it protects us. You folks do not have to pay, because the Water Code specifically states, "State has to provide DHHL beneficiaries with infrastructure," not you folks. If you look at that, you folks do not even have to be paying. Joe understands that. He understands. You folks are lucky you have someone like him. But that protects you folks, so you folks do not need to dish the way you folks think you folks need to, because our rights are listed in there—in State and Federal law—that forces them. You folks need to be the ones to go after them and tell them to do what is right

for us, because if we cannot get after you folks and we cannot do it with our State Legislators, you bet your butt we will go where it is necessary.

Council Chair Rapozo: Thank you, Sherri. I have a question. In your earlier testimony you said, "If you folks not going pass this today, you folks better set up a committee." What would you envision that committee doing?

Ms. Cummings: I am not a bad person, so I try to look at everything from the Commission, even the Charter Commission and things like that. That is how I found out that you folks have something, such as an Arborist Advisory Committee. Every time that I talked about Hawaiian rights and things like that, and I just say this, everyone talks and throws around "Native Hawaiian." Let me teach you really fast in Native Hawaiian. There is no State law that defines what a Native Hawaiian is. The only body that recognized Native Hawaiian is the Federal government. There is law. The County does not have it; the State does not have it, so we used to have conflict with the Attorney Generals from the State all the time, until we finally got smart. Definition, sad to say, is fifty percent (50%) plus one (1). They split us up as *maole*. That is all we were. We are not one percent (1%), one hundred percent (100%), or anything in between. We are victims just as much as the less than fifty percent (50%). If fact, we are victims much more, because we are in the minority. I just want to say that what we want...

Council Chair Rapozo: I appreciate...I agree with Lonnie. Every time you speak, we are educated. I just want to get back...

Ms. Cummings: Council Chair Rapozo, honestly, what I want is because everyone always says, like how the question was asked, "Who is the right Hawaiian?" There are so many reasons why Hawaiians need representation. Under former Mayor Carvalho's Administration, at one point in time, I said, "I thought all Boards and Commissions should have one (1) *kanaka* on there." But, if we can have representation, just as a coalition so we can address everything from public rights, water rights, public doctrine—this is everyone, big and small—Rehabilitation Act...and you folks have to do the Rehabilitation Act, because that is law. It is one thing that it is—is law. It has nothing to do with race, culture, and everything Hawaiian. We need representation.

Council Chair Rapozo: Do you have a clarifying question? Go ahead.

Councilmember DeCosta: Hi, Sherri.

Ms. Cummings: Hi.

Councilmember DeCosta: I do not think you are a bad person. I think you are a passionate person. When you are passionate, you speak from the heart, so please do not think that is how we view you, because some testifiers think we have an opinion about you folks, and we do not.

(Councilmember Kagawa was noted as present.)

Councilmember DeCosta: I do not. I look at everyone as being a passionate person, but I wanted to ask you a clarifying question. You mentioned this gentleman, Joe Tait, and I had the privilege of meeting him and I believe the same like you—he comes from a good place, but did he sell you a solution with his opinion about native *kanaka maole* like the Native American Indians? Did he sell you a solution, because I am wondering what solution the Board of Water Supply has?

Council Chair Rapozo: That is not a clarifying question, that is whole new question that is going to open a...no, I mean, you are asking...

Councilmember DeCosta: I asked about Joe Tait and she said Joe Tait is a good man. I am asking her what Joe Tait told her that qualifies him is a good man.

Ms. Cummings: Okay, I will give you an example. Us, as beneficiaries, and the Department of Hawaiian Home Lands, themselves, have never had that open door policy with Board of Water Supply. Every time we thought they “kumbaya,” sit down inside the room together when they come and do a development...and this is what I do not understand. Why are we fearful of the Department of Hawaiian Home Lands? You know they are so restricted...

Council Chair Rapozo: Sherri. You see. That is why...time out. A clarifying question is...

Ms. Cummings: Okay, I am sorry. I was sitting in his office and I gave him the PowerPoint presentation on water, and he got it...like that. He knows our fight. He opens the door for us. He gave us opportunities to have beneficiary consultation and what I asked for was separation from public, because our water rights and this law is very different.

Councilmember DeCosta: My question is answered.

Ms. Cummings: He gave us opportunities.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a simple question, I am sorry, I did not write it down. You said an acronym and I did not know what it meant. Did you say that is why we have CFW? You used three (3) letters.

Council Chair Rapozo: CFR. She said CFR.

Councilmember Cowden: What is CFR?

Ms. Cummings: Code of Federal Regulations, which was promulgated in the Congress. That protects us and allows the State to operate only in certain manners.

Councilmember Cowden: Okay, I have trouble with acronyms.

Council Chair Rapozo: Are there any other clarifying questions?
Councilmember Kualii.

Councilmember Kualii: There are four (4) major parts to this Resolution: a seat for environmental and Hawaiian cultural concerns, a seat for business concerns, a seat for land development and infrastructure concerns, and then the fourth part is the training on the State Constitution, Hawaiian Homes Commission Act, and State Water Code. Do you support all four (4) of those pieces of this Resolution—the meat of this Resolution? Do you support the Resolution?

Ms. Cummings: Honestly, what I support is all commissioners on the Board of Water Supply having the proper training to be versed in the Rehabilitation Act and the Water Code. It is important because it is...and I am not throwing it out there, but it is the truth, it is law, and it is violation of law if you folks do not follow it. If you do not create a Water Use Development Plan, that is violating my law and my right as a beneficiary.

Councilmember Kualii: Thank you. Are you saying that you support the training?

Ms. Cummings: The training, yes.

Council Chair Rapozo: Thank you. Are there any other questions for Ms. Cummings? If not, thank you very much. I am sorry. Go ahead.

Councilmember Carvalho: I wanted to follow-up on that question you asked her about the committee. I wanted to get more clarification. Where are you at with the forming this committee? What is your vision?

Ms. Cummings: What you did, Councilmember Carvalho, if I remember correctly, and I am going to touch on that was, I remember you had Kanoe Ahuna, Canen Ho'okano, Keao NeSmith, Randy Wichman, or whoever. I did not see much. What I saw was...I think they did the *ahupua'a* signs. No one advocated for us, as beneficiaries of the Trust, and I say it again, it is law and if you want to protect yourselves as a County, then be versed. That is all I ask, be versed on it. I am not asking anything more but to be versed on it and it is not an ethnic thing, because our Hawaiian people were loved and we loved every ethnicity.

Council Chair Rapozo: Thank you. I believe next is Mr. Sykos. Are you coming up for a second time?

Mr. Sykos: For the record, Lonnie Sykos. Thank you to the Member for clarifying this Resolution again and providing us with the four (4) elements in it. I support all four (4) elements and I will ask the question, which is begged to be asked. Is it in our interest, as the public, that the members of Board of Water Supply understand the entirety of the body of law that applies to the County and water? In a perfect world, one would find candidates for the board whose life's experience had made them more than qualified and capable to make these decisions, but we do not live in a perfect world, and both the Board of Water Supply and the

Department of Water have demonstrated their failures in staying up to date with all of our water systems including the law in regards to the Hawaiians. I fully support this training, but the question is who is going to do it? Right? Who is going to do the training because my understanding is when people get appointed to boards even your training is utterly minimal—this is the address, this is where the front door is, this is the name of the person you talk to if you have any questions and that is about it? You have the testimony of councilmembers that it takes at least two (2) years for them to figure out how the staff in this system works, not to figure out what your actual administrative job is, your function as the board of directors for the business of this County. It is just how to perform the rules within this chamber. That same thing applies to everyone. I have sat on boards before and I started in high school learning Robert's Rules of Order and I am no expert in them after all the time I spent. There are a lot of details to all these jobs. How are we going to provide them with this education? I will point out to the County that if you do provide education and it turns out to be a failure, add zeros to the lawsuits. If the Board of Water Supply violates the Hawaiian's civil rights, because that is what this entire thing is about...the civil rights of a portion of our population which have been systemically violated for over one hundred (100) years. The day is coming when that goes to court—to civil trial—and they are going to be awarded damages, and I do not want to pay them.

Council Chair Rapozo:

Thank you. Mr. Hart.

Mr. Hart:

For the record, Bruce Hart. While you were gone, Council Chair Rapozo, Councilmember Kualii gave a definition of a clarifying question which I will never forget. You said, "X, y, z, what did you mean?" That is a clarifying question. I am in agreement with and am in support of all four (4) elements. I say it again, I am just not comfortable with it being a Charter Amendment. Again, to give you an example at the national level, let us say that the Presidential Office and the Senate and this was happening there and they said, "We do not want to ruin the Constitution." The Constitution is not a body of law which you just put in this, take out this, and add this. That is how I see the Charter. It is like our Constitution, and so I do not want to mess with it without some real heavy thought and discussion as to the ramifications, the collateral, and everything that is going to happen if we start doing this. If we start doing this type of Charter Amendment, do not think that other councils are not going to take advantage of that precedent and start putting in their things and wanting to take out their things. That is my real concern about where we are going, but I will say it again, this is a branch of government. That is so important to me. I do not see a whole lot of difference between county level and the national level, that is one of beauties of this republic. You have a lot of authority, and you are trying...I know from personal interaction with you, you are trying to be fair, and it is not always easy to be fair. Yes, I believe after the fifty (50) years that I have lived that there are certain portions of our community that have been under-represented and Hawaiians are one of them. I also agree with Mr. Sykos. They are getting smarter, they are getting educated, and they are going to speak their mind, and I want to it just like I like hearing Sherri. Thank you.

Council Chair Rapozo: Is there anyone else wishing to testify for a second time? Seeing none. Is there any further discussion? The Resolution is as amended. Go ahead, Councilmember Cowden.

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

Councilmember Cowden: I just have a procedural question because I have another amendment I would like to circulate, but do we need to pass this first?

Council Chair Rapozo: We have already voted on it.

Councilmember Kualii: No, we did not.

Council Chair Rapozo: Did we not vote on it?

Councilmember Kualii: You intended to.

Council Chair Rapozo: I am so sorry. Yes, we need to pass this.

Councilmember Cowden: Is it that I cannot say what it is until we pass this?

Council Chair Rapozo: Will it conflict with his?

Councilmember Cowden: No, it is not going to.

Council Chair Rapozo: Okay. Again, let us go ahead and vote.

Councilmember Kualii: Call for the question.

Council Chair Rapozo: Yes.

The motion to amend Resolution 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Okay, we are back to the Resolution, as amended. Go ahead and circulate.

Councilmember Cowden moved to amend Resolution No. 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 4, seconded by Councilmember Bulosan.

Councilmember Cowden: I basically took my main piece out which is defining the three (3) different positions: the Hawaiian culture position, the developer, and the business. I think all of them have a lot of value, but I would be comfortable with it if it says, "The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code," and then it just carries on. Obviously, I liked what I had when I first had it, but I think this is more supporting the concerns

of some of my colleagues here and I did not even have it be ethnic, but we just need to know the law, right? This is not about who has lived here for how many generations or not, this is about what the law is, and so having members receive training that help them understand the Water Code, including the Hawaiian Homes Commission Act, I think that it is not going to be violating anything and I really want us to all to be comfortable with what we are choosing. That is what my piece is. I will take out mine and just leave what is in the yellow, here that Councilmember Kualii put in, "All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code."

Council Chair Rapozo: Is there anyone with further discussion? If not, the motion is to amend, as circulated.

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

The motion to amend Resolution 2023-63, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 4 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. We are back to the main Resolution and the only addition is the most recent amendment that was just passed. Is there any further discussion? Councilmember DeCosta.

Councilmember DeCosta: Yes, I am trying to wrap my head around all of this and I believe it is the time to discuss this. I hear some very important people in our audience—beneficiary, Sherri Cummings—who I also enjoy talking to, although I do question some of the legitimate facts that were thrown up and down, but I have no way to prove that her facts are not true, so I enjoy listening to her. What puzzles me is we have a Board of Water Supply and Department of Water, we have Hawaiian Homes Commission Act, we have DHHL, we have Anahola, we have beneficiaries, but we do not have water. How hard is it to get water to our people out there? I asked this of Joe Tait and that solution. I know there is a spot in Lāwaʻi where we cannot give homeowners, Portuguese, two (2) family members and one (1) is a European, so three (3), all Caucasian. We cannot give them water. They have family land, four (4) generations during the pineapple industry that they purchased and similarly, we cannot give Hawaiians water in Anahola.

(Councilmember Carvalho was noted as not present.)

Councilmember DeCosta: Can we get a well dug? Can we use some of the solar power from Kauaʻi Island Utility Cooperative (KIUC) to draw that water from the ground level up, can we supply them a tank, and can we put infrastructure in Anahola? Let me finish, I am just doing my discussion, I am not asking anyone a question. I am doing a discussion with you folks to say if we do that for Anahola, it is great. I would like to see our Native Hawaiians benefit, but we should do that for every ethnicity who has land on Kauaʻi, who is struggling and cannot build homes in their area or family land. We do not make laws to benefit one (1) certain group of

people. We are held to do what is right for everyone, and what is right is to take care of the Native Hawaiians and the native Portuguese, and the native Japanese, and everyone else. With that said, I want to say that we need a plan for Anahola, we need a well, we need a tank, we need to allow rain catchment, and we need to put Hawaiians back on their land. It is more than what the County can do. It is DHHL. We had three (3) of them come speak to us in front here who did not even know the avenue to talk to Frank VanderSloot and get water; they did not even know that. Why? Maybe they need to understand the Hawaiian Homes Commission Act. I cannot support this. I support that we need to have people who understand the rights and I am glad that Councilmember Kuali'i put that in his amendment, but I think there is something already in place, and I think we are overthinking this and the mayor that we elect and in this democratic society is the person who appoints and we get to question, we get to approve, and we get to disapprove.

(Councilmember Carvalho was noted as present.)

Councilmember DeCosta: I know I ask a lot of tough questions of our commissioners, and I do not think I can support this. Thank you.

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

Councilmember Cowden: I just want to say that the Hawaiian Homes Commission Act is a law, one that I have heard about that I did not understand the depth of until Alan Murakami explained it in a way that I understood it. I think there is value in all members of our Board of Water Supply truly understanding the law. This is not about ethnicity, it is not about any of that. It is using the State Water Code and the law. We have taken just about everything else out other than to say, we need everyone who is on the Board to be aware of the law and to me, that is such a low bar that this is not working against anyone. It is simply asking for knowing the law, so with that, I will complete my statement, but I feel like this is so soft, yet so important.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. Having sat on this Council for quite a while with you, Chair, I think we have seen a lot of Charter Amendments come and go and we are always baffled after the election results on how the vote went on some of these that you ask yourself, "Do they really know what the Charter Amendment meant? Do the voters really understand what the Charter Amendment is implying to do?" On the other hand, "Is it really true that the passage of the Charter Amendment, what you are implying to do will really have that impact that everyone is saying it will?" For example, when we added the Department of Parks & Recreation, rather than being a division of the Department of Public Works, which I think a lot of improvements to the parks need to be under the County Engineer, because it works hand-in-hand—whether we have proper plans in place, whether we have the engineering-type of knowledge that sometimes needs to go into these improvements that we do—and when it passed, did it really get substantially better or did we just add layers of more management into the government? The people voted

and in many ways, I do not think they understood the financial impact that it would have, because it did add a lot of overhead that was not there before. I think that with this Charter Amendment, it is implying that if you pass this, even with the knowledge, though it may be little, will it improve our County's ability to service the Hawaiian Homes Commission Act? Will it substantially change the attitudes and the decisions that are made in the Board of Water Supply, or is it better for us to work within our power to have the discussions whether individually or in a meeting, to ensure that it improves now? That we take steps to comply, that we do what Councilmember DeCosta is saying—go forward with plans to provide a tank, a new water system—that can get by all the environmentalists and actually have impacts now so that we better service the law as we should be, as Councilmember Cowden said. For me it is what it intends to do and remind yourselves too, that only forty percent (40%) of the registered voters will be voting on it. What about the other sixty percent (60%)? Will it pass only by people on the list lobbying for that to happen, and again, will it actually lead to substantial change? I really do not think it will with a Charter Amendment, because I think we have to work through it through having more discussions, more actions now in front of this Council, if the Council wants to be more active in the Board of Water Supply decisions, but the Department of Water has gone through I think four (4) managers in the past ten (10) years. There have been huge turnovers. They have problems just functioning fixing leaks day-to-day. Now, we need to find a way to support them so that they can move these substantial improvements if we are not following the law right now, and then how do we fix that? Again, the Charter Amendment, I just do not feel is going to make any difference besides us writing up everyone in here that it is a golden goose, a golden egg, or whatever. For me, it is just not going to happen. There will be no substantial change and I really believe the voters would be very confused as to what this Charter Amendment is intending to do and what it will do. Thank you, Chair.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I want to start off by thanking Councilmember Cowden for introducing this Resolution. I want to *mahalo* the amendments that are on the floor and that passed. I want to *mahalo* the testimonies and all the thoughts. I am one hundred percent (100%) in support of this Resolution. I think it is a minimum starting point to help the community to get into alignment with what already needs to be existent just by law. It is pretty straight forward in my perspective. On the discussion that we have had today, and this discussion happens in our community all the time, I feel when you support...well, part of the community, it is not a zero-sum game when I see this. When I look at supporting anything that is social justice or anything that is related to supporting a part of our community, it is never a zero-sum game, so if I want to help one part of the community with a certain thing, specifically water rights, it does not take away from anyone else. In fact, it actually helps everyone because once you accept the idea of equity and justice for all, when you support one group, it supports all of us. It is a pretty straight forward process and in my mind it does not take away from anyone, because when you enable our Native Hawaiian community, it enables everyone around to support that. When I look at this, it is hard for me to look at a system knowing that it has injustices and keep it the same. It is just really hard for me to accept anything, because my mindset and the way I was raised was to look at everything that is always continually

improving. There is nothing in our lives that is perfect. I am not perfect, I do not believe our body is perfect, and I do not think our Board of Water Supply is perfect. No one is perfect, there is always room for improvement, and I am open-minded to looking at opportunities to make it better. I see this as an opportunity to give some power back to some place that did not have the power before, and in reality, there is a power vacuum. The best part about this is about education. This is about having the right tools and being empowered to make good decisions. That is one of the hardest things that was brought up in testimony. Whenever you have a Board that is making decisions, it is always better to have all the pieces to make good decisions and sometimes you just do not have all the pieces. I think this Resolution will then propose it the Charter Amendment that will give back more power to the community to make better decisions. I am in support of it and hoping to see it pass, here, then going to the next steps to see what the community thinks in that Charter Amendment.

Council Chair Rapozo:

Councilmember Kualifi.

Councilmember Kualifi: Thank you, Chair. Yes, absolutely. I think this is a proposal to be a Charter Amendment because that is what the process is. That is how we add language and the make-up of the Board of Water Supply. I think it is important we give the voters the choice. This came from a voter. This goes to the voters to decide. We have simplified it...I think it would be one of the easier Charter Amendments for the people to understand, because it just saying, "All members shall receive training." Training that will provide them with knowledge and awareness of water rights, and those water rights have been embodied in the State Constitution, the Hawaiian Homes Commission Act, and the State Water Code, all laws. Two (2) of those laws, the State Constitution and the State Water Code, applies to everyone in the State of Hawai'i. The Hawaiian Homes Commission Act is a Federal law from 1926, nearly one hundred (100) years of existence, and it applies to a specific group of people. They are not just any people, but the original people, the indigenous people of this land. We live in the land of the original people, the indigenous people of this land—native Hawaiian beneficiaries. Sadly, it is not even all Native Hawaiians, because they put this blood quantum in there, so it is fifty percent (50%), but the Act gave two hundred thousand (200,000) acres put aside, gave back to the Hawaiians, a small portion of all their lands. Two hundred thousand (200,000) acres, thanks to Prince Kūhiō, that the day would come that these lands would go back to the people and that they could provide for themselves—be self-sustaining. This is just the law. Yes, they should be doing it, but why not give the people the chance to vote to put that language in there...simple language...that gives them the assurance that it is being done? When they notice it is not being done and they raise their hands and say, "Hey, you are supposed to be doing this." At least they can culture a language in the Charter that says that, which was decided by the people. Now, for any concerns about knowledge and awareness, no one is asking for them to be experts or to be well-versed on legal matters. Most of us are not versed on legal matters. That is why we have the County Attorney here. The Board of Water Supply has their attorney, as well. This is just knowledge and awareness of the basic things that they should know about when it comes to water rights, the State Constitution, the State Water Code, and the Hawaiian Homes Commission Act. Please support this.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: I appreciate all the discussion and all of Sherri's *mana'o*, but I do not know if the Charter Amendment process is the right way to go. I know there is another way you can do it and do it with getting more people involved in the process first and getting the results in a different way, but with the same intent. Having gone through the Charter Amendment process and then understanding...I like the idea of the committee, but at the same time, there is another process I believe that can really incorporate more input in a way that will benefit all. I know that it can happen. It has happened in the past. I just feel with the Charter Amendment process which I totally understand...it is an awesome process...but I think you can get to that result in a more efficient and open way if we do it the right way, and I am willing to whatever we can to take it to that level and reach out into the community, bring them to the table, let us get out and come up with a plan that will really be inclusive for all, not just for a certain amount of people. That is just my *mana'o*. I just wanted to say that and that is where I am right now. I appreciate the healthy discussion. With a Charter Amendment, there is this whole process we have to go through, but I believe there is another way we can get more people involved and get the same awesome results that we need to get to. That is my *mana'o*.

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

Councilmember Kagawa: I have a question on the process. How many votes are needed to pass this Resolution? I know the vote today is just to send it to a public hearing, correct?

Council Chair Rapozo: We need five (5) votes.

Councilmember Kagawa: I do not think we have any problem getting the votes to go to a public hearing, but after that, we need five (5) votes to...

Council Chair Rapozo: I do not know.

Councilmember Kagawa: I thought Charter Amendments needed to have a super majority.

Council Chair Rapozo: It needs five (5) votes, but I am counting. As I am listening to your comments, it does not sound like the votes are there.

Councilmember Kagawa: Will we just vote on going to a public hearing today?

Council Chair Rapozo: That is going to be up to you folks. Let me make my comments and let me address a couple of the things that were said. Number 1, Councilmember Kuali'i said that this came from the public. This did not come from the public.

Councilmember Kuali'i: I said, "a voter."

Council Chair Rapozo: Yes, from a voter, but this is not what came from the voter. What came was a request so that we would have a Hawaiian beneficiary sitting on the Board. That is how it started. It did not start off with training. It started off with having a Hawaiian beneficiary on the Board. That is not legal, right? Obviously, we cannot selectively pick, so it was brought in to have these four (4) positions, and we are sitting here today, and we are going to change the Charter to have training. This is not what it started as. What the voter wanted was to have representation on that body, right? The second thing, as Councilmember Kagawa said, yes, we have sat at this table through many Charter Amendments and I remember Mr. Tokioka sitting right where Councilmember Bulosan is sitting and he said, "The Charter is like the Bible," and I said, "It is not like the Bible." The Bible is written history. The Charter Amendment is going forward, it is not history. It is not the same. To me, this language that we are looking at today does not rise to the level of a Charter Amendment, because it does nothing about structure. The Charter is set up to determine the structure of our County, so what was initially proposed to me, yes, rose to the level of a Charter Amendment. It did, because now you are going to dictate the make-up of a commission. What baffles me is this is not being done right now. I do not know if Ellen Ching is here, I am not sure she is here, but we should be training our commissioners on whatever commission they sit on, whether it is the Board of Water Supply, whether it is the Planning Commission, whether it is Liquor Control Commission, or whether it is the Police Commission, these folks should be getting an orientation with training. As far as the water, I have to say, I did not know about...as Councilmember Cowden talked about, until we got the briefing from Mr. Murakami. Honestly, I am embarrassed to say it, but I am not on the Board of Water Supply and I do not work for the Department of Water. I rely on them, and I rely on their expertise, but I was not aware. As I sat through that briefing and I am reading straight out of the law book, how can we even violate that? How can we violate that? The Office of the County Attorney represents all the different commissions so I am sure there is an attorney that represents the Board of Water Supply...and I am not going to call Matt up to ask him, because I would have to guess that person is well-versed in all the laws. All of them. If that is not happening, then that needs to be fixed. The law is the law. If we are not abiding by the Hawaiian Homes Commission Act, then honestly, we need to know about it. This body needs to know about it. We have audit power, we have Charter Section 3.17 investigative power, but I am not aware, and Sherri, we can talk offline, but I would like to know of a specific situation where we have violated that Act, because if that has happened, then someone needs to be prosecuted. That is the bottom line. It is the law, but we are not going to put in the Charter about how the Kaua'i Police Department is going to train their officers when they are investigating murders, rapes, robberies, or whatnot. That is not a structural part of that Commission. It is a policy, it is a training...it is not a Charter requirement. For those of you who do not understand, the only way that we can change the Charter is via a Charter Amendment via the election, which means every two (2) years. Commissions already have a difficult time filling their commissions and because this does not impact the make-up, this is just training. We could do a resolution right now, urging the Board of Water Supply or the Boards and Commissions Administrator to ensure that the Board of Water Supply members are trained in all of these relevant laws. I love the committee idea. That is why I asked you, Sherri, about how we can...we cannot tell the mayor what to do, but I can tell you that if I was the mayor, I definitely would have an advisory committee

with the beneficiaries. I definitely would, because I would want to know what is going on in the beneficiary committee. The other thing that Councilmember Kagawa brought up about how these Charter Amendments go on the ballot, a lot of the people do not even pick them because they do not understand. They do not. They leave it blank, or they will vote one way or the other just because they feel bad about leaving one thing empty. No thought. Honestly, who would think that the County Engineer did not have to be an engineer? Who would think in your wildest imaginations that in a County Department of Public Works, the Engineer does not have to be an engineer? Who would think that? Why do you think that they call it the "County Engineer," right? That is because they are an engineer for the County. Well, the public voted to remove that requirement in a Charter Amendment. Do you think that they really understood that or was it just marketed by the Administration to make that happen? The concept is spot on, and I will be honest, I just want to have Boards and Commissions up here right now to ask, "What training do you provide," but that is for another meeting. The Hawaiian Homes Commission Act is critical and again, I am not going to bring up Matt, but I would have to believe that when these issues are being discussed at the Board level that it has to be on the forefront of the discussion. It has to be, and if it is not, then shame on them. Those are my thoughts. Again, just in closing, "All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code." That needs to be done already and we do not need a Charter Amendment to make that happen. We do not. To me, the Charter is our Constitution, as Mr. Hart said. It is not meant to put in policy or law. It is meant to be the structure of our County government. Thank you. Councilmember Cowden.

Councilmember Cowden: I can do the math easily and I do not see that we have five (5) votes. I see that in the last amendment, there is a part in Section 4 that needed to be changed also. Do I need to circulate an amendment to correct it before we vote on it, or if we know it is not...

Council Chair Rapozo: I do not think you have the votes. I do not think there are five (5).

Councilmember Cowden: I do not think there are five (5). I am speaking to, particularly the beneficiaries that are out there listening. I am happy to bring this to the Board of Water Supply just to be requesting it, I can introduce a resolution to say that we want this to be in there. I could probably just testify. I will say that I go to the Board of Water Supply meetings, I stopped a bit during COVID-19 after I got tired of being on the phone, but I have never heard the Hawaiian Home Commission Act come up in a Board of Water Supply meeting in probably three (3) years of attending. I have never heard it come up. Do I need to circulate this to correct it? Okay. I am just telling the beneficiaries out there that I tried to bring this forward for...I recognize that I cut it down to just the training because I saw that is what really needs to happen, so that invalidates the reason for it to be a Charter Amendment. I get it. I will probably still vote yes, just because I brought it forward, but I get it and it is no problem.

Council Chair Rapozo: Again, it is just a matter of what you believe the Charter is.

Councilmember Cowden: Alright, and I guess it is not this.

Council Chair Rapozo: Requiring training does not belong in the Charter, because it is almost...

Councilmember Cowden: I get it.

Council Chair Rapozo: Yes. I am speaking to the public. I have not gone to a Board of Water Supply meeting in my life. I just have not. Like I said earlier, the fact that we are not addressing the Hawaiian Homes Commission Act as it should be, is shameful. It is really appalling because it is a law. It is no different than any other law that we have, so yes, I would encourage someone to introduce a resolution...a regular resolution. When the resolution hits the floor, we will have them up here—Boards and Commissions and the Department of Water to answer what their current practices as it relates to this specific issue. Go ahead Councilmember Kagawa.

Councilmember Kagawa: I wanted to say that I know that they regularly check our Council agenda, so I guarantee you, either the Deputy Manager-Engineer or the DOW Manager is watching...you can wave to him. They know. Troy sits on the Board of Water Supply. They know. The question is, what are they going to start doing to try and speed up compliance so that we do provide water for these homes and are ready to go? They are low-hanging fruit. Chair, thank you clarifying. I think I will not support it going to a public hearing because there is no sense if the Charter Amendment is not something that we should be doing anyway. I will be voting “no” for the public hearing. Thank you.

Council Chair Rapozo: Real quick as a follow-up. The question really is what they are doing, the question is what are we, as a Council, going to do to make sure that they do it? That is why I mentioned the two (2) options that we do have on the Charter, which are the audit and the investigative options. I take this very seriously. I do, and Sherri and I have had many discussions offline and her knowledge of everything Hawaiian and the history of this place is just incredible, so I do not take this lightly and I expect that these laws that are in place are followed. We just do. Councilmember DeCosta.

Councilmember DeCosta: I do not want to beat the dead horse with a stick.

Council Chair Rapozo: Then do not.

Councilmember DeCosta: I am like you, Council Chair Rapozo. I am embarrassed that I have never been to a Board of Water Supply meeting, but my colleague said she went to many of them pre-COVID-19.

Councilmember Cowden: I did for probably three (3) years.

Council Chair Rapozo: Address it to me.

Councilmember DeCosta: Some of us have been to that meeting. I know I have not, and you have not. I want to ask, have we asked the Board of Water Supply what they are going to do for the Anahola subdivision land that is owned by DHHL, what is the plan to put in some infrastructure, and whether we are going to hold the bag as a County on funding that or whether we are going to have a private source fund it, whether we are going to have the people of DHHL, who are the beneficiary homeowners, fund that? Where is the plan? I asked for the solution. We all tell a good story, we come up with all these resolutions, we make yourselves look good, but where is the plan in place? I would have asked the Board of Water Supply and Department of Water, "What is our plan in helping the Hawaiians in Anahola?" Let us get out there and dig a well, put a tank, put a rain catchment, a three-hundred-gallon facility on each home and put the water from the well into the big tank, put the big tank into the small tank and Hawaiians can live there.

Council Chair Rapozo: Okay, Councilmember DeCosta, the horse is dead. We are talking about just the Resolution.

Councilmember DeCosta: This is a really good idea. We only talk about things that do not make sense. I am making sense right now. Let us move and make something happen for the people out there.

Council Chair Rapozo: I have shared that I would definitely entertain a briefing.

Councilmember DeCosta: I am going to the Board of Water Supply meeting next.

Councilmember Cowden: Can I help?

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I want to say with a big "yay" to DHHL and the Department of Water. We have a brand-new water tank at the top of the mountain in Anahola. We had a blessing on its construction. It is up, and it is working. That happened within this last year, and I was there, so you do not have to go talk to them about that because it is done.

Council Chair Rapozo: Okay, Councilmember Bulosan.

Councilmember Bulosan: Based on the discussion, I am really grateful that we have the make-up of the Council because you proposed two (2) really great ideas and I am in support of that if this Resolution does not have the votes and we need four (4), right, I am happy to move on to some of the suggestions that you made.

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

The motion that Resolution No. 2023-63, as amended to Resolution No. 2023-63, Draft 1 be ordered to print, that a public hearing thereon be scheduled for December 6, 2023, and that said Resolution be referred to the Committee of the Whole was then put, and failed by the following vote:

| | | |
|-----------------------|---|------------|
| FOR MOTION: | Bulosan, Kuali'i | TOTAL – 2, |
| AGAINST MOTION: | Carvalho, Cowden, DeCosta, Kagawa, Rapozo | TOTAL – 5, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Ms. Fountain-Tanigawa: Two (2) ayes, five (5) noes.

Council Chair Rapozo: The motion fails. With that, we will take a caption break for ten (10) minutes, and we will wrap up with our last resolution.

There being no objections, the meeting recessed at 10:28 a.m., for a caption break.

The meeting reconvened at 10:41 a.m., and proceeded as follows:

Council Chair Rapozo: Next item, please.

Resolution No. 2023-65 – RESOLUTION JOINING THE STATE LEGISLATURE IN REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A FILIPINO HISTORY, CULTURE, AND IDENTITY SOCIAL STUDIES COURSE FOR HIGH SCHOOL STUDENTS

Councilmember Kuali'i moved for adoption of Resolution No. 2023-65, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: Before I do a quick sharing about this, I do have a quick Floor Amendment, just a housekeeping item to add at the end of the BE IT FURTHER RESOLVED. I will have staff disperse that quickly to you folks.

Councilmember Bulosan moved to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 5, seconded by Councilmember Cowden.

Councilmember Bulosan: Basically, it is adding the principals of the high schools to receive this formally.

Council Chair Rapozo: Go ahead, Councilmember Bulosan. Is there any public testimony regarding the amendment to add the principals of the high schools here on Kaua'i? Seeing none, is there any further discussion on the amendment? Seeing none.

The motion to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 5 was then put, and unanimously carried.

Council Chair Rapozo: Councilmember DeCosta, you have a...

Councilmember DeCosta: I have an amendment, but I wanted him to introduce his Resolution first before I give my amendment. If you could, give a small briefing of your Resolution, and then I will present my amendment.

Councilmember Bulosan: Perfect. I did prepare a quick presentation, so I will have our team pull it up. There is a video. I do want to show the process of this, of where this Resolution came from. We will start with the video, I will share some words, and then I will open it up to you folks. Thank you, staff, for helping me put this together and getting this video played for us.

(Video presentation during discussion on Resolution No. 2023-65.)

Councilmember Bulosan: Thank you, staff, for sharing that video. There are four (4) points I want to add to that. First, last month was October, which is Filipino-American History Month, and to no surprise that Filipino-Americans here in the State of Hawai'i had another landmark thing to celebrate and made history, which is the first state in the United States to offer a social studies elective class on Filipino History and Culture. That is something worth noting that this Resolution is in support of that and that movement. The last two (2) things is that this Resolution is in alignment with the State of Hawai'i House Concurrent Resolution No. 56 in 2022 that was adopted, and basically this Resolution is to help our local school here on Kaua'i to look at allowing this elective to be chosen by students who have requested it across the State of Hawai'i. By sending out this message, I think it will resoundingly help all of our communities throughout our...especially our students to find an opportunity to learn more about their culture and one (1) last point, the best and most amazing thing about this is that this Filipino Curriculum Project opens the pathways for all of our other cultures on Kaua'i and the State of Hawai'i to similarly utilize this same path to make sure that there is representation. Whether you are of Portuguese descent or Japanese descent, now there is a clear way to make sure that you history and culture can be included in our Department of Education (DOE) curriculum, and I am assuming that the Filipino Curriculum Project will be happy to help, and I am sure they will comment on that, too. I will leave my comments there and look forward to our discussion and comments from our community.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Thank you for that explicit definition of your Resolution. I have an amendment that I would like to circulate.

Councilmember DeCosta moved to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 6, seconded by Councilmember Kualii.

Councilmember DeCosta: I have added...may I explain?

Council Chair Rapozo: Sure.

Councilmember DeCosta: Or should I give everyone the time to read it? Councilmember Bulosan made a very critical point in saying this is a pathway for different ethnic minority groups to put forward their history and their piece of culture into this movement and I did not see him mention in his Resolution the different types of ethnicities that made an impact in our historical movement since the landing of Captain James Cook. I added in the WHEREAS, at the end, with the BE IT RESOLVED. I added in the WHEREAS, it says, "WHEREAS, in addition to the above-referenced educational improvements emphasizing Filipino culture, many other people groups have also had a profound impact on communities throughout Hawai'i, especially during the plantation era, including: Japanese, Chinese, Korean, Puerto Rican, Portuguese, Spanish, and other European, Asian, and other groups; now, therefore, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council joins the State Legislature in requesting that the Department of Education evaluate the above-referenced requests relating to Filipino culture, in consideration of the many cultures that contributed to the plantation era."

Councilmember DeCosta: I am not the only school teacher that sits on this Council. My colleague Councilmember Kagawa has been teaching as many years as I have, actually, and right now Farrington and Waipahu have the liberty to include Filipino curriculum in their history class. As teachers, we do not need a bill, a resolution, or a State movement to teach curriculum. We go to our Principal, we provide the curriculum and he or she gives us their permission, so if you wanted to teach a Filipino, Japanese, Chinese, or Portuguese curriculum, even at our local high school in Waimea, you take it to the Principal and say, "I want to integrate some of this," and you have to give a category and the category I see is the Plantation Era. The category is not just the Filipinos that came. Why did the Filipinos come to Hawai'i? They came to work in the sugar plantation. They came around 1903 or 1909, if my dates and teaching of historical traditional movements serve me right. When I look back in history, the Chinese were the first people who came to Kauai...came to Hawai'i, actually. One hundred ninety-two (192) of them came in 1852; they were the first immigrants brought in. Then there was a Chinese Act that the Chinese government said, "No more of our workers will be sent to Hawai'i." That is when they brought in twenty-nine thousand (29,000) Japanese. The Japanese were the first immigrants who made an impact in the Plantation Era. The Japanese went on strike during the Plantation Era for better wages. They were only earning five cents (\$0.05) a day. I am giving you some really good history because I believe that we need to turn this into a Plantation Era course instead of just recognizing the Filipino community or the Filipino ethnicity. I highly respect them. I think they have done great things in Hawai'i, but I think that if we can send that message to our State Legislators that there is more to this, there are more cultural immigrants that need to be recognized, I think there is a way crack that. The only reason why I put "Plantation Era" versus labeling the many different ethnic groups like Japanese, Chinese, Korean, is because as teachers, every senior that graduates needs to have twenty-four (24) credits. It is a course that is mandated. If this Filipino Cultural course becomes a mandate, then

it take away from another elective that they could take. If it is an elective then they can take it, but then can you imagine if you had a Portuguese elective, a Japanese elective, a Chinese elective? Pretty soon, there will be so many electives out there and their graduation requirements may be raised. I am just saying that I think the better way to categorize this is to promote all ethnicities across the State who have had an impact during the Plantation Era. Thank you.

Council Chair Rapozo: Thank you. Does anyone else have any questions?

Councilmember Cowden: I have a question on his amendment.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Looking on the second page...okay, now and therefore. Nevermind. I see what was bracketed out.

Councilmember DeCosta: I did not change anything. I just added.

Councilmember Cowden: You just added. Yes.

Councilmember DeCosta: This is the exact same Resolution. I just added.

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

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

Mr. Sykos: Could you re-state the amendment, please?

Council Chair Rapozo: Councilmember DeCosta, do you want to read your paragraph? It is an addition to the existing Resolution. Go ahead.

The meeting was called back to order, and proceeded as follows:

Councilmember DeCosta: The existing Resolution promotes teaching Filipino curriculum at the high school level. I added a WHEREAS. "WHEREAS, in addition to the above-referenced educational improvements emphasizing Filipino culture, many other people groups have also had a profound impact on communities throughout Hawai'i, especially during the plantation era, including: Japanese, Chinese, Korean, Puerto Rican, Portuguese, Spanish, and other European, Asian, and other groups; now, therefore, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council joins the State Legislature in requesting that the Department of Education evaluate the above-referenced requests relating to Filipino culture, in consideration of the many cultures that contributed to the plantation era."

Councilmember Cowden: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I need help with my understanding of what this says. While I agree that each of these cultures brought so much and the study of them is important, when we use the word...I am looking at the BE IT RESOLVED, where it says, "evaluating," to me I would probably be more comfortable if it says, "include the above-referenced request along with the Filipino culture." When we are saying, "Evaluate the above-referenced requests relating to the Filipino culture," it sounds like you are saying, "Think about if this is even fair." That is what "evaluate" means. Is that what it is saying, or is it saying, we need to do all of it?

Councilmember DeCosta: I will answer it for you. Evaluate means, like Farrington and Waipahu, who are doing it right now, and Farrington is going to be the pilot school, the majority of their community is Filipino. They evaluated that and said, "This is very important," but if you go to other communities, the majority might not be Filipino. The majority might be another ethnic group that is living there, so it does not take away the context of how the Resolution was written, it gives the DOE that tool to look at the broader spectrum of the community that the kids are coming from.

Councilmember Cowden: I have a follow-up question, Chair.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: This is for Councilmember Bulosan. What are your thoughts and response to this? Does it support, dilute, or up-end your goal?

Councilmember Bulosan: Yes, this is in support. Like I mentioned in previous discussions, I do not see anything in supporting our community as a zero-sum game, so if we can include the whole of our community in these discussions, I think it is great. For that the work that the Filipino Curriculum Project and the students that came together to make this possible, I do not think in any of their mindsets that it was looking to exclude anyone. It is just the nature of their thoughts around their particular heritage, so this is all in the...

Councilmember Cowden: Are you good with it?

Councilmember Bulosan: Yes, this is great.

Council Chair Rapozo: With that, I know there is someone in the audience wishing to testify, so I will suspend the rules. Hold on, let us vote on the amendment. Councilmember DeCosta's amendment is on the floor. It has been moved and seconded.

Councilmember Cowden: I think she wants to testify now.

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

Ms. Cummings: Can I testify on the amendment? No?

Council Chair Rapozo: You can testify. Do you mean on the addition?
Sure.

Ms. Cummings: Sherri Cummings, for the record. I love Filipinos. My niece was Miss Kauaʻi Filipina.

Council Chair Rapozo: Mine, too.

Ms. Cummings: Yes. She is amazing, she is beautiful, Kelsie Cummings. I wanted to say, in regards to Councilmember DeCosta's amendment, I am wondering why we are focusing on the Plantation Era? I was just trying to listen to it and get a feeling about it, because the history does not start at the Plantation Era, not for a Hawaiian anyway, not for someone who is...I go back eight (8) generations here on Kauaʻi and then my family comes from Hawaiʻi Island, Maui Island and Niʻihau. Before the Plantation Era, if we are talking about history, the Plantation Era was just for economics, but what was before that? Before that, was whaling. Whaling and trade. Who was whaling and trade prior to that? It was Europeans. I do not see the need to put it in, because that is only saying, "during that time period." I think this should be a segue and the Filipino community should be the trailblazers of more to follow—of different ethnicities to include that and it is funny because I was watching that, and it says that they were a minority. You are looking at the minority, Hawaiians, and even the little that they have for us for Hawaiian Studies does not even touch the surface of a real curriculum and you made me think about what we should do now, because we all contributed, even Germans...my German side of my family. We were all contributing factors to making this a "melting pot" and I think it should be just the way it is, and if there is anyone that wants to add, like how you said Councilmember DeCosta and Councilmember Kagawa, a curriculum, you can. I think this is amazing and I want to say that. Thank you.

Council Chair Rapozo: Are there any clarifying questions?

Ms. Cummings: Yes.

Councilmember DeCosta: I would like to answer her question.

Council Chair Rapozo: Okay, you can answer.

Ms. Cummings: Did I ask a question?

Councilmember Kualifi: I have a clarifying question.

Ms. Cummings: I did not ask a question, but I will take a response.

Councilmember DeCosta: Why did I use the Plantation Era?

Council Chair Rapozo: Okay, that is fair.

Ms. Cummings: Okay, yes.

Councilmember DeCosta: I do not know if you noticed or not, and I do not ever mean to disrespect your *mana'o*, but as a teacher, in our curriculum we have Hawaiian history so we teach the Hawaiian history from when your people came in canoes, that is all taught up until now. The Plantation Era theme is because that is why the Filipino culture came to Hawai'i, was to work on the plantation. That is why the different minority groups came was the Plantation Era. It was not to talk about promoting the Big Five or the Europeans with their financial economic background. It is to promote why our minority groups came and how they are making a melting pot. I wanted to answer your question.

Ms. Cummings: Thank you, and I want to say that I am very versed on the Plantation Era because my forefather, William Humphreys Cummings started sugar, Maui Reciprocity Sugar.

Councilmember DeCosta: Thank you very much.

Ms. Cummings: Dole was under him. He was the largest shareholder, so I understand that part about the different types of ethnicities that created the sugar plantation.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Are you speaking in favor or opposition of the amendment?

Ms. Cummings: I think it should be just the way it is.

Councilmember Kualii: This is the amendment we are talking about.

Ms. Cummings: I do not support it. I just want it the way it is. Thank you.

Council Chair Rapozo: Mr. Sykos.

Councilmember Cowden: We have another one. I think in the front, also.

PATRICIA HALAGAO: Aloha everyone, my name is Patricia Halagao. I am a Professor and Chair at the Department of Curriculum Studies at the University of Hawai'i (UH) at Mānoa, College of Education. Thank you for having me. I wanted to comment on the amendment, and I want to point out that I appreciate the importance of bringing in other ethnic groups, other cultural groups and adding that on. I do like the intent of the focus on Filipinos, but agree that we want to have an inclusive history that is being taught. Perhaps rephrasing it as the inclusion of a multi-cultural history and culture of Hawai'i, might be more inclusive. I agree that we do not necessarily just want to focus on the Plantation Era, because there are contemporary contributions of Filipinos, as well. I do feel that what the Filipino Curriculum Project has done is open the doors for others and I do like the idea of being inclusive and adding other groups.

Council Chair Rapozo:

Thank you. Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I am a second generation American from one side of my family. I understand immigrants. My father underwent quite a bit of discrimination from the country that he was from at the time. I was interviewed in elementary school by the Federal Bureau of Investigations (FBI) twice in the vetting of my father's security clearance and my security clearance which I have held since 1963 and still hold. If you are a second, third, fourth, tenth generation American, you are detached from the immigrants' experience. If you are fourth generation, you would never have talked to anyone that was an immigrant, they all died before you were born. I object to this amendment because the Filipinos, all the things that are said in this, all the discrimination they faced in the past, and all the discrimination they face today. This is nothing more...and I will speak as who I am ethnically, which is a White-American, and this is the White Nationalist Racist language that refuses to acknowledge the Filipino for just being Filipino and you cannot acknowledge them unless you acknowledge me as well. Right? What is wrong with having a purely Philippine course? You go to University, they get African-American, Asian-American, and Chinese-American...I can go get a degree in Iranian...anything. What is the problem in having a purely Filipino? How many of you object to the fact that we have a Philippine Cultural Center? Should you not be having a Resolution to change its name, so it is inclusive? God forbid that someone like me would ever go to their cultural center. It is absurd. We need to get on to the basic thing, but thank you, Councilmember Bulosan and I hope you are successful in the challenges you face in your civil rights progress in Hawai'i and in America. God bless you.

Council Chair Rapozo:

Is there anyone else? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. You know, this is a huge issue. There is a word that describes it and most of the youth that I have spoken to in regard to this kind of issue...the word is "hegemony." Leadership or dominance especially by one country or social group over others. It is difficult because of human nature to recognize one group of people over another group of people, whether it is race or ethnicity. Ethnicity, let us describe it. It is culture. It happens to be those particular characteristics that establish one group of people over another, their history, where they came from, and I do not see anything wrong in taking pride in my heritage. This Resolution recognizes one (1) particular group of people, but I have nothing against Councilmember DeCosta's amendment recognizing other groups of people. This is an extremely emotional subject, and I am nervous just even talking about it, so I am trying to be as precise as I can. The Bible says, "We are all of one blood." You see, this is where I come from. What that means is that we all share the same blood. I want to see a world, I want to see a community where there is no question of, is my value because of where I came from, but my character, that is where my value comes from. Thank you.

Council Chair Rapozo:

Is there anyone else? Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I was absolutely serious when I posited a question for the County Council. In regard to this

amendment, should we not change the name of the Kaua'i Philippine Community Center? That is all of you. I will dog you for the rest of your political careers or answer the question, right?

Council Chair Rapozo:
the name.

The answer is no. We are not going to change

Mr. Sykos: So anyway, that is the end of it, but in regard to his civil rights and everyone else's, that is the question before you. Should you genericize everything? Should nothing say Hawaiian, nothing say Filipino, nothing say Chinese, and everything be some uniform anachronistic term that does not even exist today? Councilmember Bulosan, you have one hundred percent (100%) my support and what you are doing is not bigoted, it is not bigotry, it is not prejudice, it is absolutely normal in our society that we learn about specific things. This is like saying, "You should have learned about butterflies because you are not studying cockroaches." Right? Are we going to study insects? Why should we study one (1) and not be able to study the other one? So, neither cockroach nor whatever I said, but the question is, why should we not be able to study one (1) thing in depth instead of...Asia is not a uniform place. You cannot claim to understand the Philippines or Indonesia if the only thing you have ever been exposed to is Korea. To say that all of Asia can fall into one (1) thing is like, well yes it can, but you are not going to learn very much about the Philippines given how big everything else is. Likewise, Hawai'i today comes from the Plantation Era, but we are what we are today more because of World War II than because of the Plantation Era. That is where our economy is today. World War II brought us tourism. World War II brought us all the massive federal investment in the islands, and our entire industry, including our airlines, is all about having fuel in the islands for the military. There are different ways to look at history and I support yours of looking at one (1) portion of the ethnic history in Hawai'i. Thank you very much.

Council Chair Rapozo:

Is there anyone else?

Ms. Cummings: Lonnie brings up a good point. Sherri Cummings, for the record. I can sit here today and say I feel like I am violated, because what just happened the prior time I testified. I was asking for what law is regarding DHHL beneficiaries, and unfortunately, we go into that ethnicity part and the national part of it being Hawaiian. I did not sit here and cry. I am going to try and figure out this process, but I can sit down and say that what you said could not happen to me, but might pass for Councilmember Bulosan. I am not like that because what Councilmember Bulosan is doing is amazing and he is talking about ethnicity that you folks a little while ago said, "Oh, he cannot, Hawaiian. We cannot talk about Hawaiian stuff. We are not worried about DHHL because we need to get DHHL to take care of DHHL's people, blah, blah, blah." It is no different. Councilmember Bulosan, Filipino, Sherri Cummings, Hawaiian. You folks said, let Hawaiian Homesteads care, now you are trying to say something to the effect regarding Councilmember Bulosan and what he is doing...other ways and means to take care of what you folks are trying to pass Resolution-wise, but I am not here crying, I am saying, "Support him." I think it is amazing. There is a history behind Filipino in Hawai'i amongst others and again, you make me think what I should be doing for our

Hawaiian people and DHHL beneficiaries. That is something that I think of as a curriculum, too, for school. *Mahalo*.

Council Chair Rapozo: Thank you. I will just say that the difference is that the prior Resolution was for a Charter Amendment. This Resolution is just to basically tag along with the State's...

Ms. Cummings: We were talking about ethnicity, Council Chair. That is what I was talking about.

Council Chair Rapozo: I understand. Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I am not against this Resolution. I am not sure I see the necessity of it. If the State wants to support and our students that put it together and they want to support an educational program on Filipinos, I do not have anything against that. I do not have anything against anyone because they are Filipino or Japanese or Portuguese or... I probably have some Portuguese blood somewhere. Get one of those DNA tests and find out. They seem to be popular. I love the Hawaiians and I love the Portuguese and as far as culture, when I came here, the culture, those ethnicities, those characteristics to the culture that fascinated me the most it still does are the Japanese. The honorifics within the Japanese culture are amazing to me. It is a characteristic that came out of their culture because it defines them and how they relate to each other. All of that I have nothing against. Taking pride that your heritage is Hawaiian, I do not have anything against that. Let us not forget we were all created by God in his image and as far as nationality, we are all American, are we not? Thank you.

Council Chair Rapozo: Is there anyone else?

Ms. Halagao: My name is Patricia Halagao and I wanted to state that I think it is important in all of this to look at in-depth of a particular culture in history as well as looking at it in the context in relation to others. For the Filipino Cultural Curriculum Project, the students are very interested in learning about their own histories, but as you saw in the curriculum, it is about culture and connections, so it is about looking about others and having others look at their own identities and who they are. I do believe that I like the idea of the Resolution starting with Filipinos opening doors for others and I want to end by saying when I teach courses that talk about the importance of curriculum being windows and mirrors—windows to the world, but then also reflections to their own. I got this is from another educator scholar, so again, I think both are needed to look at who you are in-depth as well as being inclusive of others.

Councilmember Cowden: I have a clarifying question. Can you tell me again what your professional role is?

Ms. Halagao: I am Chair and Professor in the Department of Curriculum Studies at the College of Education. It is one of eight (8) departments. A former elementary teacher myself, I also served on the Hawai'i State Board of Education from 2013 to 2016, so I have experience in terms of looking at policy as

well as curriculum, as well as practice in the classroom. My last point is that I was advisor and mentor to the Filipino Curriculum Project, so I am part of the education design team and so while the initiative was spearheaded by students and inspired by students, it is really important now so that they went in-hand with educators who also knew about curriculum development and navigating through the system.

Councilmember Cowden: Can I ask her a question or two that is just a little bit of an expert on the topic.

Council Chair Rapozo: She is not here as an expert, but what is your question?

Councilmember Cowden: I wanted to know is this a one (1) semester or two (2) semester course?

Ms. Halagao: Great. It is a one (1) semester course.

Councilmember Cowden: It is a one (1) semester course.

Ms. Halagao: Correct and it is an elective social studies course.

Councilmember Cowden: One (1) semester elective social studies course, okay. Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I have a clarifying question. You mentioned the word “inclusive.” Do you see my amendment as me being inclusive, or do you see it as me being a dictator of how we do our course curriculum and who we assign it to?

Ms. Halagao: I see that a new amendment is added on to the Resolution that is focusing and acknowledging the Filipino history and culture, so I do think it is inclusive and adding on to that Resolution. I do think that your amendment might want to be broader in that we are talking about the multi-cultural history of Hawai‘i, not necessarily pigeonholing it to the Plantation Era, because I think the contributions of many others started with our indigenous native Hawaiians. In fact, Filipinos were here during the sovereign time of when Hawai‘i was its own kingdom, so they did not just start coming when they were in the Plantation Era.

Councilmember DeCosta: I appreciate you saying that because you come with credentials and everyone is listening to you, and from my heart, I can tell you that I only came from a good place with inclusion, equity, and equality for all, not only students but every ethnicity at that school. When you as a curriculum designer and you have that curriculum that you give out to your instructors, does that instructor have the ability to tweak the curriculum and if it is geared toward a certain area in Hawai‘i, the way they teach the curriculum, do they have the availability to where they can tweak it to make it fit certain pockets in a classroom that might seem

interested to your audience who are your students? Do they have the ability to do that?

Ms. Halagao: Yes, I always think of the standards as a base and one that you can build off of. Our standards very much focus on concepts or universal types of issues, so I think it is an obligation of the professional to look at your community and make sure that it is responsive to the community as well as also open it up to other perspectives.

Councilmember DeCosta: I have one more clarifying question.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: I am so happy to say that to the community because I made a couple of phone calls, and I talked to our superintendent. I am plugged in, I make my calls, I do my homework. Waipahu and Farrington are at the forefront. You mentioned the community. What is the largest ethnicity in that community?

Ms. Halagao: For Farrington and Waipahu? Specifically the schools?

Councilmember DeCosta: Yes.

Ms. Halagao: They are the majority of the school population.

Councilmember DeCosta: What is the population?

Ms. Halagao: I think Waipahu is sixty-five percent (65%) and Farrington is close to that, as well.

Councilmember DeCosta: What is that ethnicity?

Ms. Halagao: Filipino.

Councilmember DeCosta: With that being said, if there was a community that had a large Asian population, maybe like Mānoa Valley and they wanted to teach a little of an Asian course, would that Principal have the ability to let the teacher design the curriculum and address the audience who is the students if they would like to learn about their Japanese culture?

Ms. Halagao: Yes, I believe so, and I would like to say that we did start with Farrington and Waipahu as the schools to pilot it, but other schools that have supported and sign on to the proposal or supported the proposal were Roosevelt High School and Kapolei High School. The principals are very supportive and at Roosevelt, they are not necessarily the majority. They are about twenty-five percent (25%), but they felt like it is also important to learn about a large population in the State of Hawai'i overall, so I do not think you need a majority of the population

in order to learn about this curriculum. Again, windows and mirrors—it helps understand everyone in our community, but I do think to your point, educators, I hope, have the freedom to believe that they can inclusive and include multiple groups that are reflected in the community.

Councilmember DeCosta: Thank you.

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

Councilmember Kuali'i: You gave us suggestions. You said, "Multi-cultural history of Hawai'i" and you said, "Remove the thing about the Plantation Era," so do you support the amendment, as the amendment is written? We are voting on the language that is before us.

Ms. Halagao: I believe in the intent of it, but I would rephrase the amendment to be more broad in terms of being inclusive of the multi-cultural histories and cultures of Hawai'i.

Councilmember Kuali'i: Thank you.

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

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

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I would like to address my six (6) colleagues. If they feel like putting in "multi-cultural ethnicities within the community" and take out "the Plantation Era," I am fine with that.

Council Chair Rapozo: Okay.

Councilmember Cowden: Can I have feedback on his question?

Council Chair Rapozo: Go ahead.

(Councilmember Kagawa was noted as not present.)

Councilmember Cowden: Emotionally, I definitely react when I see, okay it is only about one group then what about all the rest, and when I see yours here, because I put so much focus on the Marshallese and then the Micronesians, and the tragedies that have happened to them and the cultural richness that they have. The reason I asked her, is this one (1) semester. This is a one (1) semester elective. We have one (1) semester electives on gender studies...we even have two (2) semesters on that. If we had one (1) semester on the Philippines, I know, I watched "Untold Triumph," oh my gosh, it was life changing for me to see this film about our teenagers from Kaua'i regarding what Filipinos went through in World War II, and they actually helped save the day. They actually helped turn around World War II,

so did our Japanese, 522nd Infantry [sic]...teenagers from Kaua'i, tip of the spear into France. All of these are super important, and you cannot really do one (1) semester and hit all of these. I read "Imperial Cruise" which is about Woodrow Wilson and the Spanish-American war...huge in my understanding...

Council Chair Rapozo: Councilmember Cowden, we are on the amendment.

Councilmember Cowden: I am talking about the amendment.

Council Chair Rapozo: You are talking about World War II and just...

Councilmember Cowden: Well, so I am saying I think when I am hearing that this is a one-semester elective, we are completely watering it down with this. My normal reaction is, we need a class on every one of these. We need the Korean experience, we need the Japanese experience, we need all these.

Council Chair Rapozo: Hang on. Let me just remind you folks that this Resolution was introduced to support the House Concurrent Resolution (HCR) that came out of the Legislature. We are not creating a new resolution. This is a Resolution that is jumping on board with the State Legislature, so that is what we are doing. We did not write this language. This language came right out of the HCR and nowhere in this Resolution does it say one (1) semester, two (2) semesters, three (3) semesters, four (4). It does not. It just says, please consider creating a curriculum for this. That is all it says, and the DOE is going to do what the DOE does or the Board of Education (BOE) is going to do what the BOE does. This is a Resolution. It is not specifying the curriculum for the DOE. We are jumping on board with HCR 56 from the Legislature, and it is either you support it or not. If you want to tag along...trust me, I have questions. I was going to save this for my comments, but we are waiting for the amendment to be written, if you look at the Resolution, the HCR which is identical to what this is, the first three (3) paragraphs talk about hate crimes. They created this HCR because in 2020 news reports against an anti-Asian, not Filipino, anti-Asian hate crimes increased nearly one hundred fifty percent (150%). It has nothing to do with Filipinos. The second paragraph says, "research on the use of racist language shows that language does have a profound impact on how people behave towards marginalized groups." There is nothing about Filipinos. "WHEREAS, increased education and understanding of Asian American history and culture and the contributions of Asian Americans can reduce incidents of hostility, violence, and discrimination." All those three (3) paragraphs address the hate crimes that have been happening. Do you remember that one (1) phase when hate crimes were on the news every night. In fact, in Honolulu, we had our own incidents in Chinatown and other places where Asian-Americans were getting targeted. From there the HCR talks about the lack of mandated curriculum regarding Asian-American history, not Filipino history, Asian-American history. Then the Resolution talks about the importance, the demographics, and the numbers of Filipinos in our culture, in our Hawai'i culture in our Hawai'i State. The whole premise for this was Asian-American hate crimes and then it had to have been a Filipino legislator who introduced the Bill...I mean that is not offense. The only

reason there is no Portuguese does not have plenty...you know why? Because on that census block there is not a Portuguese block which I think is horrible, because we have a lot of Portuguese in Hawai'i. When I do my census, there is no Portuguese...it has "Other," but then I am just "Other." Why is there no Portuguese on the census? I always ask...you know...if you have questions or problems...they told me, just check "Other." That is what they told me. They are not going to put a Portuguese box on the census bureau, so I either come out as a Hispanic or a Caucasian, and I am not Hispanic, so I just check the Caucasian block, and I am not crying about that. That is just the way it is. It is not important to me on the census, but this is where we lie. Now, they have focused on the Filipino culture...I am going to support the Resolution, do not get me wrong. I am going to support it, because it is a good start. If you ask me, Social Studies should be teaching our kids every culture from the history of time...pre-contact all the way to now. That is what our Social Studies should teach. We should put an emphasis on the cultures that we surround ourselves with, or we do not. We learn more about Canada and everywhere else than our own peoples' culture that live in this State, and that is a shame. But that is way above the pay grade of this Council right here. It is the DOE and the BOE. It is what it is. The premise was the hate crimes that created this and then saying, "Hey, language is an issue," but then you talk about teaching the culture. Again, a Resolution that will be sent to the DOE, the BOE, the Governor, and everyone else, but I think it is a good start. Are they prepared? Right here on the fly? Go ahead.

Councilmember DeCosta: Thank you. I speak with twenty-three (23) years in the Department of Education, and have taught four (4) different subject matters at the high school level.

(Councilmember Kagawa was noted as present.)

Councilmember DeCosta: When I sit in a classroom, I honestly do not see a Filipino boy, I do not see a Japanese girl, I do not see a Portuguese boy, I see a melting pot of students that came to us to learn. We love them no matter their nationality. Do you know what really troubles me? It is when we acknowledge things like, Black Lives Matter, Asian Hate Crimes. We put emphasis on that type of bad behavior. We need to stop doing that and include everyone...inclusiveness, equitable and equality for all. I love that you are a professor, I love listening to your curriculum and your educational degrees, but you are Filipino. You are. If there was a Japanese instructor from UH, she would be just as passionate about her Japanese curriculum that she would like to introduce. I am sorry if I offended anyone in the audience with my "WHEREAS" and "BE IT RESOLVED," but it came from a place of inclusiveness and if you folks cannot see that I will say, "Shame on you," because it came from a very respected teacher, twenty-three (23) years in the DOE who knows what I am talking about in a classroom. Thank you.

Council Chair Rapozo: Okay, is there anyone else wanting to discuss? Go ahead, Councilmember Kagawa.

Councilmember Kagawa: Councilmember DeCosta and I came from the Westside and the plantation was booming when we were young. I would say, eighty percent (80%), ninety percent (90%)...close to ninety percent (90%) were Filipino or

part-Filipino at Waimea High School and at 'Ele'ele Elementary School. The plantation was booming at the time and Filipinos were the majority of the laborers. They were very hard workers, and a lot of their parents would work multiple jobs. They are just hard workers. The bottom-up success of many of them really led their children to afford much better lives than their parents had.

(Councilmember Kualii was noted as not present.)

Councilmember Kagawa: They were so hard working. For us, it is hard to explain. We, the Japanese, were by far the minority on the Westside, but we just grew up without...we knew what we were, but racism...I have been called a racist for comments made as a Councilmember...it was the furthest thing from us. We are all different, but we made friendships based on the relationships that we had and back then for the Filipino friends that I had, they were ashamed when their parents had a big accent and they just wanted to not be associated with being Filipino. When I saw the video, times are changing now.

(Councilmember Kualii was noted as present.)

Councilmember Kagawa: You have a lot of these youth wanting to go back and learn about where they came from, and they want to expand on that as far as knowing and how they were treated, with their future kids. They want the schools to acknowledge where they came from and the past. I think it is a "no-brainer" that it is more important for us to learn about those types of things rather than knowing about world civilizations like the Incas and the Aztecs. It is about time that we look at maybe Hawai'i being different from the mainland United States, because we do not have a lot of the historical Davey Crocketts. We are so far away from that. Rather, if we learn more where we come from in Hawai'i, being an island state so far away from mainland United States, I think it is for the better. Like I said, it is about respecting where we came from. I just saw a picture of my grandfather in 1910. I did not even know he played baseball. There is a picture from 1910 with a lot of familiar names from the Westside. Basically, they had an Americans of Japanese Ancestry (AJA) little league team made up of Japanese, but I think at that time, they were a minority also, so maybe they could not play on the Portuguese team or the Filipino team, but it was a shock. I did not know he played baseball. I just saw a picture at a recent family reunion. I think what the Resolution does is healthy, but I stress one (1) thing, coming from a teacher's standpoint, it is that the success of a lot of these electives in getting the students to really be engaged and benefit from is reliant on the teacher, because you can have great subject matters and you cannot fill the position with someone with the actual living knowledge and then they hire someone from the mainland to teach a course. What is the sense of that? I am not putting down teachers from...without teachers from the mainland, our schools would be worse off, because you would have people without the proper credentials that the DOE requires, and the DOE has those credentials for a reason. They want to make sure they know how to teach the basics—math, reading, and whatnot. I think in a lot of cases I see so much great subject intent and then we do not have the teachers to carry out the plan and that is a huge problem with the DOE, and I do not see great improvement in that area as far as administration in DOE. I do not know. They do not have the answers. They have not had answers for the twenty (20) years that I

have been teaching. Big support, thank you, Councilmember Bulosan. Thank you for coming and huge support for this type of change in curriculum. I do not want to see it as an elective only, I want to see it as an actual Social Studies credit. Thank you.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta withdrew his motion to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 6. Councilmember Kualii withdrew the second.

Councilmember DeCosta moved to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 7, seconded by Councilmember Kualii.

Councilmember DeCosta: I am removing the specific term of “the Plantation Era,” but leaving the remaining language the same, to be inclusive, equitable and equal, to encourage the Department of Education to do the Filipino curriculum as stated in the Resolution, and to encourage them to include all different cultural and ethnical community members who contributed to the historical and contemporary development of Hawai‘i.

Council Chair Rapozo:
debated this for the last hour.

There is a motion and a second. We have

Councilmember Kualii:

I have a question.

Council Chair Rapozo:

Go ahead.

Councilmember Kualii: I think the most important part for me was when the testifier from O‘ahu said, “multi-cultural history of Hawai‘i,” and I think that was meant to take out all the mentioning of different groups, because when you start mentioning some groups and you do not mention others, then that is an issue.

Councilmember DeCosta:

It says, “And other groups.”

Councilmember Kualii: I know, but you are calling everyone else “others.” Is that really in the spirit of diversity, equity, and inclusion? I do not think so, and that is why I really valued what she said, “multi-cultural history of Hawai‘i.” So, it would be as simple as that without all of this strain of some of the groups of people and not others. Councilmember Cowden mentioned Marshallese and some others.

Councilmember Cowden:
part, but we have...

Yes, they are after World War II for the most

Councilmember Kualii:

You can still have the votes without my vote.

Councilmember DeCosta:

May I comment?

Council Chair Rapozo: I want to call for a question because I think we need to call for the question.

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

Mr. Sykos: For the record, Lonnie Sykos. This has become utterly ridiculous.

Council Chair Rapozo: Okay, I am going to stop you because if you have something to say...

Mr. Sykos: I have something to say.

Council Chair Rapozo: "Utterly ridiculous" is not important.

Mr. Sykos: No, it is ridiculous because you brought up the very fact that this comes to us from Honolulu with the exact language from the Legislature. Why are we sitting here debating changing the language, because if we change language we are no longer in support of the Legislature? We either support their language or we do not.

Council Chair Rapozo: This is not a hearing on the House Concurrent Resolution. This is a hearing on this Resolution.

Mr. Sykos: Us, with a Resolution to support them. If the question is are we going to support the Legislature's language and this entire discussion is trying to change the Legislature's language. If you change the language that came from the Legislature, we are no longer discussing the language that came from the Legislature and what is the point of the Resolution if you are going to pass a Resolution that does not match the language of the Resolution from the Legislature? Understand that you are creating a new resolution by changing the language. You are being asked to either approve what the State sent to us through Councilmember Bulosan or not approve the State language. Why are we sitting here trying to change the State Resolution language that we cannot change? So what, are we going to send them a Resolution that we support you, except we do not? We will support you if the rest of the State changes their language to match us. This is absurd. Either we support the State's language, or we do not. That is why we are here. That is your job. It is not to sit here and decide whether you want the Legislature to change their language. That is what you are asking. You are asking the Legislature to change their language, otherwise your Resolution means nothing. It does not even address what Councilmember Bulosan brought, which is the current language from the Legislature. So once again, Councilmember Bulosan, thank you, and you are going to need a lot of patience and a really thick skin to stay in this profession, sir. *Aloha*.

Council Chair Rapozo: Oh, my goodness. See what happens when you introduce amendments.

Ms. Cummings: I just want to say something. First of all, "peace." I feel like I have to say that. Peace to everyone. I just wanted to bring up one

thing you mentioned, Councilmember Kagawa. You mentioned curriculum and teachers teaching ethnicity. I want to say something to that point. The comment was made that, "Yes, we have Hawaiians"...and you did not make that comment, but the comment was made that we have Hawaiian Studies in school. That was my case in point. We do, but as you folks know, you folks can make the curriculum. During my time when I was in school—Hawaiian Studies, eleventh grade—that teacher took that book, Shoal of Time, and made that become what I had to learn and it was not what it is, so I want to say, be careful, because what these folks did was short of amazing, because they were the ones that created the curriculum. We had to go and learn Hawaiian Studies and I wanted to throw up and I got "D's" because I did not pay attention, because I knew better than that Hawaiian Studies book that was used to teach me, and I was forced to take that class in eleventh grade. That was mandatory. That was not an elective, and it should be there that our people should learn and make our own curriculum because, trust me, if we make our curriculum, this island is going to flip out, that is for certain. I support Councilmember Bulosan, and I support the whole intent of the people taking back to learn their own. *Mahalo*.

Council Chair Rapozo: All I ask is that you folks do not repeat yourselves, because just so that you folks know our staff need to type these minutes verbatim. That is all I ask is if you folks are going to come up, do not repeat yourself. Thank you.

Mr. Hart: Look, I am going to say that I really have enjoyed this, because having come out of the church...and I was leadership in the church...there is a reluctance on the part of most people to face something that is the elephant in the room, but they do not want to talk about it because of the conflict. I appreciate everyone on this Council that has the courage to face the conflict and those types of issues. I want to encourage you to do more of it. Talking about this is the way we work through it. I am so appreciative I live in America, that this Republic, the way it is set up, that this can happen. Do you know that in most of the other nations in the world, they do not have a choice. They do not even get to educate their children unless they do it themselves. There is none of this free education. So, of course I am in support. What Councilmember Kagawa said, and others were echoing, is that of course you need to teach the children about the history of where they were born and where the people whom they came out of...all the way back. I am for all of it. They need to understand who they are, and from where they came from. It is important. How else are we going to know? Are we just going become one...we are not teaching generic ethnicity. It is a wonderful thing that we get to do this. Thank you.

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

Council Chair Rapozo: Councilmember DeCosta. The amendment is on the floor. This is what baffles me. Councilmember DeCosta introduced an amendment to start this off. You did a housekeeping amendment and you did an amendment and the introducer of the amendment said, "I am fine with it." That was one and a half (1½) hours ago, and now we are on the third amendment, and we still are not happy. I am going to call for the question on this amendment. Do you have anything to add? Go ahead.

Councilmember DeCosta: I really do have something to add.

Council Chair Rapozo: Direct it to me. Not anyone in the audience.

Councilmember DeCosta: I need to use my colleague, Councilmember Kagawa, because he is my partner in the DOE. I am going to address it to the community. The Portuguese school teacher takes a backseat to a lot of the different types of school teachers who we have out there. I work in an industry that predominantly...what is the word I am looking for...

Council Chair Rapozo: I do not know, but I am going to stop you, because we are talking about your amendment. The discussion right now is about this amendment.

Councilmember DeCosta: I am trying to say that I have the experience and the knowledge to make this inclusion and equitable call and I am hoping that my voice to this amendment echoes to the State Legislature, and it is not to change the Resolution, because the Resolution and our introducer have it the same way. It is just an add-on that includes every ethnicity. it is an add-on and that is all I want to say.

Council Chair Rapozo: Thank you. I will do a roll call on the amendment.

The motion to amend Resolution No. 2023-65, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 7 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: The amendment passes.

Council Chair Rapozo: We are back to the main Resolution. Is there any final discussion? Wow. Why did I ask?

Councilmember Bulosan: I will wrap it up. I wanted to thank the many students in 2020 who came together, who recognized this and worked on it, and the many educators and the support of the community that came together and put this together. I hope you get to meet these students one day. Many of them are wanting to become educators and are looking to fill in the gaps of this and took up this challenge, which is a feat of a challenge to spend all this time over the course of two (2) years to introduce it to the Legislature, to work with the DOE and spent the many hours, days, and nights to create something that will allow for future generations to learn. Really, this work is their work, and it really does pave the way for everyone in our community to make sure that history is told by the history makers and that we are not excluding experiences because the opportunity was not presented to

themselves. It is really a landmark experience and as it, we celebrate...well this is November 1st...and although October was Filipino-American Month, it is by no surprise that history is being made again by Filipino-Americans in the State in Hawai'i to make sure that the proper education around Filipino history and culture is taught to the community. I want to echo that and let all those students and people who came together know that I am so appreciative of your work, and I am so happy that this is my first Resolution regarding my heritage that I have proposed in the eleven (11) months that I have been here to be a supporter of this. I want to make it clear that I did not write this, I did not do any of the work, I was just the bearer of good news that there are a lot of people who are working hard to make sure that this education is possible and available to our community. I want to *mahalo* all of them.

Council Chair Rapozo: Do you see what you started? Go ahead, Councilmember Carvalho.

Councilmember Carvalho: It will be very short and to the point.

Council Chair Rapozo: No, take your time.

Councilmember Carvalho: I fully support it. Coming from the whole plantation days...I am going to say "plantation" again, but for now on the table...and my daughter is a teacher, too, and we are going through this whole educational process. The bottom line is I totally support the Resolution, and going back to the Kaua'i Philippine Cultural Center, it is a place for all. That is the bottom line and that was the whole intent. There was discussion happening, but to me, it includes all of our kids, our youth, and our Filipino community staying at the forefront. I totally support it.

Council Chair Rapozo: Councilmember Kualii'i.

Councilmember Kualii'i: I am the sole "no" vote and I hope that means something to the students. Let us get real. All we are talking about is one (1) elective Social Studies class and the curriculum was developed by the students themselves. I think the students intended it to be solely focused on their Filipino culture. I do believe we dilute it when we mention these other cultures, which are all important to me. I am not Portuguese, I grew up in Puhi surrounded by Filipinos, and my best friends at Immaculate Conception School were all Filipino. I love all the cultures. I do not think we should worry...to lift one (1) culture up and highlight them solely that in any way diminishes any of our other cultures. I think when she talked to us about the multi-cultural history of Hawai'i, there is no phrase that says it better. It does not matter what race we are, if you grew up here, you grew up knowing the different cultures and having it in you, so you absolutely come from this multi-cultural existence here in Hawai'i. I think my "no" vote is important, because when I watched all of those young Filipinos, even the half-Hawaiian, half-Filipino girl, I think they were purposely trying to say, "Hey, we want our space, we want our voices to be heard." I want them to know that I heard them. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: In echoing some of what Councilmember Kualii just said, I was sold at these kids' video. When I first read the Resolution, my reaction was, "What about everyone else?" I hear these kids, I know the kind of effort and movement it makes to come forward and do that and I totally respect that, and I now is does not matter how long, if it is one (1) semester...if it can go in-depth. I chose to support this because the introducer supported it and I want to support the introducer and I recognize that you are from that culture, and I have been a teacher for about eight (8) years. of different types...I do not have a degree in education, but still, I was a teacher in the classroom and designed curriculum. One of the most important things you could do to teach them any other thing—reading, writing, math, any other skills, research—is to grab them right where their interest is. When you grab them with an interest that is very relevant to them...so, I honor this effort that these kids did. Thank you for showing us that video. I was sold right there. I support this and I want all these different groups of kids... I want to say about the Hawaiian-Filipino girl. Yes. How many people do not claim their ethnicity when they are half? As someone who has European blood, and you look at all these people who pretend they are something else and not part of what we are, too, as you are looking into their green eyes, it is like, "Come on." We should not hate half of who we are. We need to love ourselves and I thank those kids. Please pass that on for me that I have the utmost respect for the work and effort that they did. I will be voting "yes."

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: I mentioned my colleague Councilmember Kagawa, but I did not get a chance to say why. It is because he and I have that experience in the classroom and all the different subjects that we taught, and I need to address the clarification to why I moved towards the different ethnicities. When you are in a classroom with students and you want to talk about...and we do, we have that liberty to talk about sex education in the classroom. We do, and when we do the boy and girl, we leave out the boy and boy and the girl and girl. Today, it is inclusive to include everyone.

Council Chair Rapozo:

Bring it back to the original...

Councilmember DeCosta:

I am going to bring it back.

Council Chair Rapozo:

You are far away.

Councilmember DeCosta: The reason why I did it is because I would not support the Resolution if it did not include the rest of the ethnic background, culture, and community people that I took the liberty to amend and put it in here. I think it is wrong when we only acknowledge one (1) group. We acknowledge all groups. That is why I moved to do this. I will be supporting this Resolution, because I believe the Filipino community needs to be recognized and/or all the different communities need to be recognized. Thank you.

Council Chair Rapozo:

With that, roll call.

The motion for adoption of Resolution No. 2023-65, as amended to Resolution No. 2023-65, Draft 1 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: The motion passes.

Council Chair Rapozo: Thank you. Can you read us into Executive Session, please?

EXECUTIVE SESSION:

ES-1107 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 with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Henry Emura and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1108 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 with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Charter Spectrum and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1109 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council, to provide a follow-up briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-1107, ES-1108, and ES-1109, seconded by Councilmember Cowden.

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

(Councilmember Carvalho was noted as not present.)

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

Mr. Sykos: For the record, Lonnie Sykos. As always before we go into Executive Session, the public is quite interested in what the claim by Henry Emura, et al., would be against the County. We understand that you are limited in what you can say, however, the documents have been filed in court, and we are wondering what it is that Mr. Emura is apparently suing us for. Likewise, with Charter Spectrum, one ponders what actions the County did or did not do that would cause a cable provider to bring an action against us that will possibly cost us, the public, money, and whatever failures perhaps occurred, how do we prevent those from occurring again? I have been here for fifteen (15) years, asking what the County can do to limit the number of claims involving vehicles and have never yet heard a single word of response which is why I keep coming up here. What will the County do to quit hemorrhaging money through settlements. The last one with the pending and denied claims, one assumes we are looking at getting our checkbook out again for another big settlement with someone for some reason. Whatever it takes, you are the Councilmembers, we need to change direction and reduce the length of this part of our agenda at almost every meeting. Thank you very much and please try to not cost us any more than it will.

(Councilmember Carvalho was noted as present.)

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

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

Council Chair Rapozo: Just for the public and Mr. Sykos, obviously any claim that is pending is confidential. All of the claims that have settled are public record and you can obtain that through the Office of the County Clerk. Today, as you talked about, the third item is not settlement authority. This is an update on pending claims, so there is no specific claim that is up for settlement discussion. With that, roll call.

| | | |
|----------------------------|--|------------|
| FOR EXECUTIVE SESSION: | Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo | TOTAL – 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

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

Council Chair Rapozo: With that, we will recess and reconvene after the Executive Session items.

There being no objections, the meeting recessed at 12:07 p.m., to convene in Executive Session.

The meeting reconvened at 1:18 p.m., and proceeded as follows:

Council Chair Rapozo: Mr. Bracken.

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. We had three (3) different Executive Sessions. Two (2) of them were to discuss the pending claims. If they do settle, they will become public record after the time of settlement. The other one was to discuss pending and denied claims. As the claims are still pending, the information needs to remain confidential, so there is nothing to disclose to the public.

Council Chair Rapozo: Thank you, sir. With that, I will call the meeting back to order.

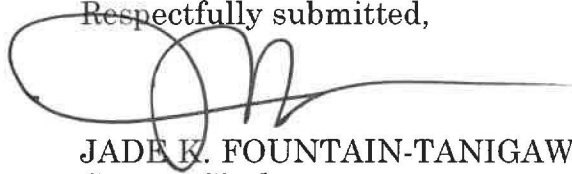
The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: With that and if there are no objections, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 1:18 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ss_db

(November 1, 2023)

FLOOR AMENDMENT

Resolution No. 2023-63, Relating to the Board of Water Supply Organization

Introduced by: FELICIA COWDEN, Councilmember

1. Amend Resolution No. 2023-63, by amending Section 2 to read as follows:

Article XVII, Section 17.02 of the Charter is hereby amended as follows:

“Section 17.02. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. Of the four appointed members, at least one member shall have knowledge and awareness of environmental and Hawaiian cultural concerns by way of the person’s education, training, occupation, or experience; at least one member shall have knowledge and awareness of business concerns by way of the person’s education, training, occupation, or experience; and at least one member shall have knowledge and awareness of land development and infrastructure concerns by way of the person’s education, training, occupation, or experience. The state district engineer of the department of transportation, the county engineer, and the county planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business.”

(Material to be added is underlined and highlighted.)

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(November 1, 2023)

FLOOR AMENDMENT #2

Resolution No. 2023-63, Relating to the Board of Water Supply Organization

Introduced by: KIPUKAI KUALI'I, Councilmember

1. Amend Resolution No. 2023-63, by amending Section 2 to read as follows:

Article XVII, Section 17.02 of the Charter is hereby amended as follows:

“Section 17.02. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. Of the four appointed members, at least one member shall have knowledge and awareness of environmental and Hawaiian cultural concerns by way of the person’s education, training, occupation, or experience; at least one member shall have knowledge and awareness of business concerns by way of the person’s education, training, occupation, or experience; and at least one member shall have knowledge and awareness of land development and infrastructure concerns by way of the person’s education, training, occupation, or experience. All four appointed members shall have knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code by way of the person’s education, training, occupation, or experience. The state district engineer of the department of transportation, the county engineer, and the county planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business.”

(New material to be added is underscored and highlighted.)

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(November 1, 2023)

FLOOR AMENDMENT #2

Resolution No. 2023-63, Relating to the Board of Water Supply Organization

Introduced by: KIPUKAI KUALI'I, Councilmember

1. Amend Resolution No. 2023-63, by amending Section 2 to read as follows:

Article XVII, Section 17.02 of the Charter is hereby amended as follows:

“Section 17.02. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. Of the four appointed members, at least one member shall have knowledge and awareness of environmental and Hawaiian cultural concerns by way of the person’s education, training, occupation, or experience; at least one member shall have knowledge and awareness of business concerns by way of the person’s education, training, occupation, or experience; and at least one member shall have knowledge and awareness of land development and infrastructure concerns by way of the person’s education, training, occupation, or experience. **All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code.** The state district engineer of the department of transportation, the county engineer, and the county planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business.”

(New material to be added is underscored and highlighted.)

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(November 1, 2023)

FLOOR AMENDMENT

Resolution No. 2023-63, Relating to the Board of Water Supply Organization

Introduced by: FELICIA COWDEN, Councilmember

1. Amend Resolution No. 2023-63, by amending Section 2 to read as follows:

Article XVII, Section 17.02 of the Charter is hereby amended as follows:

“Section 17.02. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. [Of the four appointed members, at least one member shall have knowledge and awareness of environmental and Hawaiian cultural concerns by way of the person’s education, training, occupation, or experience; at least one member shall have knowledge and awareness of business concerns by way of the person’s education, training, occupation, or experience; and at least one member shall have knowledge and awareness of land development and infrastructure concerns by way of the person’s education, training, occupation, or experience.] All members shall receive training that will provide them with knowledge and awareness of water rights embodied in the State Constitution, Hawaiian Homes Commission Act, and the State Water Code. The state district engineer of the department of transportation, the county engineer, and the county planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business.”

(Material to be deleted is bracketed. New material to be added is underscored and highlighted.)

(November 1, 2023)

FLOOR AMENDMENT

Resolution No. 2023-65, RESOLUTION JOINING THE STATE LEGISLATURE IN REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A FILIPINO HISTORY, CULTURE, AND IDENTITY SOCIAL STUDIES COURSE FOR HIGH SCHOOL STUDENTS

Introduced by: ADDISON BULOSAN, Councilmember

Amend Resolution No. 2023-65 in pertinent part to read as follows:

“BE IT FINALLY RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Chairperson of the Board of Education [and], the Superintendent of Education[.], and the principals of Kapa‘a High School, Kaua‘i High School, Waimea High School, and Ni‘ihau High and Elementary School.”

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

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Filipino Curriculum AB_RM_mn.docx

(November 1, 2023)

FLOOR AMENDMENT

Resolution No. 2023-65, RESOLUTION JOINING THE STATE LEGISLATURE IN REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A FILIPINO HISTORY, CULTURE, AND IDENTITY SOCIAL STUDIES COURSE FOR HIGH SCHOOL STUDENTS

Introduced by: BILL DECOSTA, Councilmember

1. Amend Resolution 2023-65 in its entirety to read as follows:

“WHEREAS, in 2020, news reports indicated that anti-Asian hate crimes had increased nearly one hundred fifty percent (150%) in the United States; and

WHEREAS, research on the use of racist language shows that language does have a profound impact on how people behave towards marginalized groups; and

WHEREAS, increased education and understanding of Asian American history and culture and the contributions of Asian Americans can reduce incidents of hostility, violence, and discrimination toward Asian Americans; and

WHEREAS, there is currently no mandated curriculum regarding Asian American history in Hawai'i schools; and

WHEREAS, throughout the United States, there have been recent attempts to pass legislation relating to Asian American history; and

WHEREAS, Filipinos are the largest Asian ethnic and non-white group in Hawai'i, at more than twenty-five percent (25%) of the population, and have had a long presence and cultural footprint in the State; and

WHEREAS, despite twenty-three percent (23%) of Hawai'i's public-school students being Filipino, the largest ethnic group in the Hawai'i Department of Education system, there is a lack of Filipino representation in the education system; and

WHEREAS, Filipino educators are underrepresented in higher education and K-12 education, with Filipino teachers representing eight percent (8%) of the teaching force and five percent (5%) of administration; and

WHEREAS, when students are represented, they feel a stronger ethnic pride and identity, and are more empowered to positively contribute to their communities; and

WHEREAS, research shows that when there is a family-school connection, teacher-student ethnicity match, culturally and linguistically responsive curriculum, and language programs where students' multilingual assets are utilized, students are more engaged and connected to their learning, resulting in higher levels of academic performance; and

WHEREAS, via the adoption of House Concurrent Resolution No. 56, H.D. 1, by the House of Representatives and the Senate of the Thirty-first Legislature of the State of Hawai'i, Regular Session of 2022, it was requested that the State of Hawai'i Department of Education:

1. implement a social studies course for high school students to learn about Filipino history, culture, and identity;
2. implement Filipino content into Department of Education content performance standards;
3. integrate this curriculum into existing Filipino language classes and other courses and curricula, including language arts, math, social studies, science, and visual and performing arts; and
4. recruit and support Filipino teachers in teaching this content; [now, therefore,] and

WHEREAS, in addition to the above-referenced educational improvements emphasizing Filipino culture, many other people groups have also had a profound impact on communities throughout Hawai'i, especially during the plantation era, including: Japanese, Chinese, Korean, Puerto Rican, Portuguese, Spanish, and other European, Asian, and other groups; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council joins the State Legislature in [setting forth] requesting that the Department of Education evaluate the above-referenced requests [of the Department of Education] relating to Filipino culture, in consideration of the many cultures that contributed to the plantation era.

BE IT FINALLY RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Chairperson of the Board of Education and the Superintendent of Education."

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

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(November 1, 2023)

FLOOR AMENDMENT

Resolution No. 2023-65, RESOLUTION JOINING THE STATE LEGISLATURE IN REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A FILIPINO HISTORY, CULTURE, AND IDENTITY SOCIAL STUDIES COURSE FOR HIGH SCHOOL STUDENTS

Introduced by: BILL DECOSTA, Councilmember

1. Amend Resolution 2023-65 in its entirety to read as follows:

“WHEREAS, in 2020, news reports indicated that anti-Asian hate crimes had increased nearly one hundred fifty percent (150%) in the United States; and

WHEREAS, research on the use of racist language shows that language does have a profound impact on how people behave towards marginalized groups; and

WHEREAS, increased education and understanding of Asian American history and culture and the contributions of Asian Americans can reduce incidents of hostility, violence, and discrimination toward Asian Americans; and

WHEREAS, there is currently no mandated curriculum regarding Asian American history in Hawai‘i schools; and

WHEREAS, throughout the United States, there have been recent attempts to pass legislation relating to Asian American history; and

WHEREAS, Filipinos are the largest Asian ethnic and non-white group in Hawai‘i, at more than twenty-five percent (25%) of the population, and have had a long presence and cultural footprint in the State; and

WHEREAS, despite twenty-three percent (23%) of Hawai‘i’s public-school students being Filipino, the largest ethnic group in the Hawai‘i Department of Education system, there is a lack of Filipino representation in the education system; and

WHEREAS, Filipino educators are underrepresented in higher education and K-12 education, with Filipino teachers representing eight percent (8%) of the teaching force and five percent (5%) of administration; and

WHEREAS, when students are represented, they feel a stronger ethnic pride and identity, and are more empowered to positively contribute to their communities; and

WHEREAS, research shows that when there is a family-school connection, teacher-student ethnicity match, culturally and linguistically responsive curriculum, and language programs where students’ multilingual assets are utilized, students are more engaged and connected to their learning, resulting in higher levels of academic performance; and

WHEREAS, via the adoption of House Concurrent Resolution No. 56, H.D. 1, by the House of Representatives and the Senate of the Thirty-first Legislature of the State of Hawai'i, Regular Session of 2022, it was requested that the State of Hawai'i Department of Education:

1. implement a social studies course for high school students to learn about Filipino history, culture, and identity;
2. implement Filipino content into Department of Education content performance standards;
3. integrate this curriculum into existing Filipino language classes and other courses and curricula, including language arts, math, social studies, science, and visual and performing arts; and
4. recruit and support Filipino teachers in teaching this content; [now, therefore] and,

WHEREAS, in addition to the above-referenced educational improvements emphasizing Filipino culture, many other people groups have also had a profound impact on communities throughout Hawai'i including: Japanese, Chinese, Portuguese, Spanish, and other European, Asian, and other groups; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Council joins the State Legislature in [setting forth] requesting that the Department of Education evaluate the above-referenced requests [of the Department of Education] relating to Filipino culture, in consideration of the many cultures that contributed to Hawai'i's historical and contemporary development.

BE IT FINALLY RESOLVED, that the County Clerk shall forward a copy of this Resolution to the Chairperson of the Board of Education and the Superintendent of Education."

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

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