

COUNCIL MEETING

JUNE 25, 2025

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, June 25, 2025, at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Fern Holland
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 8:34 a.m.*)
Honorable Mel Rapozo

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

APPROVAL OF AGENDA.

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

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

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

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

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

MINUTES of the following meetings of the Council:

May 28, 2025 Council Meeting
June 4, 2025 Council Meeting
June 4, 2025 Public Hearing re: Bill No. 2954, Bill No. 2955, Bill No. 2956, Bill No. 2957, Bill No. 2958, and Bill No. 2959

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

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

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

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

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

INTERVIEW:

PLANNING COMMISSION:

- Jaclyn K. Kaina (*Business*) – Term ending 12/31/2027

ELLEN CHING, Boards & Commissions Administrator: Good morning. Ellen Ching, Boards & Commissions Administrator. Today, I am pleased to introduce Jackie Kaina. Jackie is homegrown, born and raised on Kaua'i, and a proud Kamehameha School graduate. Upon graduation, she attended Kapi'olani Community College and graduated from the University of Hawai'i, at Mānoa (UH Mānoa) with a Bachelor of Business Administration degree, majoring in accounting. She interned at an accounting firm and was assigned to several nonprofit clients. Jackie quickly discovered that accounting was not the field for her and transitioned to managing dental practices. Then as life would have it, she got married and returned to Kaua'i to raise her children. During the next eleven (11) years, she was a stay-at-home mom and did freelance bookkeeping for small businesses until December 2015 when she was hired as a program manager at a nonprofit organization, Kaua'i Economic Development Board (KEDB).

(*Councilmember Kualii was noted as present.*)

Ms. Ching: Initially, she managed all the County grants and the production of the Comprehensive Economic Development Strategy (CEDS) plan. Three (3) years later, Jackie was promoted to Director of Programs and Business Development to create and design new initiatives. As the young intern who hated nonprofit accounting, she came full circle in 2023 when she was promoted again, this time as the Executive Director of KEDB. As a mother of five (5), Jackie is active in the community. Three (3) of the five (5) kids paddle, and she enjoys attending the canoe regattas to cheer them on. I think the ingenuity of all mothers is how they find time to do all the things they need to. Jackie is no different, yet she somehow still miraculously finds the time to serve on several local nonprofit boards such as

Kawaikini Charter School, Hō'ike: Kaua'i Community Television, Friends of Kaua'i Community College, and more. Jackie had never served on a County Board or Commission until 2023, when she was appointed to the Charter Commission. Her peers quickly took notice of her leadership skills and elected her as their Chair. With a critical vacancy on the Planning Commission, I am so thankful that Jackie is willing to commit her very precious time to serve on the Planning Commission in the business position, to lend her knowledge and perspective as a young working mother and professional.

Council Chair Rapozo: Thank you. Do you have any more to add to that, Ms. Kaina?

Ms. Kaina: Aloha. Jackie Kaina, KEDB. There are a couple of corrections. I am no longer on the Kawaikini Charter School board and I am no longer serving on the Hō'ike: Kaua'i Community Television board. Other than that, the rest is rather accurate.

Council Chair Rapozo: Are there any questions for Jackie?
Councilmember Cowden.

Councilmember Cowden: First of all, thank you for being willing and I want to acknowledge that I have known you for a good deal of time that you have been on KEDB. I am glad to hear that you are not on the other two (2) boards, because you are "jumping into the fire" with the Planning Commission. That is a lot of work. I think you are a good candidate for the business position. Have you been to a Planning Commission meeting?

Ms. Kaina: I attended virtually for the first time yesterday. Since being asked to serve...

(Councilmember Bulosan was noted as not present.)

Ms. Kaina: ...I have been reading up on the different meetings which have been posted. I will not lie, it has been rather daunting. I have been going back and forth...

(Councilmember Bulosan was noted as present.)

Ms. Kaina: ...with some of my mentors, board members, and of course with Ellen, in talking things through. In response to what you are asking, I am... "worried" is not the right word, but I am feeling a little challenged, because it is not my area of expertise. While watching the Planning Commission meeting yesterday, I thought, "Wow, that is a lot," but I am confident enough and resourceful enough that if there are questions, which I foresee there will be many, many, many questions, I know who to ask.

Councilmember Cowden: Yes, and I appreciate your well-connectedness to the power structure, the government structure. I appreciated your being at Hawai'i on the Hill. I have confidence that you are able to rise to the occasion. When she talked about young children, they must be teenagers right now, right, because the Planning Commission has the potential to be almost as much work as the Council. I would say that yesterday was a moderate day. There were some good topics on there and they were important, but you are going to go through college when you are doing this. It is a lot of learning, but I have confidence that you will be able to rise to the occasion. I just want you to know it is not a simple board. It is a very, very robust effort. I think your KEDB will really strengthen your knowledge from the business angle, which is what you are bringing to the Planning Commission.

Ms. Kaina: Thank you.

Councilmember Cowden: Thank you.

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

Councilmember Holland: Thank you so much, Jackie. I am really stoked to see a woman being put into the business position who has so many local roots and an understanding of what makes Kaua'i, Kaua'i. I am wondering how you feel about the balance in the role of the Planning Commission between expanding our housing and expanding the important needs of businesses as well on Kaua'i, while managing our "keep the country, country" and "keep our Kaua'i, Kaua'i" ideals. I am wondering how you feel about some of those things.

Ms. Kaina: How do I feel about it? That is a loaded question.

Councilmember Holland: I am sorry.

Ms. Kaina: I feel it is my life's work. I am born and raised here. It is important to me that I set an example for my children and serve in a place where I can possibly make a difference in leading by example. When it comes to the housing issue and keeping Kaua'i, Kaua'i, that is a big, big job, and a lot of people are trying to tackle it. In the role of a commissioner and being in that position, it is really about staying rooted, knowing who I am, what Kaua'i is, hearing the voices of the people, and making the best decision based on what is right. I would to keep Kaua'i, Kaua'i, but I also know we need to have balance. Right? We need to have balance in order to grow. In order to stay competitive, there needs to be a balance. That is the hard thing for all of us. It is just talking to people who are seasoned and have walked this walk longer than I have, and hearing there *mana'o*, but also taking the time to hear the *mana'o* of the generation coming up. Their *kuleana* will be to carry this

responsibility later on. I do not really have an answer to that, except my heart is that I want this place to be a place where our kids can afford to stay home, live, and thrive.

Councilmember Holland: That is awesome. Thank you.

Council Chair Rapozo: Is there anyone else? If not, thank you very much for agreeing to serve. The Planning Commission is, I think, the most powerful commission in the County because of the ramifications. They are eternal. Once something is granted, it cannot be taken away. It is definitely a tough job and we appreciate everyone who serves, so thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: This is not a question; it is a discussion. I am happy that you are willing to serve, Jackie. I have known you for a long time. I do not envy you for being on the Planning Commission, but at the end of the day, we need people exactly like you there. We need people who are reasonable, will get up there, are very rooted in the community, and will make the decisions based on what you feel is right. That is exactly what we need. I am happy you are willing to serve. It will be stressful and it is a lot of work, but you have a lot of people around you who you can talk to and at the end of the day, just make the best decision that you feel is the right decision. At that point, you cannot go wrong. I am happy you are there. Good luck. At the end of the day, I do not see us having the ability to find a lot of people who are willing to serve in this position. To get Jackie here is a great thing. I will count our blessings on that end.

Councilmember Cowden: I have one (1) more comment, Council Chair.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Also, I was looking at your age. It is hard to tell. You are young enough that when you went to Kamehameha School, it was rather robust with cultural knowledge and understanding of some of the iniquities that have happened throughout history, correct? It is important to me that we have people who have authentic Hawaiian cultural knowledge on the Planning Commission, because we have an enduring commitment to the first population here, the Hawaiian population. I did not acknowledge that the first time, but that is also something that will bring strength to you. Do you have any comments on what you learned culturally? You are at a lot of the events where we are acknowledging the cultural significance of what is here. In the Planning Commission, it is really important and you will often hear about cultural elements, Ka Pa'akai analysis, and things like that. You have some education on things such as that, yes?

Ms. Kaina: Yes. Back when I was in high school, sadly, there were more students enrolled in Japanese, French, and Spanish than Hawaiian language. That was sad. Now, it is beautiful to see that Native Hawaiian organizations are rising up and they feel that they have a voice, which means they

feel empowered, so that makes me happy. It shows that the younger generation are now taking up that *kuleana* and they are not afraid to do it. It is very different from when I was in school. Of course, we learn all of those things because we need to. We learn about Ke Ali'i Pauahi and the trust, but back then, it was not as robust as it is now.

Councilmember Cowden: Okay. Have at least some of your children attended Kawaikini Charter School?

Ms. Kaina: They did not attend Kawaikini Charter School.

Councilmember Cowden: But you were on the...

Ms. Kaina: I was on the board.

Councilmember Cowden: You were on the board, so that immersed you a little bit?

Ms. Kaina: Yes.

Councilmember Cowden: Okay, I just wanted to acknowledge that element, too, because that is an important aspect. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you very much. We will vote on the Resolution at the next Council Meeting.

Ms. Kaina: Thank you, Councilmembers.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Seeing none, thank you very much. Can we have the next item, please?

CONSENT CALENDAR:

C 2025-138 Communication (06/05/2025) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's Fiscal Year 2026 Proposed Operating Budget, pursuant to Section 18 of the Bylaws of the Hawai'i State Association of Counties, Inc.

C 2025-139 Communication (06/12/2025) from the County Engineer, transmitting for Council consideration, a Resolution Establishing Traffic Lane Modifications, Stop Signs, Speed Limits, And Bicycle Lanes On Kaneka Street; Establishing Crosswalks On Kaneka Street, Nuhou Street, Ono Street, And Manō Street; Establishing A Roundabout At The Intersection Of Nuhou Street And Kaneka Street; And Establishing Stop Signs On Ono Street And Manō Street, County Of Kaua'i.

Councilmember Kualii moved to receive C 2025-138 and C 2025-139 for the record, seconded by Councilmember Carvalho.

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

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

The motion to receive C 2025-138 and C 2025-139 for the record was then put, and unanimously carried.

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

COMMUNICATIONS:

C 2025-140 Communication (04/09/2025) from Councilmember Bulosan and Councilmember Holland, requesting the presence of Carrie Ann Shirota, Policy Director, American Civil Liberties Union (ACLU) of Hawai'i, and Kristie Duarte, Hawai'i Home Birth Task Force Chair and President of the Hawai'i Home Birth Collective, to provide a briefing regarding midwifery legislation introduced during the 2025 Legislative Session.

Councilmember Kualii moved to receive C 2025-140 for the record, seconded by Councilmember Bulosan.

Council Chair Rapozo: Councilmember Bulosan or Councilmember Holland, do you want to give us an overview on what will happen today?

Councilmember Bulosan: Yes. Thank you, Councilmembers and our team for allowing us to have this briefing. I have been following this for the last three (3) years, ever since being elected. This is something near and dear to my heart. With a new fifteen (15) month old...no longer new, actually. I need to stop saying "new"...the whole process of birthing, pregnancy, postpartum, and care of a new child is something near and dear to me, and I am sure is near and dear to our community. Tracking some of the things that are occurring with our State legislation is very important and I wanted to receive a quick update of what happened with our 2025 legislation from some of our advocates, so we asked these two (2) presenters to be present with us. Councilmember Holland, is there anything else you want to add?

Councilmember Holland: Yes. Thank you for including me on this. I have also been trying to catch up on what has been going on with this topic. I know that there was a lot of controversy about it, there was a lot of conversation, and I have been struggling to figure out where we are with some of those bills, so the update is really helpful for me as someone who is very in support of medical choice and homebirth, as someone who was born at home in Kapahi to a mother who gave birth to all my siblings at home, and as someone who has assisted many friends having

their babies at home, I definitely want to understand this, so I appreciate you including me. Thank you.

Councilmember Bulosan: We will have a presentation by our guests. I believe there are two (2) presentations. The total presentation time will be approximately thirty (30) minutes. We need to get the sound going, so keep talking, Carrie, until we can hear you. Sorry, Carrie, we still cannot hear you. We are fixing technical things on our side. We want to make sure we are getting your voice. Carrie, do you mind speaking a little bit so we can check?

(Councilmember Kualii was noted as not present.)

There being no objections, the rules were suspended.

CARRIE ANN SHIROTA *(via remote technology)*: Aloha and good morning.

Councilmember Bulosan: There we go. Perfect. You are live. Take it away, Carrie Ann.

Ms. Shiota: Aloha and good morning, Council Chair Rapozo, Council Vice Chair Kualii, and Councilmembers. Thank you so much for the opportunity to be here and to provide an update on the midwifery licensure law. We are going to take you back in time for a little bit of context of what led up to this controversial bill and bring you to the present moment, provide highlights the bill, and we will leave an opportunity for questions from all of you. I would like to introduce some of my co-presenters. Kristie Duarte is here with us today. She is from Kāneʻohe. She is the president of the Hawaiʻi Home Birth Collective, serves on the Hawaiʻi Home Birth Task Force, and has been a zealous advocate and mom who was pounding the pavement at the capitol for the last few years. Laulani Teale is the founder of Ea Hānau. She wears many hats. She is a birth worker and cultural practitioner, she has her master's in public health, and in the last few years, she has also been championing raw access to midwifery and birthing care in our communities. Sorry, I cannot see everyone on the screen. I believe Kiʻi Kahoʻohanohano is also joining us today. She is with the Pacific Birth Collective. She is a birth practitioner from the island of Maui, *pale keiki*, and is the plaintiff in the Kahoʻohanohano case, which you will hear a little more about today. As far as my background, I am the policy director for the ACLU of Hawaiʻi, but I am from the country area of the island of Maui, so I know that this issue is really important for all of us, but especially for those who live or come for the neighbor islands and in rural communities where there is far less access to health care. With that, I will change the slide.

We are going to give a quick outline and talk briefly. Kristie will take you through the Midwifery 2019 Law that led to the current bill and we will briefly discuss the litigation that is still pending in the court, the new law that passed without the governor's signature. Laulani will give us some historical context to

Native Hawaiian traditional and customary birthing practices, some of the challenges, and some of the things missing from the current bill.

(Councilmember Kualii was noted as present.)

Ms. Shiota: Ki'i will also join us to talk story, share her experiences, and share future opportunities for potential amendments and ways to expand care in our communities. I would like to frame this and say the reason why ACLU is involved in this is because we believe that access to birthing choices in its full gamut for those who want to pursue obstetrics and gynecology (OB/GYN), naturopathic physicians, midwives, or *pale keiki*, that is the person's individual, constitutional right and choice. It falls within reproductive justice and freedom, and bodily autonomy, as well as privacy.

Councilmember Bulosan: Carrie Ann, I will stop you. Can you speak a little louder. The speakers on our side are a little soft, so please project a little more.

Ms. Shiota: Okay, thank you. I am going to turn it over to Kristie right now.

KRISTIE DUARTE *(via remote technology)*: Aloha. Can you hear me?

Councilmember Bulosan: That is better. Great. Thank you.

Ms. Duarte: Thank you for having me. Some of you might know me from a couple of years ago when the Kaua'i County Council passed a resolution in 2023. It was a really important and vital resolution, and I want to thank you for your support that day. It was a long day, and I think there were power outages and whatnot. Thank you so much for going through all the details and for trying to figure out this complex issue. Going back to 2019, that bill did pass in 2019, but there was a sunset date, and that sunset date was set for June 30, 2025, which is why this past 2025 session was extremely critical in continuing to pass a bill so that the midwifery licensure program would not dissolve. I also want to note that in the 2019 midwifery law, a task force was created. The task force was very important because it was meant to resolve major issues that the bill had not addressed, yet everyone sort of became aware of the complexity of this issue in 2019. The task force was put together, of which I was the Chair, and legislation from the task force was brought forth every year from 2020 until 2025 trying to resolve the known issues of the 2019 bill. The important part to remember is that the 2019 preamble stated there was an intent for the legislature to pass legislation over a three-year period to "incorporate all birth practitioners." It was obvious from 2019 that from the beginning when the midwifery law passed, it left out a lot of different practitioners of which the community needed to access to make our community safer. Briefly looking back at the slide, the 2019 midwifery law was very restrictive. When I say "restrictive," I mean the pathway to licensure was not meant for our community. Zero (0) of the

forty-two (42) midwives were *kanaka maoli*. None. Only one (1) of the forty-two (42) licensed midwives was born and raised on our islands. That should show you that this midwifery law was not intended to necessarily accommodate what our community had access to, but rather that it was meant to bring in...and that is what it did. It brought it a lot of midwives from the continent who said, "Woohoo, licensures available in Hawai'i. Here I go," and they all came here. Every year, there was advocacy saying we need a licensure pathway that allows our communities to have access, so that people who are from here are able to have a license if they choose. Number three, the 2019 midwifery law also had a birth attendant exemption. That expired in July 2023. This was very important because it allowed everyone to have access to whomever they wanted assist them in their birth, and it created a safer community for us, because now, it requires disclosure forms, transfer plans, and for every person assisting in a birth to disclose their training and education. That allowed the birthing families to have choices. In July 2023, that is when that birth attendant exemption expired. In gearing up for the 2024 Legislative Session, I met with legislators and said, "Hey, we need to have something, because our birth attendants are different cultural and religious practitioners and our communities cannot access them. They are now subject to criminal penalties." Key legislators told me, "No, no, no, no, no. Birth attendants are not midwives, Kristie. Birth attendants are legal. You do not need to worry about anything. Why would you want to put a bill forward if it is going to regulate these other practitioners?" I said, "That is great news. Do you think I could get a letter from the enforcement agencies—the Hawai'i Department of Commerce and Consumer Affairs (DCCA) and the Regulated Industries Complaints Office (RICO)—to clarify that birth attendants would not be subject to criminal penalties and that families could also no longer live in fear of choosing who they wanted in their home when they give birth?" When I contacted the DCCA, that is when everything started to unravel with the Attorney General Opinion coming out and the DCCA confirming with me that not only were birth attendants subject to criminal penalties, but also that grandmothers and all sorts of other professions who assist in birth would be subject to jail time and fines. Lastly, something that we continually advocate for over the years is that the exemption for the Native Hawaiian traditional and customary practitioners was not sufficient or actively happening. No one was recognized by Papa Ola Lōkahi. It is really important to note that the court actually found that the exemption did not effectively protect Native Hawaiian traditional birthing practitioners, so last summer, the judge ruled to block the law and ruled that Native Hawaiian practitioners should be able to practice without being subject to criminal penalties. I will pass it over to Carrie Ann to explain more about the lawsuit and the injunction.

Ms. Shiota: In the interest of time, I will quickly give an overview on this case. Again, Ki'i, who is with us, is the lead plaintiff in this case. Native Hawaiian Legal Corporation and the Center for Reproductive Rights, which is a national organization and does global work in reproductive freedom and litigation, filed this lawsuit against the State essentially saying that the law that passed in 2019 was unconstitutional on a number of levels, that it restricted

reproductive rights for all birthing persons, but in addition, that essentially on its face and in practice, it was violating our Hawai'i Constitution's mandate, which is to affirm Native Hawaiian traditional and customary practices and that the way it was applied violated that aspect of our Constitution. The State granted a preliminary injunction essentially saying that the law could not be enforced in terms and against Native Hawaiian practitioners from criminal civil penalties for those who practice, teach, and learn *pale keiki*, *hānau*, and *ho'ohānau* practices. That case is still pending. What happens next is really between the attorneys and their clients. Because this old law has literally passed its sunset and a new law has taken effect, I think this is moving forward to see if the new bill passes constitutional muster. Sorry, everyone. I am probably the least prepared to change slides.

House Bill (HB) 1328...Kristie, do you want to highlight these and what happened? I will set the stage for this. The community response to this 2019 bill that we knew was about to sunset...and there was litigation, so you have a lot of leverage points. There is pressure at the State capitol to pass a bill or none at all. This led to the community coming together and introducing this bill. Kristie, would you like to briefly highlight this?

Ms. Duarte: Yes. HB 1328 had fourteen (14) introducers sign on to it. It was a bill that was widely circulated and supported from the Office of Hawaiian Affairs to different counties and different community organizations that recognized how important certain aspects were of this bill that needed to be made part of our community and be made legal.

Long story short, it came down to HB 1328 and another bill that just popped out of nowhere. HB 1328 was important because it allowed a pregnant person the right to choose where and with whom they give birth. This was a reproductive rights issues, which is why part of the lawsuit also included the Center for Reproductive Rights and the Native Hawaiian Legal Corporation filing against the State. It also expanded access to licensure by recognizing nationally recognized certification pathways to licensure, so over seventy percent (70%) of states that have licensure use this apprenticeship pathway. The funny thing...it is sort of funny...is whether you choose the accredited education pathway or the apprenticeship pathway, you need to take the same exam at the end of the day. You need to pass the same exam and you receive the same certificate. This pathway was something that HB 1328 included so that our local midwives could have access to licensure. It also allowed our licensed midwives to practice to the full scope of their training and certification.

It also included protection for Native Hawaiian traditional and customary practices. It included birth attendants, provided that they continue to provide disclosure requirements, it provided religious and cultural protections similar to our Hawai'i nursing statute, which also has protection for religious practitioners, and it did not criminalize family and other birth professionals.

Ms. Shiota: Thank you so much, Kristie. I will try to speak louder.

Council Chair Rapozo: Carrie, I am sorry for interrupting. Is your microphone volume set to the highest point?

Ms. Shiota: Yes, it is. I am sorry.

Council Chair Rapozo: It is no problem. Thank you.

Ms. Shiota: I will try to project more. HB 1194 was the opposite of the community bill. It was introduced by a handful of House of Representative members. It was the contrast to many of the principles in the other bill. Again, these are just highlights. The bills are about sixty (60) pages long, so this is in the interest of time. There was no allowance for an apprenticeship pathway, it included restrictions on the scope of practice, it recognized an exemption for Native Hawaiian traditional birthing practices, but with limiting language that was criticized by the Native Hawaiian Legal Corporation, and there were no clear exemptions for birth attendants, religious and cultural practices, extended family, and other professionals. This bill was really being pushed by the American College of Obstetricians and Gynecologists (ACOG), which is essentially the association of OB/GYNs, and a small organization called the Midwives Alliance of Hawai'i, which I think has less than ten (10) members, in contrast to the Pacific Birth Collective and the Hawai'i Home Birth Collective. If you were at these hearings, these hearings lasted for hours where you had people, families, *makua*, people who talked about their own birth stories and traditional practices that were practiced within their families for generation upon generation. They came to testify in support of the other measure versus this one.

As you can imagine, this is a political process and what “shook out” at the end of this is that the bill we preferred received one (1) hearing and died after that—it was held or deferred—so our tactic...we strategized and pivoted. We needed to add in as many amendments as possible along with the principles of the other bill. At the end of the day, what passed—Act 28 (2025)—makes midwifery laws permanent. Things could change, but there is no sunset date on this bill. It clarified scope of practice for licensed midwives, and it allowed for an apprenticeship pathway for Certified Professional Midwife (CPM), which is the apprenticeship that Kristie just spoke of. This is critical because the House of Representatives leadership was not generally supportive of this, but Senator San Buenaventura and Senator Keohokalole championed on the Senate's side for inclusion of this. I want to acknowledge Senator San Buenaventura in particular, because if you can see here and if you looked at who introduced the community-led bill, we really had leadership from the neighboring islands—Maui and Hawai'i Island—who really pushed for as many amendments to this bill to truly serve communities, especially on the neighboring islands and in rural communities. The new bill and our law allows for exemptions, including Native

Hawaiian traditional and customary practices, they took the language suggested by the Native Hawaiian Legal Corporation, and there is a strong legislative intent to eliminate all criminal penalties that were attached if someone were practicing midwifery, even traditional practice, outside the scope, but civil penalties remain and they could technically fine someone up to one thousand dollars (\$1,000) per day. That is still problematic if they are going to be enforcing this in a certain strict manner. It allowed for peer review requirements to study outcomes from both home births and midwifery care. For those who are in the community, they feel some of those provisions are overly burdensome and that there is still a bias embedded in that. Even though this is not a part of the bill, my understanding is a grant-in-aid application was submitted by the Pacific Birth Collective, and they were awarded some money for those who want to pursue midwifery clinical schooling. I want to note that there is no midwifery school in Hawai'i, hence the importance of apprenticeship practice where people learn from other practitioners. We found that even if people wanted the clinical practice, they would need to travel thousands of miles to another state for costs that are outside the reach of many families. There is the opposite of that—many people do not want to leave Hawai'i. They want to stay here, train, and learn cultural practices that are very specific, whether it is borrowing from religious, Native Hawai'i, Samoan, or other practitioners within the community. With that, I will turn to Laulani. She will take us back a little bit to talk about the foundation, what she sees is on the horizon, and what we should be concerned about moving forward with the bill. Thank you, Laulani.

LAULANI TEALE (*via remote technology*): Aloha, everyone. Can you hear me? I know there have been some audio problems.

Councilmember Bulosan: Yes, thank you.

Ms. Teale: Aloha. I am Laulani Teale and I am a birth worker and cultural practitioner whose practices overlap birthing practices quite a bit. I have been in the *hānau* community for thirty-one (31) years and have been in this as a mother, an assistant to friends, a *doula*, and a standalone practitioner and cultural practitioner who attends births. It is really important to understand that in Hawai'i, *hānau* is our single oldest cultural practice. No matter how you cut it, whether it is from the time of *pō*, when the night gives birth, through the coral polyp, and all of that *mo'olelo*, or whether you consider it from the first *wahine* who came off of a *wa'a* and gave birth on the shores, either way the act of giving birth is the oldest thing that connects us as *kanaka* to *āina*, and it is very essential to our being. For the last thirty (30) years, there has been a renaissance of reclamation of birthing practices where we have a lot of indigenous practitioners of all different types, not only midwives, but also many other practitioners who overlap midwifery practice. One (1) of the essential things to understand is that we also have many people coming into this, as I did, through the piecing together of ancestral traditions with the help of non-native practitioners. It is really, really important to understand that most

kanaka birthing practitioners get their start from training with or at least being assisted by non-native practitioners.

These are generally traditional practitioners, so many are unlicensed, traditional people, because these are the people who can best assist us in piecing together our ancestral traditions. That is a very important thing to understand. In the world of cultural birthing, it is very important to understand that there is a very high learning curve. In many ways, traditionally, it is very immersive learning that is not taught formally, but takes a lot to understand. Part of the challenge with legislation has been with overcoming the barriers of really understanding what makes up these practices. Since this is a very short presentation, I want to end by saying that it is very, very important and as a public health practitioner, I am going to say that the relationship between birthing practices and health in the *kanaka maoli* world is extremely crucial. The primary reason for that is because of the concept of *ea*—the life breath of human beings that is part of us from the time of birth onwards and it is the sovereignty that lives in every person. Birthing practices actively cultivate that and the act of traditional birthing is very healing for that *ea*, so it is a very, very important part along with nutritional, traditional foods, and many other things. It is a very, very important restoration that needs to happen in the act of restoring *kanaka* health and, thereby, community health. *Mahalo*. That is my short overview. If anyone has any questions, I am here. *Mahalo*.

Ms. Shiota: *Mahalo*, Laulani. In the interest of time, I just want to point out that there is data that has been shown in some reports that looked at the maternal health and maternal morbidity in Hawai‘i, and tragically Native Hawaiians and Pacific Islanders have the highest maternal mortality rates, even when they looked at national data compared to African American and Native American women, so this is a really seriously matter.

Ms. Teale: And none of those are related to a home birth.
Not one (1).

Ms. Shiota: It is really important for us to look at what is really happening in our communities, and how we address these severe maternal health disparities, much of which have a racial component, needs to be discussed. These are some future opportunities. There are some suggested amendments to the bill that we tried to get in through the Conference Committee, but the lawmakers were concerned that it might not survive the Conference Committee, so they reached an agreement, they had differences between the House of Representatives and the Senate version, they changed and they consented to it, so it bypassed the Conference Committee, but there are literally some draft amendments that could be ready to go. Administrative Rules have yet to be passed. It is really important that we educate the public about what is and is not included in the bill, and I believe Kristie is in conversation with Senate Keohokalole’s office to have a community public education discussion from DCCA, which oversees the midwifery licensure program. The extent

of enforcement remains to be seen. Looking at all of this from a trauma-informed care and health lens...as you know Governor Green announced that we are a trauma-informed care state and we think that removing reproductive health choices from the community is trauma-inducing, not trauma-informed care, so we want to align with all of these principles. I want to give the opportunity because Ki'i is with us today, she is the lead plaintiff, and she has put in so much heart and time. We will open up for questions, but I also want to ask Ki'i if she would like to share some *mana'o* before opening it up for questions. Ki'i, are you still with us?

KI'INANIOKALANI KAHO'OHANO (via remote technology): Yes. *Aloha mai kākiao*. You did a wonderful short version of all the many, many years...for over a decade this is something that we, for a lack of better words, have been fighting for, *pono*. I want to *mahalo* all of you for your open ears and open hearts in receiving all of this *mana'o* today. It is a very complex issue. As they said, I am the main plaintiff in the case. At this point, we have eight (8) other plaintiffs and we are still navigating what our next steps are officially within that. Right now, for the sake of time, if you have questions for me, more specifically to the lawsuit or to who I am in my community as a *pale keiki* practicing in Maui County for over twenty (20) years with no poor outcomes and also as someone who is dedicated to perpetuation of these practices, leading our *ōpio* in being able to work under me and with other *kūpuna* or sources who have been mine and which I am bringing them to so they can be the future practitioners...it is really important that we do not lose these practices. We have already come so close to losing so much of what is ours in so many ways. For me, this is my life's work, and my life's passion is to make sure that the future generations are stronger than we were, that we can maintain our identity, and that we can reclaim our *ea*. *Mahalo*.

Ms. Shirota: *Mahalo*, Ki'i. Thank you so much.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: This is Felicia. What are you asking of our Council? What was evident when everyone was here prior is how supportive we are, although we have a little bit of a different team. This is a lawsuit, so I do not know how the Council necessarily can assist. Are you asking for us to help reintroduce it for the next legislative session through HSAC? What is the ask of Council? I think you have a lot of support here, but we cannot help with a court case.

Ms. Shirota: That is a great question. This was meant to be more of an informational briefing, but I think the ask is to give consideration in the future. If the community comes forth to introduce additional amendments in the future, we will likely come back to the Kaua'i County Council, Maui, and Hawai'i Island, and hopefully, the City and County of Honolulu will come on board. For now, this was really meant to be an informational briefing. Again, if amendments are pitched in the future, we would ask for the County's support, and it would be in

alignment with the principles that we mentioned and that are still missing or could be more robust in the legislation. Thank you, Councilmember, for that question.

Councilmember Cowden: Thank you.

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

Councilmember Holland: Thank you so much for the update. I appreciate all that you folks are doing on this topic. I have not been able to keep my head in the details of this, so I really appreciate it. I am wondering how many midwives there are who are allowed to practice on Kauaʻi under the current situation. I know the midwife who helped bring me into the world—Aunty Catherine Downey...I do not know if she is still practicing. I do not know if Aunty Aubrey is.

Councilmember Cowden: They are not.

Councilmember Holland: We, obviously, lost the legend of Claudia Brown a few years ago who gave birth to a whole generation of my friends' children. I am wondering if you know how much access we have on Kauaʻi to midwives who are able to practice.

Ms. Shiota: I am not familiar. Kristie, do you, Kiʻi, or Laulani, have numbers for Kauaʻi from the Hawaiʻi Home Birth Collective.

Ms. Duarte: We have a few who are members of the Hawaiʻi Home Birth Collective, but it is important to also understand that the licensed midwives who are present are serving the communities, but the community may not necessarily want to choose a licensed midwife because of their training and education being something completely different from their own cultural or religious perspectives, beliefs, and understanding about birth, so choices are extremely restricted on Kauaʻi, because only one (1) type of midwife really is allowed to practice and it will take a long time for the apprenticeship pathway to be one that really allows our communities that are from here to be able to train up the next generation. If we could pass amendments next year, that would be amazing. It is needed, because things are not safe right now. It is dangerous, because people are birthing unassisted because they feel forced to do so, not because they choose it, because the people who they feel safe with are not allowed to serve them or they are afraid. There are a lot of things happening that are not safe and it is because of Act 28, which is in place right now. We need change in the future.

Ms. Kahoʻohanohano: Can I add to that? Thank you, Kristie. There are a handful of midwives on Kauaʻi who are licensed, like was said. Part of the problem of what is happening, which I want to highlight, is that yes, we potentially have a handful of midwives on various islands, not all of them, but most of them. The

majority of them are coming from the outside, like we mentioned, since licensure especially...not that we have not had outsiders. We love most of our outsiders because they come into our community to serve and we need everyone, so that is not the thing. The thing is that since licensure and since this has occurred, people are coming over because they can receive the education and training, then come over here to become licensed, but because of that, accessibility is not heightened, as we would expect. It is actually limited, because they come with mainland prices and are thinking that they are somewhere else. They do not know where they are yet, so they are used to operating in hospitals or within laboratories (labs) with insurance in all these areas, but Hawai'i is not there. They come here and what happens is there is a limitation for families to be able to have access to care, even financially, because using myself as an example, I have never charged a rate. In over twenty (20) years, I have always worked by donation with my *lomi* practice, my *la'au* practice, and my *hānau* practice. Everything that I do is by donation. We work things out. It may be monetary or it may be fish and *poi*. It might be different things for me. For me, it is about serving the people and them having access to the care that they feel is necessary and desirable to them. It is about returning birth home for our people and healing the past generation of trauma. I could go on and on about that. Because of licensure and the way things are going, people are more limited. Even folks who were having babies and supporting HB 1328 this past session would come to us afterwards and say, "Gosh, I really hope something changes because we are *hāpai* right now and we cannot even afford a home birth, because the people out there who are licensed and available are charging ten thousand dollars (\$10,000) and there is no insurance." We were doing it by a sliding scale fee or doing it by donation and we make it feasible for people, because it is not necessarily our profession. It is a life's work and it is about healing, supporting our people, holding them in ways that are necessary for them to heal, and bringing forth our future generations in the most beautiful ways. There is a lot of fear around birth because for the most part, we only know it from a hospital's standpoint these days. I understand people who question why we do what we do and say, "It is so scary. It is not safe." If you look at statistics and what is real for low-risk births, it is the safest for us to be in our natural setting with the people we feel supported and loved by. That is why we do it in such a beautiful way. *Kala mai*. There is a lot more to it. It is not whether or not we have them. Can we access them? Are they culturally appropriate? Even cultural integrity by itself will improve in outcomes.

Ms. Duarte: The Hawai'i Home Birth Collective represents the largest membership of licensed midwives across our State and the licensed were really, really supportive this Legislative Session in wanting to make sure everyone has a choice and that everyone can practice. We had the majority of licensed midwives constantly asking the legislators to not criminalize the other types of midwives, to not fine them, to allow them to practice, and to have disclosure requirements. We appreciated it.

Ms. Kaho'ohanohano: Sorry, I want to interject. That is largely because all their assistants are these people. These licensed midwives might be able to practice, but all the people who have been practicing in Hawai'i for ten (10) or fifteen (15) years are not able to have the support people they have depended on potentially for decades. Our elder midwives are illegal. The people who taught me, who taught us, who practiced in Hawai'i for forty-plus years are currently illegal, and that is a shame.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: Thank you, everyone, for presenting. I really appreciate you taking the time for the community. New, potential parents who are trying or families who have gone through the birthing process and are interested might be confused in this conversation, so I would like to get your clarification. What exactly is the difference between a midwife, a birthing attendant, and a *doula*? I think what often happens in the community, especially around this very special process for families, is they do not know what their options are and with whom to ask for help. Do you folks mind clarifying? Also, who does Act 28 (2025) apply to?

Ms. Kaho'ohanohano: me to answer that.

Do you want to answer that or do you want

Ms. Shiota: answer that.

I will let the practitioners, Ki'i and Laulani,

Ms. Kaho'ohanohano: As you said, that is where this issue gets confusing for folks. We have many different types of midwives. Midwife is not just one (1) cookie-cutter, one (1) size fits all. There is a Certified Nurse Midwife (CNM). CNMs are not supposed to be a part of or affected by this law, although they have been posing their standards upon CPMs, from whom this law is about. Certified Midwife (CM) is the same essential pathway to certification and licensure as a CNM. For CNMs and CMs, it is the same standards and the same test, but it is just a different route. Those practitioners are typically working in hospitals. They can run birth centers, they can have independent practices, and they can also help train CPMs, which is a different form of a midwife. That is that type of grouping in a nutshell. Then, there is the CPM, or Certified Professional Midwife. That is what this law pertains to. This is supposed to just be about CPMs. Somehow, they also grouped CMs into this law, and that is extremely problematic. We could go all day just about that. That is very problematic and they have not yet totally addressed that issue in this current legislation. CPMs have two (2) routes. Under the North American Registry of Midwives (NARM), you do an apprenticeship pathway, which is the Portfolio Evaluation Process (PEP), which is what they have not wanted us to have so far. They do not want us to have an apprenticeship model to be able to be licensed from home. They are asking us to do a Midwifery Education Accreditation Council (MEAC) accredited program, which does not essentially exist in Hawai'i. You

can do online schooling, which is very costly and prohibitive for people especially for those in low-income, rural areas, which would be myself and many that I know. Plus, I think that, ethically, learning something online when it is a different perspective for some...there is nothing like being in person, hands on, and doing, comparatively, but that is an option. It is very expensive. In this process, we have seen the number of schools that are MEAC-accredited throughout the United States (U.S.) actually diminishing, because it is not really working, so they are slowly closing. To be giving us the online option is one (1) thing, but we still need preceptors. We still need someone who is, in fact, a MEAC-accredited CPM who has that same pathway, obviously from somewhere else, to come here, or we have to travel to them to get our numbers and have them sign off on all the births, skills, and things necessary to pass the NARM the same we would with an apprenticeship program, but it is different. You also have to be officially enrolled in a program of a MEAC-accredited school and have a preceptor sign off on your births. Even as a student, you are not actually legal to practice as a student if you are not in a MEAC program, so that is really limiting as well. I know there is a lot and I am speaking quickly, so I hope you are following me. There are different terms, such as direct entry midwife, lay midwife, traditional midwife, *pale keiki* or cultural midwife, and religious midwife. There are different types, because as Auntie Laulani stated in her presentation, this is the oldest profession.

(Councilmember Kualii was noted as not present.)

Ms. Kaho'ohanohano: We have been giving birth, holding each other as *wahine*...it is not just *wahine*. Our *kane*...that is what is also happening more in these realms as we are actually returning this *kuleana* and returning this role to our *kane* to support and be present with our *wahine*.

Councilmember Bulosan: Ki'inani?

Ms. Kaho'ohanohano: Yes.

Councilmember Bulosan: Thank you so much. Is there a website that lists all the different types that you just shared? You shared a lot of great information.

Ms. Kano'ohanohano: It is a lot and it is fast. We could probably put something together for your folks. Kristie, can you folks think of a place where we already have that?

Ms. Duarte: I think it is probably already on the Hawai'i Home Birth Collective. From a law or bill aspect of language and definitions, when we look back to 2019, when the term "birth attendant" came about, it was put in by the House of Representatives. Prior to that, the Senate referred to "birth attendants" as traditional midwives. The House of Representatives said, "Hey, we want to own the title "midwife," so now we will try to remove "traditional midwives" and we are

going to call all these others “birth attendants.” To give a simple answer, birth attendants are midwives.

Councilmember Bulosan: Thank you.

Ms. Duarte: But right now, the only thing that is legal are these western-trained clinical midwives. All the traditional and religious midwives who have been practicing since the beginning of time are not allowed to practice. In closing, at the final reading after the bill did not go to the Conference Committee, it went to the House of Representatives. Sixteen (16) representatives voted “no” at final reading, and it was a bipartisan no. On that day, over seventeen (17) nations of indigenous midwives flew in and were sitting in the chambers of the House of Representatives saying, “Hey, we are not recognized. We are illegal.” That really made the House of Representatives understand. When they all voted “no” for this midwifery bill, they understood that this bill is not *pono*, because all other indigenous practices, religious practices, and cultural practices are now subject to heavy fines.

Councilmember Bulosan: Thank you, Kristie. To clarify, are you referring to HB 1194?

Ms. Duarte: Yes, there were sixteen (16) no votes at final reading.

Councilmember Bulosan: In your presentation, it says that it passed.

Ms. Duarte: It passed because that was not the majority. I think we needed half of the House of Representatives members to vote “no” that day. Sixteen (16) voted “no.” It passed and it passed into law without the governor’s signature.

(Councilmember Kualii was noted as present.)

Councilmember Bulosan: Okay. To clarify, as you already mentioned, for any practicing cultural practitioners, under Act 28, there is no specific law that protects or supports them, therefore they are practicing illegally?

Ms. Duarte: There is no...go ahead, Carrie.

Ms. Shiota: It depends. As the lawyer here, I will add that it is sort of a factual basis. It is true that right now there is an exemption for Native Hawaiian cultural practices relating to birthing, so the law should not be enforced against them whether they choose to have a license or not. They can pursue licensure, but they are not required to do so. We were pitching another exemption that would have allowed cultural as well as religious birthing practices. Unfortunately, it did not get into the bill. I would like to point out that there are some other jurisdictions that

have codified in statute exemptions for both cultural and religious birthing practices, so that is correct. There could be someone who is practicing cultural or religious birthing practices and if they do not have a license, whether through the apprenticeship or through the clinical midwifery school, they would be considered illegally practicing and could be subject to enforcement and very harsh civil penalties. It is up to DCCA whether they are going to be enforcing it to that level. It would typically be generated if someone files a complaint. Our hope is that it will not be used in that manner, but the statute allows for it under the current law. Hopefully, that adds a little more nuance and context to your question.

Councilmember Bulosan: Thank you. I have one (1) more question.

Council Chair Rapozo: Go ahead.

Councilmember Bulosan: To clarify, we are not pregnant and are not expecting kids, but if my wife...but if we found out today, decided to contact an amazing organization like Kalauokekahuli, get support to utilize Native Hawaiian traditional practices for our birthing practices, selected an OB/GYN, get everything signed up, and nine (9) months later, we are in the hospital, the practitioner is with us and is assisting us as a traditional cultural practice, is the practitioner potentially practicing illegally?

Ms. Shirota: In the hypothetical that you are speaking to, if that person is practicing Native Hawaiian practices, there should be an exemption, but it would be up to the hospital or birthing center if they would allow that person to come into their "facility" and utilize those practices. Again, it allows for it, but it does not mean any hospital or private medical center would need to allow that. There would still potentially be that consent or allowance for it. I believe Ki'i has experience working with Maui Memorial Medical Center. Ki'i, do you want to share whether or not you are allowed in?

Ms. Kaho'ohanohano: I have worked on Maui for so long building relationships and I assisted in the hospital for over twenty (20) years, so I have built relationships. During the Coronavirus Disease of 2019 (COVID-19), they put together a list upon themselves and included those of us who have been in the birthing community supporting families for many years, so I was blessed to be put on that list. They have not added anyone to that list since, but you can typically come in, in general, as a friend or family member. Typically, the person can have two (2) people, but if you are on the list, like me, they can have three (3). For example, the mom, the husband, and me. That is because I am on the list. If you are not on the list, there can only be two (2) people, so that is sort of a limitation, but as far as implementing cultural birthing practices within the hospital, there have been a few times, very few times, of receptive, beautiful experiences, but for the most part, it is very limiting and it is very, very difficult. Even with my strong relationships...I actually *lomi* half (½) the staff at a certain point; all the nurses were coming to me. It is not a matter of

whether they like me or if they believe in what we do. There is policy, liability, and different things such as that, so I cannot even give a compress on the *yonī*. As the baby is coming, a lot of times we will put a hot compress on the mother's vagina to soften, welcome, and all the things that it does. I cannot do simple things like that, because it is crossing their boundaries. If I cannot do that, it is really limiting. They also have power trips. The most trauma I have experienced is in those ways where they hold your *īewe*, the placenta, which was requested, we did all the proper things in all the proper manner, and were very respectful the whole time, but it is a power trip with this doctor. I cannot explain it, but I have seen it repeatedly. That is part of a cultural practice that was interrupted. After, this mother had the worst-ever induction. It was a three-day process and she ended up with a cesarean. The only thing she felt she really had left was that *īewe*, but they took it from her. I am telling you about what seems to be a graphic story, but at the same time, this is what we are experiencing. That is harm that is happening in those spaces when we try to incorporate cultural elements. Like I said, I have had times when they let us catch the baby with our *tapa* or incorporate *oli* and different aspects of who we are, but that is their "house." When you come to my *hale*, I will ask you to *hemo* your shoes, eat my food and smile, even though it is not your favorite, so we need to be accommodating when going into their "house" on some level. Even though we come in strong with *aloha* and what we are there to hold, there are limitations. It does not matter how great of a practitioner you are, what you know, or what you have to share. When you go into those spaces, it can be challenging. I hope that answered your question.

Councilmember Bulosan: Yes. Thank you, Ki'i.

Ms. Duarte: Also, I understand what you are asking in regard to whether they will be considered illegal. When we look at the language of the law, there is an exemption portion. There is a clear exemption that says that under the Hawai'i State Constitution, Article XII, Section 7, those practicing traditional and customary practices are exempt and do not need a license. The confusing part...because I had conversations with DCCA...is when you look at the actual definition of "midwifery" and the scope. I think there are nineteen (19) things listed. I asked DCCA, "If I do three (3) of those nineteen (19) things, am I practicing midwifery without a license?" They said, "I do not know, Kristie. It is not clear. It is not like that." It is not clear what midwifery is. That is also where it has put the community in confusion and fear. Everyone is trying to figure out if they need to do all nineteen (19) things to be considered a midwife practicing midwifery and they need a license, or can they do a couple of them and are okay or will they be subject to heavy fines of one thousand dollars (\$1,000) per day.

Councilmember Bulosan: Thank you, Kristie.

Council Chair Rapozo: Are there any other questions for the panel? If not, thank you all very much. I appreciate you folks.

Ms. Shirota:

Thank you so much.

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

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

Councilmember Cowden: I want to thank them for their testimony. I support the reproductive rights regardless of race, origin, or culture. I am glad there is a carveout to protect Hawaiian culture; this is Hawai'i. Childbirth is a natural human function throughout history and across the planet. The current norm for the majority of expectant mothers is to rely on the medical system. Greater freedom for alternative birth choices should not be seen as a threat to their business model. Known high-risk deliveries almost always happen in a hospital. I chose to give birth with a midwife in a hospital...it was with Claudia Brown, by the way, but at the time that I had a baby, the only problem deliveries at Wilcox Medical Center had an obstetrician. It was normal to have a midwife. In my experience on Kaua'i, even forty (40) years ago, expecting mothers in my world and my demographic...I am not *kanaka*...were confidently giving birth at home, typically in a bathtub, sometimes even by themselves if needed. Most often, this casual birth process was not for their first child, but I knew people who would just go in the bathroom and have a baby more often than you would expect. If there is someone who knows how to do it and they have had several, it is not that big a deal for many of them, not me. Many people do not trust the interventions in the modern medical system. Overregulation of childbirth practices is likely to drive more expectant moms to having their babies without the support of committed traditional birth attendants or midwives, whatever we call them. The existing restrictive law will probably result in greater risk than a more expansive opportunity for birth attendants. Thank you, folks, for your presentation. I support your efforts and wish success with a verdict in your court case. Thank you.

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

Councilmember Holland: I really appreciate the update. I am also continually baffled at government overreach in certain things like home birth. Women giving birth has been happening for hundreds of thousands of years, so the fact that there are those regulations seems so onerous and unfair. I appreciate the update and if there is anything we can do on a council level...just being prepared to support our community and those access to whatever medical support that they want for giving birth.

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

Councilmember Bulosan: I would like to thank the Councilmembers for allowing us to have this briefing. Oftentimes, we get opportunities to do briefings that regard to some function related to County functions, and this may seem far off topic from any County function especially since there is no department of birthing or any department similar to that, but the relation to our Council is that in 2023, we passed a resolution that showed support of the efforts that are occurring with the practice of our community around the most sacred practice for human beings that has centered us in the place to...that if these practices were not in place for the generations to come, we would not be who we are today and it is the root to how we can become who we are. I did not think this would ever be important to me. It was never a top agenda item in my life until exactly twenty-five (25) months ago when my wife pulled me to the side and showed me a picture of a beautiful baby who was growing within her. From that moment, from twenty-five (25) months ago, I made every effort to understand, learn, and engage in the process of becoming a parent and in the idea of being a father, I also enrolled myself in every opportunity in my whole being—professionally and personally—to make that process the most beautiful and amazing thing that anyone could ever experience. Unfortunately, the difficult part of that, as we know, is the journey is never just a beautiful garden of amazing things that you get to enjoy. It comes with roadways and challenges, and in my position, professionally and personally, comes great responsibility to Kīla‘apilialohaikekailoame‘ao‘ao, my son, my wife Nicole Cristobal, and to every parent and every child being born in Hawai‘i...that we take every effort, all my effort to give, share, and improve where we can. In our birthing process, it was the most magical nine (9) months that I could ever experience. I wish, hope, and am doing everything possible in my being to allow and have other parents have the access. We were able to do a centering parenting program through the Kaua‘i Veterans Memorial Hospital (KVMH) that allowed us to have a birthing process and pregnancy process with Dr. Purcell at KVMH. We also did a program with Birthing Within A Nation to allow us to connect to our cultural roots, so that we are connected to ‘āina and people, so that we are birthing not only and having this process in a healthy and safe way, but also connected to everything that we are and who we want to become. We also received support from Kalauokekahuli, an amazing organization helping mothers and future parents, and has postpartum services. I did not realize all of these things were potentially controversial. I thought this should be normal. The sad and challenging part is many parents and future families enroll themselves into these processes, get confused, get mixed messages, and are in fear of pursuing help in such a beautiful process that I think anyone who has gone through knows is a magical thing. The relation to our Council, how we passed the resolution in 2023, and for us to keep following up on it to make sure that these same opportunities are afforded to future parents is truly important, because it is literally “setting the stone” in place for future generations to take, uphold, and care for going backward to our *kūpuna* and going forward to our *keiki*. If we can set this foundation right and continually work and rework to set this one right, like all the most important things that we have—housing, food, shelter, health care, and basic functions, like wastewater— they

all do not exist if we are not healthy, so this is a very important topic for our Council and I am glad our Council is willing to hear this briefing. Thank you.

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

The motion to receive C 2025-140 for the record was then put, and unanimously carried.

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

C 2025-141 Communication (05/27/2025) from the Emergency Management Administrator, requesting Council approval to receive and expend Federal grant funds, in the amount of \$4,000.00, from the United States (U.S.) Department of Homeland Security, via the State of Hawai'i, Department of Defense, to support emergency management programs that strengthen their capabilities to address all hazards, and support inter-island travel expenses for Kaua'i Emergency Management Agency (KEMA) staff and partners to attend training and exercise activities. These funds need to be expended by September 30, 2025 and have no cost-share requirement.

Councilmember Cowden moved to approve C 2025-141, seconded by Councilmember Bulosan.

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

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

The motion to approve C 2025-141 was then put, and unanimously carried.

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

C 2025-142 Communication (05/29/2025) from the County Engineer, requesting Council approval to receive and expend State funds in the amount of \$391,752.00, from the State of Hawai'i, Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2026 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions, support mobile redemption center operations in Kekaha and Kōloa, and support the lease of the redemption center in Kekaha.

Councilmember Kualii moved to approve C 2025-142, seconded by Councilmember Cowden.

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

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

The motion to approve C 2025-142 was then put, and unanimously carried.

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

C 2025-143 Communication (05/29/2025) from the County Attorney, requesting Council approval of the indemnification provision contained in the Terms of Service for Logikcull, an eDiscovery tool, which allows the County to efficiently collect, preserve, review, and produce electronically stored information (ESI) in response to litigation, public records requests, and investigations.

Councilmember Kuali'i moved to approve C 2025-143, seconded by Councilmember Cowden.

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

Councilmember Cowden: I have a question.

Council Chair Rapozo: Okay.

Councilmember Cowden: The County already has this, right? You are just extending this? Is this something new?

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. We have had it in the past. The Council has approved the indemnification provision in the past. At this point, the contract has lapsed, so this would be a new contract for something we have used in the past. We have used several different software over the years. This one works the best, so we are getting a new contract to do this.

Councilmember Cowden: What exactly does this do? Does this help you look things up?

Mr. Bracken: When we receive either public records requests or when documents are asked for during the litigation process, oftentimes we have to sift through a lot of emails. Emails are the best example. You can take a large amount emails, put them into this software, remove duplicates, redact areas that need to be redacted, and roll emails from a chain into one (1). It compiles information to make it searchable, so we are using less manual time reading through things. We are using the software to make it efficient.

Councilmember Cowden: Would this typically be used when someone makes a Uniform Information Practices Act (UIPA) request?

Mr. Bracken: Yes, this would be used for that as well. We are getting more UIPA requests that include emails. The difficulty is that our Information Technology (IT) Division has to process those requests, and oftentimes it is packaged in large amounts of emails to the departments. Sometimes, those emails will include things that are not necessarily relevant to the request and may include client-attorney communications. This software can help us cut that out, then the departments have less to look at.

Councilmember Cowden: Does it assist with redaction? In the past, going through page by page to redact information was sometimes a big issue. Does this make that a simpler process?

Mr. Bracken: It does. You can use the software to permanently redact things.

Councilmember Cowden: Thank you.

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

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

The motion to approve C 2025-143 was then put, and unanimously carried.

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

C 2025-144 Communication (06/04/2025) from the Managing Director, requesting Council approval to accept a donation of a well-known 52" x 52" painting entitled *Island Ritual* by Ray Yoshida, from the Ray Yoshida Trust, which has been featured in magazines and books, and is considered one of his early works, with an estimated value of \$25,000.00.

Councilmember Kualii moved to approve C 2025-144 with thank-you letter to follow, seconded by Councilmember Holland.

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

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

The motion to approve C 2025-144 with thank-you letter to follow was then put, and unanimously carried.

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

C 2025-145 Communication (06/09/2025) from Assistant Chief of Police Darren D. Rose, Police Operations Bureau, requesting Council approval to receive and expend Fiscal Year 2024 STOP Violence Against Women Act (VAWA) formula grant funds, in the amount of \$50,216.00, and to indemnify the State of Hawai'i, Department of the Attorney General, project award No. 15JOVW-24-GG-00585-STOP, to continue to provide program support for the Sexual Assault Nurse Examiners (SANE) program related to training and equipment needs, for the anticipated period of June 1, 2025 to May 31, 2026.

Councilmember Kualifi moved to approve C 2025-145, seconded by Councilmember Cowden.

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

Councilmember Cowden: I have a question.

Council Chair Rapozo: Okay. Could we have the Kaua'i Police Department (KPD) come up?

Councilmember Cowden: Thank you. Can you give us a brief update on the number of SANE that KPD has, if there are openings, and if the pay scale is sort of the same? I know it is a problem when they are paid almost nothing to be on-call, and a lot of times that is an on-call position. How is that going?

There being no objections, the rules were suspended.

ANTHONY MORITA, Police Lieutenant: Good morning, everyone. For the record, Anthony Morita, Person Crimes Section Lieutenant, KPD. Thank you, everyone, for allowing us to be here. Councilmember Cowden, to answer your question, yes, fortunately we are fully staffed. We have six (6) SANE or Sexual Assault Forensic Examiners (SAFEs), as we call them. We coined the term SAFE to be more in line with the national standards. We are fortunate and very blessed to have six (6) willing team members who are on-call and willing to assist. We do not have any vacancies at this point, but we still encourage anyone who is interested to visit our website to learn about the program and see if they want to be part of it at some point in case there are any vacancies. We are doing a lot of community engagement events right now, so our team members are out in the public trying to show who we are and what services we provide for our community.

Councilmember Cowden: Can you give a very brief explanation of what it is, in case there are people who are watching and do not understand so they can know if they have been sexually violated how KPD in alliance with the Young Women's Christian Association (YWCA)...you do not need to go into a lot of detail, but if people make a complaint...a lot of times, people are afraid, victims are afraid

to step forward. I want them to understand that it is kind, compassionate, effective, and they are not going to be at Wilcox Medical Center (Wilcox) or some public place.

Mr. Morita: KPD has the unique responsibility of providing this service to our community. We work closely with our YWCA partners. They assist the victims whenever the victim is willing to file a complaint. Initially, they meet with our patrol investigators or police personnel and make the initial complaint.

(Councilmember Bulosan was noted as not present.)

Mr. Morita: Once that occurs and if it meets the criteria of requiring further investigation by our detectives, the detectives will be contacted, and if a SANE examination is requested or required, that is where we handle that in our side of the house. Everything is secure, confidential and discreet, and we do our best to minimize any further trauma to our victims and their families.

Councilmember Cowden: Your arrest rate or investigation rate is remarkably successful because of this program.

Mr. Morita: We try our best to help our community and to not dilly-dally. When things come to our attention, we go full force in investigating, holding those responsible for the acts accountable for their actions.

Councilmember Cowden: Thank you.

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

Councilmember Kualii'i: I have a simple question for clarification.

(Councilmember Bulosan was noted as present.)

Councilmember Kualii'i: The six (6) positions you talked about are on-call, so they are individuals, they are just operating as an independent consultant, if you will, and they actually work for KPD for this program?

Mr. Morita: Yes, they are employed by the County, under KPD. They are no longer independent contractors.

Councilmember Kualii'i: Is any work that you do with YWCA just follow-up things—counseling, support, and those types of things?

Mr. Morita: Yes. We refer them to YWCA. YWCA does amazing work in supporting and providing additional support for the victim and their family.

Councilmember Kualii: Is it a referral for follow-up?

Mr. Morita: Yes.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Are there any other questions for KPD? If not, thank you.

Mr. Morita: Thank you very much.

Councilmember Cowden: I have a follow-up comment. I am thankful that they are fully staffed, because that has been a problem.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? If not, is there any further discussion?

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

The motion to approve C 2025-145 was then put, and unanimously carried.

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

C 2025-146 Communication (06/10/2025) from the County Engineer, requesting Council approval of the indemnification provision contained in the Application & Permit For The Occupancy & Use Of State Highway Right-of-Way and Permit Restrictions and Certification, Permit No. 936, allowing the Department of Public Works to occupy and use the State highway right-of-way to perform work.

Councilmember Kualii moved to approve C 2025-146, seconded by Councilmember Carvalho.

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

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

The motion to approve C 2025-146 was then put, and unanimously carried.

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

CLAIMS:

C 2025-147 Communication (05/29/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kari Villabrilie Mohr, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-148 Communication (06/10/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Recovery Law Center for Dannica Elizabeth Katie Orsatelli, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2025-149 Communication (06/12/2025) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Donald Greer, for personal, physical, and punitive damages, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2025-147, C 2025-148, and C 2025-149 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

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

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

The motion to refer C 2025-147, C 2025-148, and C 2025-149 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

COMMITTEE REPORTS:PLANNING COMMITTEE:

A report (CR-PL 2025-08) submitted by the Planning Committee, recommending that the following be Approved on Second and Final Reading:

"Bill No. 2954 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND,"

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

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

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

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

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

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (CR-FED 2025-12) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2955 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2025 AND JUNE 30, 2029,”

A report (CR-FED 2025-13) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2956 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2025 AND JUNE 30, 2029,”

A report (CR-FED 2025-14) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2957 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2025 AND JUNE 30, 2029,”

A report (CR-FED 2025-15) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2958 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2025 AND JUNE 30, 2029,”

A report (CR-FED 2025-16) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on Second and Final Reading:

“Bill No. 2959 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2025 AND JUNE 30, 2029,”

Councilmember Kuali'i moved for approval of the reports, seconded by Councilmember Carvalho.

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

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

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

Council Chair Rapozo: The motion carries. At this point, because we have some presentations, I will take a caption break now, so we do not need to interrupt the presentations. With that, we will take a ten-minute caption break.

There being no objections, the meeting recessed at 10:04 a.m., for a caption break.

The meeting reconvened at 10:17 a.m., and proceeded as follows:

(Councilmember Kuali'i was noted as not present.)

Council Chair Rapozo: We will get back to our Resolutions. Can we have the first Resolution, please?

RESOLUTIONS:

Resolution No. 2025-29 – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2025-2026 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

Councilmember Carvalho moved for adoption of Resolution No. 2025-29, seconded by Councilmember Bulosan.

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

(Councilmember Kuali'i was noted as present.)

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

The motion for adoption of Resolution No. 2025-29 was then put, and carried by the following vote:

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

LYNDON M. YOSHIOKA, Deputy County Clerk: Seven (7) ayes.

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

Resolution No. 2025-30 – RESOLUTION ESTABLISHING TRAFFIC LANE MODIFICATIONS, STOP SIGNS, SPEED LIMITS, AND BICYCLE LANES ON KANEKA STREET; ESTABLISHING CROSSWALKS ON KANEKA STREET, NUHOU STREET, ONO STREET, AND MANŌ STREET; ESTABLISHING A ROUNDABOUT AT THE INTERSECTION OF NUHOU STREET AND KANEKA STREET; AND ESTABLISHING STOP SIGNS ON ONO STREET AND MANŌ STREET, COUNTY OF KAUAI

Councilmember Kualii moved for adoption of Resolution No. 2025-30, seconded by Councilmember Carvalho.

There being no objections, the rules were suspended.

MICHAEL MOULE, Civil Engineer VII Manager: Good morning, Council Chair and Members of the Council. Michael Moule, Chief of Engineering, for the record. I have a brief presentation to run through a summary of the effort and the reasons for work. This is a quick presentation on what we are thinking for Kaneka Street and what we are planning to do there.

As noted in the memorandum (memo) we sent, we went to public with a public meeting about one (1) year ago on this. There were some comments, so there were some changes based on that, but we recently resurfaced Kaneka Street. It has been a little more than recently now, but it still has temporary striping from when it was resurfaced a while back, but it is enough to where we can simply take out the temporary stripes and put in new stripes. That is why we are coming to you now with this. We have been planning this for a while. The goal is to restripe Kaneka Street to improve safety for everyone. It is largely thinking about pedestrian safety, making it easier to cross the street at intersections and other locations, reducing conflicts for motorists at left turns, reducing conflicts in general, reducing motorists speed, and having pedestrians be further from motor vehicles with bicycle (bike) lanes to provide that buffer. Adding bike lanes is another benefit to the effort.

I will first talk about speed. The posted speed limit is currently twenty-five (25) miles per hour. The Resolution actually includes establishing that speed limit, because we found out that it was never established in the past by the County Council. It also establishes a fifteen-mile-per-hour school zone in areas that we will talk about in a moment. The challenge is that people have been going a lot faster than that, based on what we see out there when looking at the traffic in the area, and that is unsafe. We think that by converting, we will be able to reduce the speeds to slower speeds, getting closer to that twenty-five-mile-per-hour posted speed. I will briefly go over in slides the things that the speed affects. The faster you drive, the less you can see next to you on the side of the road, because you are looking further down the road. It also makes it harder to avoid a crash and it makes the crash severity worse. I have a couple of slides just to show that change in braking and reaction time.

If someone is driving at twenty-five (25) miles per hour, the time that it takes them to see whatever they need to stop for and then actually stop is about one hundred fifty (150) feet. That is between the twenty-mile-per-hour and thirty-mile-per-hour bars on this chart. However, if they are speeding at thirty-five (35) to forty (40) miles per hour, which is not uncommon on a twenty-five-mile-per-hour posted street like this, it could take two hundred fifty (250), three-hundred-plus feet to stop. It is much harder to avoid a collision if something happens at these faster speeds.

The other issue is pedestrian safety. At twenty (20) miles per hour, we see a very low chance of death for a pedestrian. It is five percent (5%). Is it up to fifty percent (50%) at thirty (30) miles per hour and once you reach forty (40) miles per hour, which is a speed people often go on a street with a limit of twenty-five (25) miles per hour, it is about eighty-five percent (85%) that it is rather certain you are going to die if you are unfortunately hit by a car. We try to keep those speeds low in areas where we have people walking and, of course, this is an access road to Chiefess Kamakahelei Middle School (CKMS).

The proposal is to do this general idea of converting from a four-lane, undivided roadway to a three-way where there is a lane in each direction plus a center turn lane, and using the remaining space to mark bike lanes. From a speed point of view, one (1) of the benefits is simply that you cannot pass each other. The prudent driver sets the speed. If there is a driver who is going the speed limit, the drivers behind them cannot go flying past them. That is one (1) big reason why the speeds are lower.

I want to briefly talk about safety. If you think about this situation where you are driving down one (1) of these four-lane roads, for example, Kaneka Street, and you are headed west towards Puhi Road, and there is a driver who wants to turn left into the neighborhood at Manō Street, which is the neighborhood towards the Halelani Village at Puhi condominiums (condos). They put their turn signal on and if you do not react in time, you could rear-end the car in front of you. With the situation with the three-lane configuration, that driver is in another lane. They move out of

your lane, which is the through lane, and you can continue straight through without needing to worry about the driver in front.

With this four-lane scenario, the other option is you do not want to rear-end the driver in front, so you change lanes, then of course, there is a car in that next lane, so you could crash where the "X" shows on the drawing on the left. Again, with a three-lane configuration, the driver moves out of the through lane and makes it a lot safer, so there is no problem of people shifting back and forth to avoid turning cars.

Lastly, this one (1) only exists at one (1) place on Kaneka Street. There is a cross intersection at Oio [sic] Street. It is not a huge problem on this street, but it could be on other roads that are busier. If two (2) drivers are making a left turn...both of these red cars are making left turns to the minor street and they block each other's view of cars in the next lane. You have probably experienced this. Maybe not on Kaneka Street, but probably on Kalepa Street or Nuhou Street, where there are higher volumes occurring, like people turning into the mall from Kalepa Street near Home Depot. I see this happening there all the time. Fortunately, I have never seen a crash, but I see this situation where you cannot see the car in the next lane when you are trying to make a left turn. The other big safety benefit is us removing this type of crash. This is the real significant injury type of crash. If that driver makes that left turn as shown in the image on the left and if they have a passenger, the driver in the yellow car will hit them at whatever speed they are going, because they are not going to see that car turning either. They have a hard time slowing down in time. That is a rather significant crash right on the side of the car, which could be really detrimental to someone who is sitting on the passenger side of the car.

Lastly, from a pedestrian safety perspective, we have a situation that exists now. Primarily, we are most concerned about this now at the crosswalk to CKMS that is just down from the roundabout. You have a situation where a driver stops to let a pedestrian cross, as indicated in the image on the right. That is what you want. Drivers stop for pedestrians, and we see that people do that most of the time on Kaua'i, but the next driver may not see the pedestrian. They may not know why that driver has stopped. That creates the situation where the driver keeps going and there is a potential for a rather high speed pedestrian crash. Not having two (2) through lanes can help reduce this scenario. It will not eliminate this possibility, because you still have turning cars using the separate lanes even at that crosswalk. We can talk more about that when we get to the image of that location in the future, but it will reduce it from the point of view of two (2) cars that are going through. It reduces the chance of what we call a "multiple threat" type of crash for pedestrians.

I will quickly go through a summary of the Resolution. Hopefully, you have seen it, but I will quickly go through this. I will try to talk about the things that, to some degree, are in the Resolution, are already in place, and have been there for yours, but were never taken to the Council for some reason. We are correcting all those things, but there are other things we are changing. This is an overall image of

Kaneka Street from Puhi Road on the left side of the image to Nuhou Street, where the roundabout is with the shopping center on the right side or the east and northeast side of Kaneka Street. The whole street is posted at twenty-five (25) miles per hour now. Again, there was no resolution for that, so we are correcting that with this Resolution. We are officially adding that twenty-five-mile-per-hour posted speed with this Resolution. A portion of Kaneka Street, which is highlighted in the darker color, between Nuhou Street and a little bit east of Manō Street, is also a school zone. When school is in session, by the County Code and Resolution, the school zone speed limit is in place from 7:00 a.m. to 3:00 p.m. on school days. A couple of things that do not show up directly on this map, but I will talk about now, are things like stop signs at some of the cross streets, like Manō Street and Ono Street, are added here, because they were not done by a resolution. There are a few other things that are added that had not been previously addressed. I will jump into the page-by-page images. You have this is the Resolution as well. This is going from Puhi Road to Nuhou Street on Kaneka Street.

One (1) of the important things to think about at this location is from a vehicle capacity and delay perspective, we are not changing anything at the stop sign at Puhi Road. You still have two (2) lanes approaching Puhi Road on Kaneka Street. Right now, there are two (2) lanes. There may not necessarily be arrows on them. You have a right lane and a left lane. The right lane is for turning right onto Puhi Road and the left lane is for turning left onto Puhi Road. That will be the same. You will still have the same ability to make those turns and there will not be any additional delays associated with that. Effectively, any intersection besides that one where you do not have new stop signs, it is essentially still the same. You have one (1) lane for turning left and one (1) lane for going straight through. Since there are no stops on any other intersection, like at Ono Street, the through movement of the single lane is not an issue from a capacity or congestion point of view.

Moving on, this is stepping our way down the street. For the intersection of Manō Street and Kaneka Street, one (1) of the things we are proposing here, because Manō Street is actually relatively busy...it is a neighborhood street and goes back and connects to a fair number of housing areas with some apartments and duplexes, so not only do we have the left-turn lane going into Manō Street, but we are also allowing this left-turn merge lane coming out with the ability to turn left into a sheltered lane in the center, like you see on many of our roads on Kaua'i.

It is the same thing at Puhi Park. There is a left-turn lane to go in and you can use that lane on the way out to make that turn in two (2) stages. As a driver, you only need to yield to traffic going in one (1) direction at a time. It just makes those turns into and out of these driveways and streets a little easier.

This location at the CKMS driveway and the entry to the Regency Huleia housing condos was the hardest spot. We struggled with this one. We proposed taking the bike lane all the way through in the westbound direction. We took that to the

public, but there were concerns about that and needing the right-turn lane for motorists to turn into the school, because it cues up. We agreed with that, so we took the right lane and made it a dedicated right-turn lane to store cars turning in with a very long left-turn lane for cars turning into the school from the west, coming from Puhi Road. Again, there is some storage for vehicles in those areas. We added the stop lines before the crosswalks and set them further back to try to avoid that multiple threat problem, because if you have cars waiting to turn left into the school and kids try to cross, that multiple threat crash that we talked about can still occur when a driver is going through in the eastbound through lane. Asking drivers to stop further back with that stop line when they are yielding to pedestrians is beneficial and it will hopefully reduce that incidence. The other thing we struggled with was how to treat the turns into the Regency Huleia condos. We decided that from the point of view of trying to get cars out of the school site...this is something we worked out with the school...we wanted to use that center lane for a left-turn merge lane coming out as opposed to left turns going in. That means that there will occasionally be a situation where the cars turning left into that condo complex will block the through movement from drivers going westbound. Again, this was the most challenging location, but it was rather important given how many parents and others use that driveway during school arrival and dismissal time. The only time we see congestion at all in this area is during those times in the morning and the afternoon.

This image just shows the last bit. This other school driveway is gated most of the time, so we are showing a left turn into both of these locations. This is the Regency at Puakea housing for senior citizens. We are allowing a small left-turn lane into both those locations as well. The roundabout itself is not changing, although the Resolution does include the establishment of the roundabout. That is because it was never done when that was built by the developer, so we are cleaning that up as well. One (1) last thing I will mention is that both Kaneka Street and portions of Nuhou Street, or maybe portions of both, are technically still owned by Grove Farm, but there is a right-of-entry that the County has over those. We are working with Grove Farm to get those dedicated. Because there is a right-of-entry over those streets in favor to the County and the public...as I understand it, this needs to be established in a Resolution. I think that is my last slide.

Council Chair Rapozo: Are there any questions? Councilmember Cowden.

Councilmember Cowden: Thank you. Will the flashing crosswalk signs be placed anywhere right around the school?

Mr. Moule: They already have them at those crosswalks. The last crosswalk that I showed already has the flashing lights. I am sorry. Did I turn that off.

Councilmember Cowden: You need to start over. The County already has that?

Mr. Moule: Yes, we already have flashing beacons at the four (4) crosswalks at the roundabout as well as the crosswalk that is located at the western-most school entrance.

Councilmember Cowden: Okay. I have another question. The meeting that you had at CKMS about one (1) year ago was really well-attended. I think all the people were in alignment with it. Is any of this different from what we looked at then?

Mr. Moule: The main changes were at the intersection at that school entrance. We adjusted it to change how some of the turn lanes and bike lanes worked.

Councilmember Cowden: You obviously talked to Puakea and the middle school's principal.

Mr. Moule: Yes. The principal has changed. I talked to the new principal about one (1) or so months ago to discuss the project. She was not as familiar as the previous principal was. There were residents of the Puakea and Huleia condos at the meeting as well.

Councilmember Cowden: Will this surprise anyone?

Mr. Moule: No, although it has been a little time. It has taken us some time to get to this stage, but it should not be a surprise to folks who had heard about the meeting. I am sure there are people around the County who did not hear about the meeting and did not know about it, but will probably hear about it today by watching this meeting or will hear about it afterward.

Council Chair Rapozo: Are there any other questions? If not, thank you. Is there anyone in the audience wishing to testify? Seeing none, is there any further discussion? Councilmember Holland.

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

Councilmember Holland: I want to thank you for all your hard work, Michael, and for thinking in detail about the safety of this area. I would love to see a mailer go out to all Kaua'i that teaches people how to drive in a roundabout, but that is a future item.

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

Councilmember Bulosan: I want to echo all the hard work done by the Department of Public Works. This is vital. Puhi and that corridor is very important, especially with Puhi Park being right there. I know a lot of kids walk across dangerously, so anything the County can do to make this safer is fantastic work.

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

The motion for adoption of Resolution No. 2025-30 was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item.

BILLS FOR SECOND READING:

Bill No. 2954 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

Councilmember Kualii moved to approve Bill No. 2954 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

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

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

The motion to approve Bill No. 2954 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

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

Bill No. 2955 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2025 AND JUNE 30, 2029

Councilmember Kualii moved to approve Bill No. 2955 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

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

The motion to approve Bill No. 2955 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item.

Bill No. 2956 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2025 AND JUNE 30, 2029

Councilmember Kualii moved to approve Bill No. 2956 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

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

The motion to approve Bill No. 2956 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

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

Bill No. 2957 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2025 AND JUNE 30, 2029

Councilmember Kualii moved to approve Bill No. 2957 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Bulosan.

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

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

The motion to approve Bill No. 2957 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item.

Bill No. 2958 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2025 AND JUNE 30, 2029

Councilmember Kualii moved to approve Bill No. 2958 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

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

The motion to approve Bill No. 2958 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Next item.

Bill No. 2959 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2025 AND JUNE 30, 2029

Councilmember Bulosan moved to approve Bill No. 2959 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

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

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

The motion to approve Bill No. 2959 on second and final reading, and that be transmitted to the Mayor for his approval was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

Council Chair Rapozo: The motion carries. Can you please read us into Executive Session?

EXECUTIVE SESSION:

ES-1145 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 Suzanne K. Smith and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1145, seconded by Councilmember Bulosan.

Councilmember Cowden: Are we taking the vote before going into Executive Session?

Council Chair Rapozo: This is to get us into Executive Session.

Councilmember Cowden: Okay.

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

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

The motion to convene in Executive Session for ES-1145 was then put, and carried by the following vote:

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

Mr. Yoshioka: Seven (7) ayes.

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

There being no objections, the meeting recessed at 10:41 a.m., to convene in Executive Session.

The meeting reconvened at 11:05 a.m., and proceeded as follows:

Council Chair Rapozo: Mr. Bracken.

There being no objections, the rules were suspended.

Mr. Bracken: Matt Bracken, County Attorney. An Executive Session for ES-1145 was held regarding a pending claim. That discussion is confidential and nothing will be disclosed at this time.

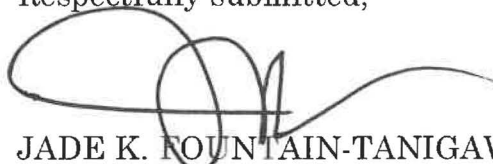
There being no public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Thank you for that. With that, if there are no objections, this meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:06 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized loop at the beginning and a long, sweeping tail.

JADE K. FOUNTAIN-TANIGAWA
County Clerk