

COUNCIL MEETING

MARCH 13, 2024

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 13, 2024, at 9:17 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Ross Kagawa (*present at 9:20 a.m.*)
Honorable KipuKai Kualī'i
Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

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

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

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

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

MINUTES of the following meeting of the Council:

February 16, 2024 Council Meeting

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

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

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

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

Council Chair Rapozo: With that, we will do the public hearing on Bill No. 2912.

There being no objections, the meeting recessed at 9:18 a.m. to convene in the public hearing.

The meeting was called back to order at 9:19 a.m., and proceeded as follows:

Council Chair Rapozo: If there are no objections, I would like to take C 2024-57, the Cost Control Commission Report, out of order.

There being no objections, C 2024-57 was taken out of order.

COMMUNICATIONS:

C 2024-57 Communication (02/21/2024) from the Cost Control Commission, transmitting for Council information the County Cost Control Commission 2023 Annual Report, pursuant to Kaua'i County Charter Section 28.05.

Councilmember Carvalho moved to receive C 2024-57 for the record, seconded by Councilmember DeCosta.

(*Councilmember Kagawa was noted as present.*)

Council Chair Rapozo: Ms. Ching.

There being no objections, the rules were suspended.

ELLEN CHING, Boards & Commissions Administrator: Good morning, Chair and Councilmembers. Ellen Ching, Boards & Commissions Administrator. First off, I would like to thank the Chair, Council staff, and Councilmembers for their indulgence in allowing us to go earlier. I have a Liquor Control Commission meeting later in the afternoon, and I wanted to make sure I would be present. Secondly, I am a baby-boomer, so I was brought up during the Watergate scandal. The lesson learned there is the cover up is always worse than the initial crime, so I want to start off by saying that for the record, I want to note that on page 1 of 5, on the fifth bullet point of "A," it says, "2018-2019," but it should be, "2022-2023." Again, please note that correction for the record. Secondly, the lateness of this report and another omission that I made is neglecting to anticipate that the Council would request the Chair before you, as a body, to answer any questions, so I neglected to put that on the agenda. The Chair, Andre Lister, is here, however, he can only speak as a member and offer his opinion. He cannot offer or speak on behalf of the whole commission. I apologize for that in advance and I wanted to make sure all of those errors are errors on my part, and have nothing to do with the Cost Control Commission or the Chair. Thank you so much.

Council Chair Rapozo: Thank you. We all have been provided with a copy of the report. We have not had one of these for so long. Typically, the Cost Control Commission is set up to provide recommendations to the Council before we enter the budget session, so, first of all, thank you for making that happen, because, again, that does not always happen. I will advise the Councilmembers that the discussion is on the report itself, and if we want to have discussions with the Administration on the different departments for these specific topics, then we can set that up in different Committee meetings to have more thorough discussions. I do not expect the Commission or the Chair to speak for the Administration. This is to go over the report, which is what we have in front of us. With that, thank you for being here, Mr. Lister. If you would go over a quick overview, then we can proceed with some questions.

ANDRE LISTER, Cost Control Commission Chair: Okay. Andre Lister, Cost Control Commission. First of all, thank you for having me, Chair and Councilmembers. During the nearly one (1) year that I have been on the Cost Control Commission, I have learned a lot about the innerworkings of our local government, the different divisions, and gained a real respect for the individuals who serve the County of Kaua'i, because the amount of work that goes into keeping our County moving is absolutely amazing. On top of that, from what I have been able to gather, they do a really good job at it, because it has been a difficult task to identify areas where there might be an opportunity to cut costs. This report represents several areas where we felt that there might be an opportunity for the County to cut some costs or become more efficient. First and foremost, the first item relates to the cost of processing the real property taxes. As a brief overview, we all, or at least a good number of us, have to pay property taxes every single year and there are multiple ways of doing that—we can go in and pay at the department in-person, mail them in, or have it automatically withdrawn from our bank accounts. The summary of this is that we feel that we can maybe increase the number of users who elect to use the Automated Clearing House (ACH), which is sort of like direct deposit. For those who receive paychecks or social security, it comes as a direct deposit into their checking accounts. The other side of that is true. It would allow individuals to pay through an automated process through the website with a reduction of the paper process and the processing. There is a substantial cost associated with the physical processing when people pay their taxes in-person and the multiple steps that are involved with taking that payment—processing that payment, generating reports, and depositing that payment into the County's account—versus doing it electronically. Through an electronic process, it is automatically taken out of the account, deposited where it is supposed to go, a report is generated, and then a manager can then balance that report against the numbers. That can save a significant amount of time.

(Councilmember Kagawa was noted as not present.)

Mr. Lister: If you look at the amount of manpower hours that are required to process physical payments, there could be quite a reduction. I think where the holdup that we identified could be is that currently, there is a cost associated with using the ACH system, or paying online. There is a fee associated with using that service. For us...I apologize for not having the exact dollar amounts in front of me on this page...but the cost that individuals must pay to use those electronic services versus the cost involved in processing physical payments has a difference. If we can encourage our residents to use the electronic system, it could result in a large cost savings to the

County, as a whole. One of those things, which I understand...I do not like going to an automatic teller machine (ATM) and paying the ATM fee, so I play ahead. I go to the bank before I go to Las Vegas and pull the money out, rather than pay eight dollars (\$8) as an ATM fee. I think that we may be able to encourage the citizens to use this service more if it were to be free. That is item number 1. Would you like to ask questions on item number 1 prior to going onto item number 2?

Council Chair Rapozo: Yes, we can do that to expedite it.
Councilmember Kualii.

Councilmember Kualii: Is the County basically just passing on the cost, because we have a vendor that does it for us, right?

Mr. Lister: That is right.

Councilmember Kualii: We have to pay the vendor x amount for each transaction. Are we just passing that on to the individual? Do we tag on anything else?

Ms. Ching: My understanding is that we are like a kiosk. We are passing that on to the individual. At one point during the COVID-19 pandemic, because we were in the process of trying to manage COVID-19 and not have a congregation of people coming in to the Department of Motor Vehicles (DMV), Federal funds were used to pay the ACH costs. At that time, there were quite a number of people who took advantage of it rather than come in to the DMV to pay the taxes in person. Once the moneys were expended, the County had to charge the fee again, so the numbers went down.

Councilmember Kualii: On your recommendation, are you saying you recommend that the County is basically covering that cost?

Ms. Ching: Yes.

Councilmember Kualii: Do you have the numbers of what it would then cost, because I know on the flipside you are also saying that if everyone was to use the online system, you would save on the other side in staff hours and it is a much more streamlined process? In the long run, I think it is better for everyone.

Ms. Ching: We can certainly get more detailed information for you, but what I can tell you is at the time that the Federal funds were used, it was about four hundred thousand dollars (\$400,000).

Councilmember Kualii: Budget is coming up, so I think we should put it in the budget. Thank you, Chair.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: What is the percentage? What is the take on the merchant fee?

Ms. Ching: I do not have those figures for you, but we could certainly get it.

Councilmember Cowden: Typically, I think it is about two percent (2%). We should be able to get a pretty low rate. I know that I walk a check in because of that for pretty much everything, but I am right here.

Council Chair Rapozo: Are there any other questions? We will get the numbers from the Administration before the budget. I am sure this will be a budget discussion, but I will tell you this has been a concern or an issue with many councils I have served with, because the offset or the benefit is you are freeing up employee time. It just makes sense. Thank you for that. Go ahead.

Councilmember Kualii: Process-wise, Chair, I know he is already on page 2 and 3 with this number one issue, but he has not talked about the very first page where it shows the real property assessed notices for the last five (5) fiscal years. I know Ellen corrected the date, which I assumed is what it was, because the data is growing, but you mentioned that the basic goal of the Commission being, "To reduce the cost of county government while maintaining a reasonable level of public services." For the first couple paragraphs, did you take that right out of the language of the creation of the Cost Control Commission?

Ms. Ellen: It is from the Charter.

Councilmember Kualii: The Charter. When it says, "...eliminating, consolidating, or reducing overlapping or duplicate County services and programs," that sort of makes it more specific, so is it your folks' understanding that you are only working to identify overlapping or duplicate County services, and not necessarily the broader goal of reducing the cost of County government, because you did not say anything or make any type of recommendations with regard to the cost of real property taxes and it does jump out in an extreme sort of way to see how from year to year, if you just look at the progression right there from 2018-2019 all the way to 2022-2023, the first year, there is a six point six percent (6.6%) increase, then a seven point seven percent (7.7%) increase, then a one point twenty-five percent (1.25%) increase, which I assume is around the COVID-19 pandemic, so it was not the normal increase...

(Councilmember Kagawa was noted as present.)

Councilmember Kualii: ...but then the final year that we have data for, there is a nineteen percent (19%) increase? That jumps out and I am wondering if the Cost Control Commission has anything to say about that. Maybe you can bring it back to them, but it is not in this report. I tried to look at the next set of data right under that, where it is talking about the real property assessment and the number of properties assessed. Again, in that cycle, it went up zero point fifty-five percent (.55%), zero point fifty-seven percent (.57%), zero point zero three percent (.03%), and finally zero point twenty-five percent (.25%), so the increase in the number of properties was very minimal, so it is not about that increase in revenue collected for real property taxes being about a lot more properties, it is just about everyone paying a lot more, and I am sure it is because of assessed values. I am pretty sure the Council is looking at that in

this budget cycle, with the Chair's leadership, he has been talking about it for a while, but if you bring it back to the Commission, it would be good to hear from them on that. This is just for page 1, Chair. Thank you.

Council Chair Rapozo: What is not on page 1 is what is the Capital Improvements budget, so for the next cycle, I would ask that you folks take a look at that as well. I just want to say that was pretty much a brand-new Commission and I am very impressed with the work that you folks have done in this short amount of time with no roadmap to follow, because it is not that a new commissioner or two was picked up. You, Ellen, basically had to restaff the whole Commission, so I think you all got a ground view of what goes on, how this government...collective bargaining is a big reason why our budgets increase. We know that. I agree with Councilmember Kualii in that we have to start looking at programs and services that are duplicated or maybe are not necessary, or that there are technologies that we have today that could free up resources, so we are not asking for more positions to do things. I appreciate that aspect. It was a very good point.

Councilmember Kualii: That, too, was...I really like this number 1 recommendation, because you are basically addressing the issue of how there are so many vacancies, especially in the Department of Finance, that are hard to fill and if you can reduce the workload with this online service, then maybe some of those positions do not need to be filled, and they perhaps become dollar-funded or eliminated positions in this next budget cycle.

Ms. Ching: Chair, if I may, I just wanted to introduce Alice Luck, who is the Vice Chair of the Cost Control Commission, and I want to thank you for your comments, because this is a very new body. I also want to point out that they have worked very hard and they looked at anywhere from four (4) to six (6) years, because in those past years, you had normal years, but you also have COVID-19 years, and it did not make sense for them to look at just the COVID-19 years, because they were really off, so to look at the big span in all of these areas was a lot of work. I really wanted to recognize them for the work they did. Thank you for bringing that up.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I imagine that when looking at the COVID-19 years, we are looking at that crazy amount of inflation, right? The crazy amount of inflation has been a lot for all of us to handle, so I am sure there was conversation on how that impacted...I am looking at something on page 3, but I should wait to bring up page 3, right?

Council Chair Rapozo: We are on the first recommendation. If there are no other questions on the first recommendation, which is the ACH waiver, then we can move on to the processing of real property taxes.

Mr. Lister: For the first item, we have a number of "in the findings" and I think to Councilmember Kualii's comment, we met with the County Real Property Manager, Mike Hubbard, multiple times. He was gracious enough to meet with us over several months to give us information. Respectfully, the issue you are

addressing of the rise or percentage increase is actually a separate issue and it is not addressed in this. This is really just to address the issue of people bringing in a payment versus paying it online and the benefits with that. We do not have information in this report regarding your question or concern, but we did look at that and there are some specific statistics, because we had similar questions to that and we would be happy to come back and provide more in-depth answers to explain why there was that increase there, but I would say that it was not anything we found that would be a cost savings to the County that should have been included in this report.

Councilmember Kualii: At the risk of stating the obvious, I guess I am just getting at the fact that the increase is so great and that your job is to reduce the County government, so maybe you would recommend that we lower the rates to offset that drastic increase. That is all. I know the Council ultimately has the responsibility and we will be looking at that, but if you, as a body, are looking at the cost of government services and the costs that our taxpayers have to pay that you might come back with that. I am curious. You said you looked at this separately and that you will come back to us.

Mr. Lister: Some of that can be attributable to resorts, so again, that is a broader issue that you folks have to deal with, but I think if we can come back and look at the breakdown of where those increases come from, because you are looking at an aggregate number and not necessarily a number that is associated with the individual parcel holders, our regular community members, and increases to their property taxes, but maybe a change in property taxes to other places which can result into greater revenue from visitors, for instance, who are visiting these larger properties. I think if we can break it down and look, and include Mike Hubbard in those conversations, because no one can explain better than he can.

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: We will have that discussion during the budget meetings.

Mr. Lister: That is perfect.

Council Chair Rapozo: I remember sitting here one year and the Cost Control Commission came with the recommendation to raise the golf fees. That is not the function of the Cost Control Commission.

Mr. Lister: That is correct.

Council Chair Rapozo: It is not to generate revenue. It is simply as stated in the Charter. It is to look for ways that we can cut government spending. The tax rates are set by this body and we will see where that goes when we get to the budget.

Mr. Lister: Okay.

Council Chair Rapozo: Next is your second recommendation relating to the cost of processing real property taxes.

Mr. Lister: This one was an interesting one. If you look at the statistics here, you can see from 2019 and 2020, there were two hundred seventy-four (274) appeals. That dropped to one hundred fifty-nine (159), to three hundred ninety-eight (398) in the following year, to three hundred twenty-eight (328) from 2022 to 2023. I would say it is a reasonable increase and decrease in the number of appeals. It is nothing out of the ordinary from what we found. All of a sudden, from the Fiscal Year 2023-2024, you see that number jumped by over one thousand (1,000) appeals from the previous year, so that caught our attention. What we found is that it had to do with some of the changes that were made in the categorization of property taxes. It appeared confusing to a good number of folks, because you saw such an increase in appeals. There were a number of people who ended up with higher tax bills and they did not really understand why, and that led to the number of disputes that arose over that. Again, that Department only has a certain number of people who are there to be able to address these and they address every single one of these disputes and appeals. Again, our mission to control cost is to help control how much...in some cases, if there is a way to reduce the amount of work that goes to the limited staffing that is available. In this one, the end result we found is if we could be clearer in the tax assessment notices that came out, especially when there were major changes that took place that could result in individuals being able to gain the correct information on their own and come to conclusions on their own without necessarily overburdening the Real Property Collections Division. In this particular recommendation, providing examples, which does not have an added cost, of these new categories of how people are to be taxed and through that example, showing what the new outcome or what they were going to be paying because of these changes, providing something such as, "By going from this category to this category, this is what it means for you," and providing more information to our property owners.

ALICE LUCK, Cost Control Commission Vice Chair: Something that I always keep in mind is that public communication...

Council Chair Rapozo: Could you please state your name?

Ms. Luck: I am sorry. Alice Luck with the Cost Control Commission. Something that I always think about is with public communications, they say it should be at a sixth-grade reading level, so I think it is really challenging to do that with government, with all the jargon that we have, and whatnot, but I think we need to make an effort. As long as it passes muster with legal, we should change some of the jargon to make the information more understandable to people of all educational levels. That is what we found.

Council Chair Rapozo: Mr. Lister, in the number of appeals, were you folks able to get a number of how many of the appeals were resolved? Was that provided to you all?

Ms. Luck: Yes, but I do not have it offhand.

Council Chair Rapozo: Yes, I do not want to put you on the spot.

Mr. Lister: They do go through every single one of those appeals, I do not know what the percentages are, but the majority of those, if not all of them, are either dismissed, rejected, accepted, or in a lot of cases they will come to some mutual resolution on how to resolve that issue. I do not know what the individual...do you remember?

Council Chair Rapozo: We can get that. It is very difficult to win an appeal with the way that statutes are set up, but that is not a cost issue in the sense that it is our issue. One of my suggestions to the Real Property Assessment Division was to send these notices as certified mail when it impacts a change or will impact someone's tax bill. Is that something you folks discussed as an option? I know that adds cost, but like the ACH charges, on the other hand, it frees up so many appeals because we will know what they got their notice, then the defense or the reason for the appeal is, "We did not get the notice."

Mr. Lister: We did discuss the issue of making sure individuals did receive the notice. Again, and you are correct, we cannot recommend anything that would add a cost, but I think Mr. Hubbard's response to that was, "That is a very small amount of individuals who file appeals or say they did not get it."

Council Chair Rapozo: That is because when they filed the appeal...the reason for an appeal is, "I did not get the message," is not an eligible...do you know what I am saying? Everyone who contacts me about issues is the fact that they never received the notice. They cannot file an appeal because I never got the notice. You can only appeal the assessment value or certain things, right?

Mr. Lister: I think that would be a question for Mike.

Council Chair Rapozo: I have already asked him. He says it is too expensive. It is like the ACH recommendation that you did, right? Potentially, that comes with a five-hundred-thousand-dollar cost, but the savings on the backend in staff time is the benefit to the County and I think that definitely falls within the Cost Control Commission.

Mr. Lister: I think you would then have to send out a certified notice to every single property owner on the island of Kaua'i.

Council Chair Rapozo: It is for when their classification changes.

Mr. Lister: When the classification changes?

Council Chair Rapozo: Yes, when it is going to impact them. If it will not change, then...it is for when changes occur in a class.

Mr. Lister: I understand.

Council Chair Rapozo: We will definitely have that question as well during the budget meeting.

Mr. Lister: That could be a good idea.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Was there any consideration on the timing? I do not know how much you look at...I would love to see the paperwork. Is it possible for us to see some of the breakdown because it would help us with our policy? Is there a breakdown that we can see on how or when you are observing this? Did you folks have a spreadsheet or something that you were looking at?

Ms. Luck: We have extensive documents.

Councilmember Cowden: If it is possible, I would like to see it. It might be able to help policy. On timing of when this recommendation for the notification goes out because the time to get that notification is before September, and I think that we give that teaching in December, so by the time December rolls around, it is already too late. Again, this is a policy issue, but so many of this equated to people losing their homes, losing their rentals, or moving out. This was all very difficult. The timing on when it is even proposed, we did a major change then, we dropped in 2019 and it took a couple of years to happen...what was a Residential Investor amount from two million dollars (\$2,000,000) to one million three hundred thousand dollars (\$1,300,000), and then we had heavy inflation in the COVID-19 window, so it was unexpected. That is why we had that problem. We are possibly going to have another problem, because we have profound changes coming up this year, so the example, the timing...did you folks discuss the timing of when to give these recommendations? Okay, because I agree with both of the recommendations, but timing is everything. Knowing you already blew it does not help as much as if you know before you turn in your paperwork in September.

Ms. Ching: One of the things that was presented to the Cost Control Commission was the notification that was sent out this year. That notification went out December 1st, and what became really apparent to the Cost Control Commission is that the notification had great information about all the different types of exemptions, when the due date was, and everything else, but it was a lot of information on one (1) page. That is why you have Vice Chair talking about how that information is presented and the language that is used in the information. When you get a whole front and back, legal-sized page and maybe another page, so you have maybe three (3) pages of documents chock-full of information, it is a lot for people to digest. That is why I believe that the Commission came out with this. If we have it more piecemeal and in bite-sized pieces, maybe it will be more impactful and easier to understand.

Councilmember Cowden: I understand that and agree. I am just saying we need that out three (3) months earlier, probably four (4).

Council Chair Rapozo: We need to do a better job with that notice. It is like the notice you get when you buy a new cellular phone or you rent a car. No one reads it. They just sign it or throw it away, and I think that is happening a lot. Even for those that read it, it is very hard to understand if you are not in that arena.

Ms. Ching: To be fair to the Department and the Division, they are looking at process, and what is efficient and cost-effective for them as well, so one (1) mailing with everything on it, so that is understandable.

Council Chair Rapozo: Again, the cost on the backend in the way of appeals costs money and we have to make it so that people understand. We need to. What does the first thing on the form say? This is not a bill. Guess where mail marked as "This is not a bill" is going? It goes in the rubbish can because I do not need to pay it. I am talking about the general public, not the government workers who are familiar with the real property tax system. I am talking to new homeowners, to a brand-new, young, local family who just bought a house and they get this thing. If they do not understand what each of those...you need to be clear and you need to make sure that it gets to them. Councilmember Cowden.

Councilmember Cowden: Is there any evaluation across departments, too, because when I think about what it costs when we have one thousand four hundred (1,400) appeals, we still have others that do not appeal? How many people lose their houses? Is there any place where corollary goes? Do we have a burst of housing assistance requests? Is there a chart where we look at how our real property tax and inflationary pressures go against displacement, because that is where the real cost is? If we are able to get an extra twenty-six thousand dollars (\$26,000), but we have to pay another five hundred thousand dollars (\$500,000) to build a unit for someone, incarcerate them, or have employees from the Department of Parks & Recreation going down to push them out of the parks, the social impact cost, pressure on drugs...we are going to have a drug conversation...pressure on all of that is a lot more than just losing...and I would also like to see how many assessors we lose, because that is not a fun job either...to go in there, and when we have eight hundred fifty-five (855), because we dropped a bunch of them off, but we still have eight hundred fifty-five (855) before the Board of Review, those folks cannot be out there doing quality assessments, which is really their job. They are in there disappointing a tremendous amount of people who are at risk or have had to toss their tenants. I think to do real cost control effectively, we have to not be so laser focused when we do not look at what the downstream consequences are. Is that against the rules of how the Cost Control Commission works? Can you do that or can you not do that?

Council Chair Rapozo: Let me answer that. It is not against the rules. The Cost Control Commission pretty much has the latitude to do what they want, but as I have said before we started, those types of questions go to the Administration. As far as how many assessors were leaving, that is an Administrative issue. That is a question that we should be asking the Administration.

Councilmember Cowden: Can I respond to that? We do ask it, and we are still asking from department to department, so my understanding and my appreciation of having Cost Control Commissioners...and I learned some of it from the Chair when he was interviewing you...you folks are a check and balance, so if we just look at the two percent (2%)...I think it is about two percent (2%). I think it is roughly that for using the card. We can look at that little thing, that is good, and that is a simple one, but this next one with the instructions really stretches across about three (3) or four (4) different departments in terms of what the consequences are, so if we are only looking

at how many hours are saved, whether people just give up before they try, because that is really when you understand it...you are going to give up before you try...what we really want to do is save stability in our people. If we want to be pragmatic about it and how much money it saves us, it saves us money in multiple departments, so this was the first year, but I am at least bringing it out there that we have to look across departments. When we look at one (1) department at a time, they are trying to get their own *kuleana* together. Their job is to “bring home the bacon”. Their job is not to house all the people who lost their homes.

Council Chair Rapozo: Your recommendation really is to provide more information to taxpayers. Mission accomplished. Our job is to make sure that happens. That is how this system works and that is what we plan to do. It is not like we have not discussed it before. Many times, I know the Administration was very apprehensive for doing these types of things, but that is why we have a Cost Control Commission that comes here. In fact, in the Charter it says the Cost Control Commission sends the legislation across so we debate the bill. I appreciate this. Again, this is year one (1). I love it, I am impressed, and I thank you folks, but the way it should work is along with the report comes a bill which would waive ACH fees, a bill that would require the technology or whatever to better notify. That is how the system would work. Trust me, I think you folks have done more than I expected, and that is a compliment, because this is really a good start, but the power of the Cost Control Commission lies in that ability to send the bill to this body without interference from the Administration and let this body go through the process to determine if it will pass or not. That is the power of this Commission. I look forward to year two (2), if I am here, but I agree with both of these recommendations, and we will take the ball and run with it. We will, and it lands wherever it lands. Councilmember DeCosta.

Councilmember DeCosta: Thank you, Chair, for your leadership. Ellen, you are such an asset to the County and I always try and listen to what you tell us and tell me, and I heard you say it costs a lot of money to do registered mail and that you look at the Administration’s side. I will not disagree, but I know that the most important thing in my family is to pay three (3) big bills. The biggest bill is my property tax, because if I do not pay that, we cannot live on the property. That is every homeowner’s concern. Number two (2) is to pay for the college tuition of my sons, otherwise they cannot attend college. Do you know what just happened on my phone yesterday? I got a text message from Butte College that the financial aid package is ready and you can apply. If you do not want to apply, please reply “Stop” and this message will stop coming to your phone. Otherwise, you will receive a message every couple of days. I also had a phone call from my tax preparer who said, “You have been our tax recipient for the past few years. This is H&R Block, we would like to do your taxes again this year.” The last one was my home insurance. I received a text message that my home insurance is due. How hard is it if the County could get some type of County registered phone number from the real property tax owner and send a text message four (4) months out that says, “Your property tax is due. You have an increase. If you do not want this message, please type ‘Stop.’ If not, we will send you another message in thirty (30) days?” Believe me, they will read that text message. I am just trying to help, right? We need to help each other. We need to help our people and people do not want to pay...I do not mind paying one hundred dollars (\$100) more in property taxes, but if I need to pay five thousand dollars (\$5,000) more in property taxes, then I want to receive that text message early

on so I can figure out how I can cancel my Disneyland trip, buy my wife her birthday flowers, ring, or whatever it is I will buy for her, because I need to put the money towards property taxes. I think that is a solution and I am just throwing it out there.

Council Chair Rapozo: Again, I will repeat that is what they are saying. Their recommendation is to provide more information to taxpayers. In the discussion with the Real Property Assessment Division...I think Jenelle was in that discussion...that did come up and they are checking on the ability of our existing Information Technology (IT) Division or our electronic abilities to determine if we can incorporate sending text messages to the people. I think that is the one, because you are always with your phone; you are not always with your mailbox. Again, that is the beauty of this report. Now we get to see what we can do to make it better. They are exploring text messaging. I think that is a real key part of notifications. Are there any other questions?

Councilmember Cowden: It is at the bottom of page 4 of 5. I will not make it a long question. Where it says, "The Commission reviewed and discussed the following matters," you have a chart of things that you...good job.

(Councilmember DeCosta was noted as not present.)

Councilmember Cowden: I am assuming that you reviewed it, but you picked one (1) item—real property tax—because you felt that is where you could make the most impact, right? You picked one (1) thing that you could handle.

Mr. Lister: That is correct. If we were able to identify cost savings in every single one of these categories that we reviewed, we would have put it in this report. It was not that we were limited to two (2). These were two (2) that we found to be impactful.

Councilmember Cowden: Okay.

Mr. Lister: We were unable to find any specific cost savings, at least in the information we looked at, and found that they were being run efficiently per the information that was provided.

Councilmember Cowden: Okay. Can we have them back at a different time or some other way? I see that you are highlighting important things, like our vacancies. I will just say it. Maybe if we paid people better...I am just saying...that might make a difference. I know that is sort of out of your *kuleana*, but you can still hold that. The expense of disposing abandoned vehicles...we know when we push it up that we need the State to help us with their processes, but I appreciate what you looked at. We go through angst over it.

(Councilmember DeCosta was noted as present.)

Council Chair Rapozo: Year one (1) is done; year two (2) begins. If Councilmembers have any specific items that they want the Cost Control Commission to look at, please send it over to them, because now your work starts over in preparation

for the next year. You folks have a good foundation, you folks have spoken to a lot of people, and I agree, the low-hanging fruit...it is very hard with the time you folks are allotted to go through everything thoroughly, and I appreciate the thorough part of it to make sure that by the time it gets here, it has been pretty much vetted and it is a real cost savings recommendation. Again, if any Member has something they want the Cost Control Commission to look at as it relates to cost savings, duplication, and things like that, please send it over. Councilmember Carvalho.

Councilmember Carvalho: This is a great conversation, but reinforce the need in your recommendation...Chair said it, everyone said it. The more information we can get to our people, the better. That is the bottom line, right? I support whatever makes it more accessible, whatever options come forward, or whatever we can do to support that effort. I think that is a big one right there without getting into all the other things. I look forward to the discussion. Thank you.

Council Chair Rapozo: Are there any other questions for the Cost Control Commission members before we release them?

Councilmember Kualii: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Kualii: Just to confirm on this whole last section, you reviewed and there are all these bullet points of departments or areas, vacancy reports, new positions, are you basically saying, "We looked at all of this and there is nothing there for us to recommend or report on"? You basically told us nothing. You said, "We looked at them all, and it is fine." I am curious as to how you looked at them. Did you have a checklist? Did you have certain things you were looking for? I would have appreciated some sharing of some data. For example, for the bullet point that says, "New positions report," like you shared the dollars expended or anticipated to be collected for real property taxes from year-to-year, maybe you could have shared how many new positions there were in each of those five (5) years and at what cost that was basically added to the budget, because then the reverse of that is what is true, right? If you want to reduce the cost of government, for starters, you have to scrutinize the need for new positions because that is adding costs. The opposite would be true and it would have been good to have at least seen a little bit of data, and maybe on some of these other items as well, some kind of summary data on what you saw and why you have no recommendations, rather than just a whole list.

Council Chair Rapozo: I thought I heard you say earlier that you were not aware that you would be coming to the County Council.

Ms. Ching: That is correct.

Council Chair Rapozo: Again, and that is why I am very mild, because this report was not prepared to be presented at the County Council.

Ms. Ching: That is correct. Again, I will say it is at no fault to the Commission.

Council Chair Rapozo: Right.

Ms. Ching: What I did was use the previous reports as a template and just followed that template. In hearing your feedback, the next report will certainly have a lot more “meat” on it. I would look at this very differently and I would appendix all the information that the Commission receives so that you can see the same information that they received and looked at.

Councilmember Kualii: My thing is just that having a summary report from you wherein you are sharing what is important and it saves us the time from having to go back at...you had five (5) meetings, I am sure you spent hours on it, everyone worked really hard...rather than to read the minutes from those meetings or watch those meetings...I do not know if those are televised, but in a report it would be good to just have the summary. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I will ask again. Can I have whatever you can send me? That just helps me be prepared for the budget. I appreciate the work. I am not scolding, though I agree that next time I really want good information, but I still want the information. If I could look at it, I am the type who is willing to look at it. Shout out to my staff. I have staff now who can help me look at it.

Council Chair Rapozo: When you request something, make sure it is a specific request of what you want to see. They will not send over everything. Be specific of what you want to see.

Councilmember Cowden: Okay, I will do that. I will send it over.

Council Chair Rapozo: If you want to see information on the appeals...

Councilmember Cowden: I want information particularly on the appeals.

Council Chair Rapozo: We can get that from the Real Property Assessment Division. That is where we get it from.

Councilmember Cowden: Okay.

Council Chair Rapozo: Let me just say this, because I am looking at Andre and I know Andre from pre-Commission days. Andre, I know how hard you work and I know how hard this Commission has worked. I get to see Paul Pancho every week at Pop Warner, and he says, “Wow. My God.” Every single bullet point on this “Commission reviewed and discussed the following matters” are bullet points that we, as the County Council, should be looking at as well.

Councilmember Cowden: We do.

Council Chair Rapozo: We cannot expect the Cost Control Commission to do our job. If we have an issue...there is no one more critical on positions than

Councilmember Kualii. This individual takes the budget, takes every single position, and goes to every single department head and asks, "What is the status of this position? Do you need this position?" We have dollar-funded many positions because of his analysis. My point is the Cost Control Commission, again, looks for the duplication of services and cost savings for the County. When you look at new positions, yes, I think I would agree that if there is a new position that is being proposed and it is duplicative of what we already have, I would expect to see it in this report, but again, in year one (1), you folks have the entire County to look at. What one (1) topic has this body heard more complaints about this year than property taxes? We have issues in every department, but the loud and most impacting complaints for me...I speak for myself...was the real property tax, the increases, and how people are having to contemplate whether or not they need to sell their property. Councilmember Kualii pegged it. It is because we collected more from the same people. It is not because we had another one hundred percent (100%) increase in property purchases. The parcel count is pretty much the same. I appreciate the information because these are two (2) measures that we can take relatively quickly. Now it is up to us to have the "grapes" to put it in a bill and put it out to the Mayor to sign into law. I do not want to discourage the Commission, because the last thing I want is to get a notice from Ellen tomorrow saying you now have four (4) more vacancies in the Commission. I am serious, because as I stated when you came for your interview, this is the most important commission as it relates to what we do here on the Council. This is a great start and I am sure you are thinking, "Oh my God, we have different work in the next year," but that is cool.

Ms. Luck: I will take the mittens off.

Council Chair Rapozo: This is great. I think this is exactly the direction that we should be headed.

Councilmember Cowden: Can I reframe my question much more simply? Ellen, is most of the pertinent information that I am asking for present in the minutes? If I went through the minutes, would I find most of that?

Ms. Ching: Can you be more specific about what want?

Councilmember Cowden: I just want to look at the numbers that were looked at. The minutes...can I?

Mr. Lister: To give you an overview, when we request the information, Ellen contacts the department heads saying, "We would like for you to put together reports regarding this specific information," they provide that information back to Ellen, and we get a packet, that is sometimes this thick, to go over for the meeting. It could be Excel Spreadsheets, so going back for five (5) years' worth of information are Excel spreadsheets on legal that you are going through...

Councilmember Cowden: The short answer is no.

Mr. Lister: You will not find it in the minutes, but the information exists.

Councilmember Cowden: I just want to know before I go looking for it. I am hearing that I cannot ask for it.

Council Chair Rapozo: That is not what I said. You continue to...that is not what I said.

Councilmember Cowden: I guess it is because you got cut off.

Council Chair Rapozo: I said, "When you ask, you ask specifically." I did not say, "You do not ask." I also said that if you have questions on appeals, ask the Real Property Assessment Division, not the Cost Control Commission. Their job is done for year one (1). Their job is done. Now, we take these recommendations, we bring the Real Property Assessment Division up here and ask them, based on your appeals...

Councilmember Cowden: Alright. I do it all the time. I do that regularly.

Council Chair Rapozo: I do not like being mischaracterized or misquoted.

Councilmember Cowden: I do not either, so let us let it go.

Council Chair Rapozo: I said, "If you want something that is based on this report or need more information, you send it, but be specific." That is all I said.

Ms. Luck: My recommendation would be to look at the documents and it will require some explanation, so look at the portion of the recording where Mike Hubbard or whoever explains the documents.

Mr. Lister: I would say a lot of the real value and the information that we were able to gain was not necessarily from the documents that we received. Yes, it is in there, but it was the explanation that was given by the expert who appeared in front of us to explain what that information meant. We are happy to send over the spreadsheets or whatever information, but...

Councilmember Cowden: It is fine.

Mr. Lister: I think the value that you will get from it is having a conversation with a department head that can explain what to look at.

Councilmember Cowden: It is fine. Thank you. I have no other questions.

Council Chair Rapozo: Does anyone else have any questions? If not, thank you. Is there anyone in the audience wishing to testify? Mr. Hart.

Mr. Lister: Are we done?

Council Chair Rapozo: You are all done.

Mr. Lister: *Mahalo* for the recommendations. We will be sure to make those changes for the report next year and come with more.

Council Chair Rapozo: Thank you, sir. Thank you for your work.

BRUCE HART: For the record, Bruce Hart. I do not think I have ever seen the Chair so pleased in the whole of Council. From what I have heard...I have not seen the report yet, but I am also pleased. I just want to thank Ellen for helping put together the report and the Chair and Vice Chair for doing such a good job. Any time we can cut costs, any time we can eliminate a repetitive position, all of that is so important. The budget is coming up, it is just around the corner, and I am sure this is going to help. Again, thank you to the Cost Control Commission, the entirety of it, I encourage them to continue, and to Ellen and to the Council, thank you.

Council Chair Rapozo: Is there anyone else wishing to testify? If not, is there any further discussion? Seeing none.

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

The motion to receive C 2024-57 for the record was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: The motion is carried. We will take the caption break now. It will be ten (10) minutes. We will be back at 10:30 a.m.

There being no objections, the meeting recessed at 10:18 a.m., for a caption break.

The meeting reconvened at 10:30 a.m., and proceeded as follows:

(*Councilmember Kagawa was noted as not present.*)

Council Chair Rapozo: Can we have the next item, please?

SPECIAL ORDER OF THE DAY:

Resolution No. 2024-12, Draft 1 – RESOLUTION URGING THE 2024 HAWAII STATE LEGISLATURE TO OPPOSE SENATE BILL 3335, SENATE DRAFT 1, RELATING TO CANNABIS

Councilmember Kualii moved for adoption of Resolution No. 2024-12, Draft 1, seconded by Councilmember Carvalho.

Council Chair Rapozo: This Resolution is back on the agenda. Two (2) weeks ago, we had the Resolution on the agenda. After much discussion and debate, it ended in a three (3) to three (3) vote, because Councilmember DeCosta was traveling. By our rules, the item shows up on the very next Council meeting as the Special Order

Of The Day. I appreciate your patience. We had to take care of other things before we got to this. The Resolution is back on the floor. Before we start the discussion, I made some comments at the last meeting regarding my perception of Attorney General Anne Lopez, copying and pasting this bill together. I think most of you know that sometimes my passion gets the best of me and that happened two (2) weeks ago. I said comments that I should not have said. It was inappropriate because I said, "I guarantee that bill was written by a cannabis lobby." Again, that was the passion overtaking the common sense of my brain. For that, I want to publicly apologize to Ms. Lopez and the Department of the Attorney General, because that was totally inappropriate. I hope that she can forgive me, because, again, in this line of work, you live in a fishbowl and everything you say and do is seen by someone. I am human, I make mistakes, and that is a mistake I wish I could take back, but cannot. For Ms. Lopez and the Department of the Attorney General, I apologize. I will be sending over a written apology as well so she understands that it was something that I should not have said. Councilmember Cowden.

Councilmember Cowden: In that letter, she also highlighted my seconding that it was that way. I want to say we had a really good email back and forth, even at 9:00 at night, and I got really good answers from her, so I want to thank Ms. Lopez for doing a very good job at meeting my concerns. I apologized in my email as well.

Council Chair Rapozo: With that, I will keep my comments short, because I think I said enough at the last meeting, but I did want to add a few more comments that was triggered by the letter that I received from Ms. Lopez at the Department of the Attorney General. I have a couple of slides that I want to share with the public and my colleagues, because I think it is important that when you look at the structure of government, the Department of the Attorney General is the top law enforcement office in the State. Her office participated in the drafting of the bill based on a report that they put together. It was a very thorough report that was submitted to the Legislature as part of the bill debate. She references the report in this. The report is available online, and again, the report was generated and submitted to the Legislature with the bill that the Attorney General drafted. These comments came right out of the letter that she sent to me a few days ago, and I just wanted to read it. It says, "The reason my Department worked so hard on a final draft bill is because any cannabis legalization is fraught with very serious risk." I am glad the Waimea High School students are here today. Thank you for joining us. We will have you folks up in a little bit. I appreciate that you folks are here and I ask you to engage in the discussion. "...any cannabis legalization is fraught with very serious risk." This is coming from the Attorney General. "The Report," that I just mentioned, "...details just some," just some, "of these risks: federal illegality," it is still illegal under federal law, "...the continuation or growth of the illicit market," which I have been talking about for a very long time. Remember, these are not my words. These words are from the Attorney General. "...increased prevalence of driving while high," she did not make this up, this is what the data shows, "...and concerns regarding public health and the protection of children," Attorney General Anne Lopez. "The length of the draft bill," which is over three hundred (300) pages, "...is a function of the care required to combat these dangers as best we can, including by drafting new provisions that will provide law enforcement and prosecutors with tools for addressing high driving," I like the way she said, "high

driving.” It is driving while stoned. “...and increasing criminal penalties,” sorry, Anne, if I misspoke, “...and increasing penalties for those who distribute cannabis to children,” which is in the bill.

She goes on to say, “While I believe Senate Bill (SB) 3335 is well drafted and researched, reasonable, balanced, and focused on protecting the public welfare, the Report makes clear: ‘Experience from our sister states show that there are no easy, surefire solutions to these problems,’” which she talked about in the earlier slide, “...if solutions exist at all.” The Attorney General is saying some of the problems that she mentioned may have no solution. “I do not discount whatsoever those who say that cannabis should not be legalized at this time and agree with much of what is said by those standing in opposition to legalization.” She agrees with most of what we are saying, and she is the Attorney General. Again, this is dated March 12, 2024.

If you go to her report that she references which was submitted to the Legislature, and this is what baffles me the most. She says, “...that the Department does not support the legalization of adult-use cannabis.” I will say that again, because this is the Attorney General of the State of Hawai‘i. “The Department,” not just Anne Lopez, “...does not support the legalization of adult-use cannabis but will not oppose the passage of the final draft bill, as it may be amended, so long as provision intended to protect public safety and public health remain in the bill and provisions unacceptable to the Department are not inserted, as set forth in Section V of this Report.” I do not know how you do that. I do not support the legalization of adult-use cannabis, but she is basically saying she is not going to oppose it. This is where I need to watch my words carefully or I will get another letter. Politics is *pilau* sometimes. This Attorney General has clearly stated that she does not support the adult-use of recreational marijuana. She does not support it, and I agree with her, but she is not going to oppose the bill. I can tell you right now, because I have been on councils for a long time, if I do not like something, I will say I do not like something. I will not not oppose the bill. I will not sit here, say, “Addison, I disagree with you,” and sit back and be quiet. I will tell the world I do not agree with you. This issue is so controversial, and I have never seen anything like this where people are afraid to say what they want to say, on either side. Yesterday, the Ho‘okele Coalition worked to put out a sign waving out here against the legalization of recreational marijuana, and while many people said they would show up, one (1) person besides the Coalition and few Councilmembers showed up. It was weird because so many people said they would come. The reality is this issue makes people afraid. I contacted every single nonprofit organization in this State. I sent them an email with a copy of the Resolution asking for testimony for either side. I want to hear from everyone. Not one (1) organization submitted testimony. Do you know why? I confirmed with two (2) nonprofit organizations. They are afraid that if they stand up and say something, it will impact their funding from the State. Politics is *pilau*. You should be free to stand up and say what you want and it should not impact your funding from the State, but because of that pressure that is being put on our nonprofit organizations that take care of our children...I am not talking about nonprofit organizations in general. I am talking about nonprofit organizations that specifically work with our children, and that is why I am so happy students from Waimea High School are here today, because I do want to hear from you, whether your support it or not. I do not judge and do not hold it against anyone who supports this, the legalization of recreational marijuana, but the fact that the pressure is there for our nonprofit organizations that take care of our

children cannot speak because it will impact their funding from the State, because our Governor supports it. You just heard that our Attorney General does not support it. Four (4) Chiefs of Police do not support it. Let me ask you. Who has boots on the ground? Who are the ones with boots on the ground? I hope we will hear from the Ho'okele Coalition today. Social workers and substance abuse counselors are the ones that I talk to. Do you know why? It is because they are the ones who are impacted by this. If you look at all the testimony that we received, much of the testimony that we received is from the industry, who are the people who stand to gain millions and billions of dollars. That is the testimony we are getting to say, "Yes, we want to make this happen." No offense, I am an entrepreneur, but this is beyond that. This is about the health and safety of our children and our communities. Back in 1974, a similar situation was going on in Congress regarding tobacco. Nicotine. It was interesting, because in 1974, we did not have all the data that we have now on the dangers of nicotine, even though the Surgeon General made it very clear that nicotine was addictive and dangerous. Congress had a similar hearing, they were contemplating what they were going to do with nicotine and the laws that surround tobacco, and they had a hearing. I do not know if any of you saw that hearing. Most of you were not even born. I was ten (10) years old, but I got the video. Can we play that? Listen to this video. You need to turn the volume up really loud, and if we do not have volume today, we will recess this meeting and have IT come over. This happened the last time.

(Video presentation during discussion on Resolution No. 2024-12, Draft 1.)

Council Chair Rapozo: Could you pause it right there? I do not know if you folks can hear that, but this is a congressman saying...on the panel were all of big tobacco's industry leaders. They were all on the panel, and you will see them all. The question was very simple. As the experts, the industry...which is where we are hearing from today—the industry...please tell me yes or no, is nicotine an additive? Go ahead.

(Video presentation continues during discussion on Resolution No. 2024-12, Draft 1.)

Council Chair Rapozo: Congress was wise enough to know that they were all full of crap, but it is like if you bring up all the industry people and only talk to the industry people. What if you brought up all the medical doctors in that hearing in Congress? Do you think the response would be the same? Who would you believe, the medical doctors or the industry? I would believe the medical doctors. I would believe people who have boots on the ground. I would accept the testimony, but when you are looking at the motivations of the organizations or the people who come up and testify like that are probably all billionaires, because they stood to gain financially with easing up on legislation of tobacco. Decades later, we are in the same situation today. I see you shaking your head, and you are free to do so, but the statistics do not lie. The industry will tell you it is safe. The industry will tell you it is not as harmful as alcohol or whatever, and that may be true. The fact of the matter is the medical community is making it very clear. I think the law enforcement community has made it extremely clear. The fact that our people are being suppressed from being able to testify due to the fear that they will not receive funding from the State because our Governor supports it is tragic. It is really tragic. That will be my comments for the day. Again, I hope this Council will support the Resolution, which simply opposes the legalization of

recreational marijuana. They can call it commercial marijuana or adult-use marijuana. It is recreational marijuana, because if this passes, anyone over the age of twenty-one (21) will be able to go to the store and purchase marijuana recreationally. This does not oppose medical marijuana. This Resolution does not oppose the hemp industry. It simply opposes the legalization of recreational marijuana in the State of Hawai'i. I will tell you one thing. All the advocates will come up and tell you that so many states have already passed it. It is inevitable. What they are not telling you is within each state that legalized marijuana...in many of those states they gave counties the opportunity to opt out. This one does not. If this passes, Kaua'i is stuck with it. In the Mainland United States (U.S.), many of the states will allow counties to opt out. If you look at the numbers...and I should have prepared that slide, but the numbers of counties that have opted out of the state legalization laws is staggering. It is sixty percent (60%), seventy percent (70%), so while many states may have legalized it, the majority of the counties have not. Last year, I believe twenty-three (23) or twenty-four (24) states entertained legalization of recreational marijuana, and only five (5) states moved forward, which tells me that the majority of the states, that are in the situation that Hawai'i is in now, said no, because the data is now becoming available. Thank you. Is there any other discussion before we open it up for public testimony?

Councilmember Bulosan: Do you want to have discussion after or before?

Council Chair Rapozo: Is there anything you want the public to know before they testify? I want the public to understand what I just said before they testify.

Councilmember Bulosan: I will go. Thank you, Council Chair, for the proposal of your Resolution and for the opportunity to speak before. I am in favor of legalizing adult-use of recreational marijuana, and I really appreciate the Attorney General (AG) sending that information and all the testimony that has come in, and that we have a group of students from Waimea High School hanging out with us. I think this is a very important discussion. Just based on the idea of understanding how we manage ourselves with substance abuse and what our relationships are with things, I think it is really important for us to have the discussion on it and marijuana allows us to really understand what our relationships are with these things. One of the things the Council Chair brought up is a fear of speaking up, and I feel sad that the other nonprofit organizations and people fear speaking up about this. I felt that same fear when I decided to speak in favor of this, and that the black and brown communities who have been prosecuted for nearly one hundred (100) years that have utilized this as either part of their cultural practices, or part of their adult-use as a substance like sugar or other substances like caffeine. They feared to be prosecuted and they have been prosecuted for a substance that has been put into a categorization that I feel has been unjust over time and I think it is really important. The reason why I am in support of this is because Congress was right. Congress was right to legalize tobacco use for adults and to put necessary restraints and research so that we can understand our relationship with substances. We need an ability in our community to not shy away from these conversations, especially at home and in our community. Every time we swift it under and hide it behind a shield, we run away from the challenges that we all face, and I think it is really important for all substances, fairly, for us to have these conversations, like we do with diabetes and sugar, caffeine and addiction, and alcohol for adults.

(Councilmember Kagawa was noted as present.)

Councilmember Bulosan: Once we decide that this one thing is terrible and hide it, but everything else is okay, we run the risk of increasing all the things that we do not want to see. That goes for just behavior in general. If you are depressed, have anxiety, or have fear, it is actually more important to be open, be vulnerable, talk about it, and be engaged than to hide it and close the conversation. I think that is why this is very valuable, and I really appreciate the Council Chair bringing forth this Resolution, because it allows us to have this discussion so the community can really have it here at the County level, as it is typically not at the County level. I appreciate that the State is bringing it at the State level, because I truly believe this should be addressed at the Federal level, like all the other substances that we experience in our community, but this is part of what the role of government is. It is to engage our community at every level so that we can have these conversations.

Council Chair Rapozo: Even in disagreement, we can still be friends.
Councilmember DeCosta.

Councilmember DeCosta: Thank you, Chair. Thank you, Waimea High School young adults, for coming. Thank you to the person who coordinated this. I believe it was Yvette, Constituent Relations Coordinator for Councilmember Bulosan. Thank you. Thank you, Julia, for being the teacher here with the students. I did not take a position and I will not take a position until I listen to everyone here today. I went to college in Humboldt County in the '80s. It is the biggest pot county in the world. They say the emerald forest is in Humboldt County and it is the best weed in the world, better than what Hawai'i grows. It was illegal back in 1980, when I went to college there. I had all my little stoner friends who could get weed. I was not considered a weed smoker or stoner, but I did not discriminate. They were really good people. In fact, one of my economics professors invited us to smoke a little bit of weed after our final. I did not. I was twenty-three (23) years old and was a senior in college. I did not think it was cool to smoke with my instructor, but there were a few of my friends who did. I did know one thing, though, and I did learn one thing from my instructor. He did not tell us to smoke before the exam. I had that conversation with him. As I look out amongst the students of Waimea High School, I see some athletes. I see a star cheerleader, Mia, in the back, I see a star baseball player...I know your dad's name, but I do not remember one of the twins' names, and I see a couple other athletes. Do you get stoned before you play an athletic game? Do you get stoned before you take an exam? I know I did not and my professor did not let us. Do you know why? It is because it impairs your ability to do your very best. The legacy we will leave behind...which I learned from two (2) of my former students, Sariah and Tamara, who came yesterday to hang with me and Council Chair Rapozo. We were so impressed with the intelligence and these grown up young ladies to be leaders who advocate against it. That taught me something. Yesterday, they told me and Council Chair Rapozo the State will make the decision...and thank you to the Attorney General Anne Lopez. She is our leader and she has a wealth of knowledge, but the two (2) young ladies told us this is the time to leave behind a legacy. Councilmember DeCosta, Council Chair Rapozo, what legacy do you want to leave behind? I remember when you were in the fifth grade and we were on the hiking trail in Kōke'e. I remember what you asked me. You asked, "Uncle Bill, how do you know how to get back of the center? You know the trails like the back of your hand." I

guarantee you that I would not know my way back if I was high on marijuana. With that being said, I will listen to the testimonies today. Before we begin, I want to say one thing. My grandma always asked me, "Why are your folks going to add a little bit of ingredients to my stew? It is perfect. Why do you want to add ingredients to my homemade sweet bread? The recipe is perfect." Folks, Kaua'i is perfect right now. There is no reason to add the legalization of marijuana because the people who smoke still smoke. They can still get it today. I want to listen to everyone today before making my final decision. Thank you.

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

Councilmember Kualii: Yes. I hear both sides, I respect the value of personal freedom and individual rights, but more than that, for me, it is more about the safety of our community and public safety, in general, and also about our young people. For me, the testimony we received last time from the Chief of Police was the most valuable. He did follow up and share it with us in writing. It is about six (6) pages and he has a lot of citations and links of where some of the data comes from, but I did want to share a little bit of that. "A commercialized cannabis industry will result in the expansion of marijuana use, increased criminal activity, and dangerous roadways that will negatively affect our quality of life and impact public safety. The marijuana being ingested today is a powerful, psychoactive, hallucinogenic drug. The marijuana through the '60s and the '80s had a five-percent to ten-percent tetrahydrocannabinol (THC) content, but today, the average marijuana THC content is twenty-five percent (25%) to thirty percent (30%), and it is commonly available and sold at ninety-eight percent (98%) THC. State-sanctioned marijuana sales do not decrease illegal markets. Instead, criminal drug markets flourish." He shared a lot of data and statistics from Las Vegas, Nevada. "The commercialization of marijuana leads to the normalization and proliferation of illegal public marijuana consumption, negatively impacting the quality of life in our parks and our public spaces." In the last point, he says, "The push to commercialized cannabis, 'recreational marijuana' in Hawai'i, is not about legalizing adult marijuana use," and the concern about people being incarcerated. "Hawai'i has already decriminalized enough marijuana for adults to possess up to three (3) to five (5) joints. Few, if any, adults are prosecuted in Kaua'i County for marijuana-related offenses." Thank you, Chair.

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

Councilmember Kagawa: Thank you, Chair. Thank you, Waimea High School students for attending. It is a very controversial issue and I am glad you folks have taken some interest. It is a nationwide issue. Thirty-eight (38) out of fifty (50) states have legalized marijuana for medical use. Twenty-four (24) out of fifty (50) states have legalized marijuana for recreational use, so it is a large portion of the U.S. Half (½) of the U.S. has legalized recreational marijuana. Currently, our State is looking at legalizing marijuana for...how many years have they been looking at it? We have looked at it very strongly for maybe the past five (5) years. Recently, the Senate had a vote on SB 3335, Senate Draft (SD) 2, and the vote was nineteen (19) to six (6) in favor. It has already passed the Senate in whatever version it is in now, and the House of Representatives will be deciding on it soon. If the House of Representatives decides to be in favor of it, it will pass, pending the governor's approval. I think Hawai'i is moving

forward to allowing recreational marijuana. Although it will not go into effect until 2026, I believe, if it passes the House of Representatives, which I think at this point is going to be a close vote, if you are really strongly against it, then I would advise you to make your voices be heard at the House of Representatives, by the Members who are voting on the issue. The Kaua'i County Council has no say in whether it should be legal or not legal for recreation use. Zero (0). We can help influence the Members of the Senate and the House of Representatives just like you can, by telling them why you feel you should either support it or not support it. For myself, I support legalized recreational use of marijuana. My main reason is that I believe that just like alcohol, if the police and Office of the Prosecuting Attorney enforce recreational use of marijuana the same way was alcohol, basically it is the same thing to me. I think alcohol and marijuana are both just as harmful to use, so I believe that if we free up the police's time spent on recreational marijuana, they can spend more of the time and resources on more hardcore drugs, like cocaine, ice, and heroin. I believe those things are far more destructive to families and individuals than recreational marijuana and I think we hear things like, "If we legalize recreational marijuana, you will have a problem controlling the black market." The black market has been here for years, but the black market is controlled by...we have raids where they have big areas or fields of marijuana growing, KPD will go out, and it will continue to happen because the black market will still be considered illegal. The same steps that are taken to control the black market are going to be taken. As far as homes growing black market, it will still be illegal. If a neighbor sees a person with more than six (6) plants, that is already a violation. If you have medical-use, I think you can have up to six (6) plants. There will still be ways of controlling the black market. To me, to make that argument is far from the truth. The black market, in whatever shape and form it is in now, already exists and has existed for the past fifty (50) or sixty (60) years. Let us be real. The movement is here before the State Legislators and the Governor, and a decision will be made. It will not be made in front of this Council, so whatever I feel, whatever citizens from Kaua'i feel, and whatever your parents feel...those comments should be made to the State Legislature, not to the Council, because the Council has no say on this issue. To be honest, it baffles me why we even have this here. It is a waste of our time. Thank you, Chair.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: First of all, I appreciate all of you being here. I think it is a very important discussion. For me, recreational marijuana is something I have a hard time supporting. I think it is all about our youth. That is where I am at with the youth part of it. Some say it is about alcohol. Just because alcohol is already in this movement, why add this to that list? We have a chance to not move forward. There are so many different discussions I have had on a personal note to see how this can continue to affect our youth. That is where I am and why it is hard for me. I know there is this up and down, and back and forth of the different levels of government, from the Attorney General, and all of that. Even the adolescent treatment and healing center we are trying to put together and all of that are discussions I have gone through. I look forward to hearing you speak and hearing some of the discussions, but for now, that is where I am at. It is hard for me to support something we can say "no" to right now. It will affect our youth and the movement forward. That is where I am at, so I look forward to the conversation. Thank you.

Councilmember Cowden: I really want to hear what everyone has to say. I know people have been waiting all day, so I will reserve my comments until the end.

Council Chair Rapozo: Okay. Just before we suspend the rules, I want to explain, especially to the children who are here trying to learn about how the government works. Resolutions are policy statements. They are statements that this body makes to send to the State or Federal government. The Legislature does resolutions that portray their policy statements to the Federal government. Our Resolutions have no power or effect of law, but it is commonly used here on this County Council to send our message to an agency, like the State, to share the Council's position on a particular issue. Councilmember Kagawa is correct. The Resolution does not show the testimonies that we take today, and if you feel one way or the other at the State level, that you should be communicating with your State Representatives and Senators, but this process here is simply to send our policy statement on this body based on the vote to the appropriate agencies. That was geared more to the students in high school. We will take the Zoom testimony first.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The first registered speaker is Wendy Gibson-Viviani, followed by Karen O'Keefe.

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

WENDY GIBSON-VIVIANI: Thank you. Good morning, everyone and thank you for this opportunity. My name is Wendy Gibson-Viviani and I am a nurse. I have been a cannabis nurse advocator and patient advocate for the last ten (10) of my thirty (30) years of living in Hawai'i. I was a member of Hawai'i's Dual Use of Cannabis Task Force back in 2022 and I am a member of Hawai'i Alliance for Cannabis Reform. I think that if we were debating if alcohol should be legal or not, rather than cannabis, alcohol would still be illegal and you would not have the freedom to choose between a glass of wine, a beer, or a cocktail. Any drinking would be illegal and you would be criminalized and stigmatized if you did. Our society has normalized drinking beer that has up to eight percent (8%) alcohol and mixed drinks with up to ninety-six percent (96%), and because alcohol was legalized for adult-use, we have controls on product quality and sales. You know what strength you are getting. We can do the same for cannabis legalization. I think that we can agree that cannabis is less toxic and harmful to the body, less addictive, and less likely to cause violent or reckless behavior than alcohol. Recently, the U.S. Department of Health and Human Services advised the Drug Enforcement Administration (DEA) to take it out of the Schedule 1 drug category and put it into a Schedule 3 category, which is a class that is of less harmful substances. They said that cannabis poses a low-risk threat to public health, that it has less potential for misuse than drugs in the Schedule 1 or 2 lists, and it has legitimate medical use. They also said that a vast majority of people who use cannabis do so in a manner that does not lead to dangerous outcomes to themselves or others, and we can see that this is generally true, not only in the U.S., in the forty-seven (47) states that have allowed it for medical use, or the twenty-four (24) states that allow adult-use, but across the world and in entire countries that have legalized it. I am part of a growing network of healthcare professionals who see potential health benefits from legalization. Data collected from states that legalized showed that when cannabis use goes up, the use of opiates, benzodiazepines, and alcohol goes down, and these are the top three (3)

substances that people are overdosing on every day in the U.S. A reduction of these more harmful substances may lead to less overdose deaths, less drug driving, and less damages to health.

(Councilmember Kagawa was noted as not present.)

Ms. Gibson-Viviani: Legalization could also help expand Hawai'i's medical program, because not all the conditions that cannabis can be used to treat are on our list of qualifying conditions. I personally do not drink alcohol, because I consider it a poison and I try to keep poisons out of my body. I do not consider cannabis to be a poison and as a responsible adult, I should be given the choice of using a product that is safer than alcohol. While this legalization bill is not perfect, we do need to stop criminalizing people who want to use cannabis responsibly, so please do not oppose it. Thank you for this opportunity to testify on this important matter.

Council Chair Rapozo: Thank you very much. Next speaker.

Ms. Fountain-Tanigawa: Karen O'Keefe, followed by Kim Coco Iwamoto.

KAREN O'KEEFE: *Aloha.* My name is Karen O'Keefe and I am the attorney who has worked at cannabis policy for over twenty (20) years at the nonprofit organization Marijuana Policy Project. I urge you to oppose Resolution No. 2024-12. Cannabis prohibition has been a harmful failure that derails lives and puts cannabis consumers, communities, and everyone involved in the cannabis trade at risk. It is only legalization and regulation that allows for things like laboratory testing, potency labels, point of sale education, environmental standards, and even really basic worker protections, like child labor laws and minimum wage laws. Fifty-eight percent (58%) of Hawai'i voters support the legalization and regulation of cannabis and for good reason. While cannabis is not risk-free, it is safer than alcohol, tobacco, and many medications. In the land of the free, adults should not be penalized for using a less harmful substance, which many are using as an over-the-counter medicine. Any risks of cannabis are best addressed by education, product labeling, and sensible regulations, not handcuffs, jail cells and driving all sales underground. More than half of Americans live in states where cannabis is legal. The first of these laws passed over a decade ago, and support has increased, not decreased, and none of the laws have been repealed.

(Councilmember Kagawa was noted as present.)

Ms. O'Keefe: That is because voters have seen that the sky did not (inaudible). Also, I would like to note, correct the record, that no legalization state allows cities or counties to opt out of legalizing possession, in case that was not clear. There are some that allow cities to take a Not In My Backyard (NIMBY) approach to retail sales, but of them, some like where I live in Michigan, allow home delivery, statewide. Some of the more recent legal states, like Maryland, which realized that allowing these local opt outs creates pockets of illegality that perpetuates the illicit market which undermines the benefit of legalization and regulation. To respond to a few of the claims by opponents of legalization, there has been a suggestion that somehow this would hurt young people. We have ten (10) years of data. Teen cannabis use has not increased. The head of the National Institute on Drug Abuse, Nora Volkow,

M.D., testified in the U.S. Senate, “Legalization by some states of marijuana has not been associated with the increase in adolescence marijuana use.” The year after she said that new Centers for Disease Control and Prevention (CDC) data came up that actually a decrease in all but one (1) of the legalization states of teen use. Regarding road safety, there has been a lot of confusion there as well, but if you look at every state before legalization and 2019, which was right before COVID-19, traffic fatality data from the National (inaudible) data, you will see a decrease as a whole, so overall, road fatalities went down post-legalization. There was a suggestion that somehow the illicit market will out-compete the legal market, which is a multi-billion-dollar market now. Surveys have shown that in legal states, only six percent (6%) on average of cannabis users are buying their cannabis from an illegal dealer. The vast majority of them are buying it from legal stores, and those that are still buying it illegally probably are in those pockets of prohibition. Most of the illicit activity that persists in the legal states is cultivation to serve those twenty-six (26) states that still have prohibition, where one hundred percent (100%) of the cannabis that is not medical is illegal. As long as there is demand, there will be a supply. I live in Michigan and we have some border states with Wisconsin, a very, very remote upper peninsula. There are a lot of cannabis businesses doing booming business because people in the prohibition state want legal and regulated cannabis. Prohibition means no control. A 2012 survey, pre-legalization in every state, from Columbia University found that forty percent (40%) of high school children knew a peer who sold cannabis. Only one percent (1%) knew another peer who sold alcohol. Prohibition means that it is high schoolers who are the ones who have the easiest access to cannabis and more often are selling it, and so in a lot of cases, that cannabis is dangerous. It is not regulated, it has heavy metals, it has pesticides that are not safe for human consumption, and in some cases, it even has other drugs that those people would not have voluntarily consumed. Cannabis legalization and only cannabis legalization allows for regulatory control for those stores to check identification (ID) or lose their licenses. It also generates tax revenues that can be used for community needs, and it allows for those other health and safety protections, like potency labels. *Mahalo* for your time and for the opportunity to testify.

Council Chair Rapozo: Thank you so much. For Zoom testimonies, we are allowing them the full six (6) minutes, just so we do not have to connect and reconnect. On Zoom, we will do the six-minute timer.

Ms. Fountain-Tanigawa: Kim Coco Iwamoto, followed by Carrie Ann Shirota.

KIM COCO IWAMOTO: Good morning. Thank you so much, Chair Rapozo, Vice Chair Kualii, and Members of the Council. I am Kim Coco Iwamoto. As some of you may know, I was actually born in Wilcox Memorial Hospital, so it is nice to be back via Zoom. I also founded an organization called the Chamber of Sustainable Commerce a couple of years ago. We have many members who have businesses on Kauai, and we also have many members who are farmers. The reason why I am supporting legalization and why we, as the Chamber, are supporting it is...and I just want to clarify that I am going to testify...I submitted like three (3) testimonies, and I apologize, but I am going to switch hats towards the end. I am going to testify on behalf of the Chamber right now. On behalf of the Chamber, we support it mainly because we want to get ahead of what is happening. I think the writing is on the wall. Governor

Green, who is a physician, already declared on the news that he supports legalizing recreational, responsible adult-use marijuana, so if the Legislature gives him a bill to sign, he will sign it, and he is a physician. If we are going to think about health issues, I would probably follow a physician more than an attorney, even the Attorney General, but our position is about supporting farmers. Every single one of you knows a small farmer on Kaua'i who is producing produce for local consumption. The way the bill is drafted, and this is where it gets distracting, when you are fighting about supporting legalization, opposing legalization, we are missing the boat on what legalizing can do and what will happen. We have an opportunity to make sure that local farmers who are producing food for local consumption get the permit to cultivate marijuana for non-medical commercial use. This could potentially subsidize all of the produce. It is costly. You hear from them all the time how expensive it is to grow produce in Hawai'i for local consumption. They have to compete with imported produce that is made with cheap labor. We have an opportunity to give the first grow permits to local farmers who are already growing. If we do say to them, "You can only grow one (1) acre of marijuana to nine (9) acres of papaya or nine (9) acres of taro," they could subsidize all of those huge expenses of growing produce. We could feed Hawai'i. It could be an amazing opportunity for us to be truly food sustainable. We can get there quicker. We can make sure all of our public schools are being supplied produce that is grown locally. What is happening is even though the AG's proposed bill is so big and massive, what is it hiding? What is it hiding from us to distract us? I feel like right now the way it is written, from what I understand, the dispensaries will get all the permits to grow for non-medical recreational use. That is like giving it to the tippy top, one-thousandth percent (0.001%) of people who should be growing it. We need to diversify. We need to make sure that all the farmers we know have the opportunity to capture these profits to subsidize what they really want to do, which is grow food for their neighbors. I think that we are going to miss an opportunity if we are distracted by all this other stuff. That is from the Chamber. I just want you to really think about this missed opportunity and if we are late to the game on this, and they cut us off, that does not allow for local farmers to grow first, then we are really risking a huge portion of what could happen with our agriculture. Secondly, if I could switch over to now, the fact that I was on the Board of Education for five (5) years. I was intimately involved with the CDC's youth behavioral risk survey that basically the CDC conducts every two (2) years across the nation. I think in my testimony, I gave you folks the link that you folks can go in, play with the data, look at it, and ask questions. What Karen O'Keefe shared, for many states there has been a huge decline, and even in Hawai'i, when you look at where we were...because we surveyed on the question about youth, "Hey, high school students, in the last thirty (30) days, have you used marijuana?" That is a question that they are asked, it is an anonymous survey, and it is asked every two (2) years, so before we even legalized medical marijuana in Hawai'i, we had the survey results, and I think you folks can see that here. Some medical marijuana got legalized in 2000. In 1999, the rates were twenty-four point seven percent (24.7%) of all the high schoolers who took the survey, they said yes, in the last thirty (30) days they used it. In 2005, this is five (5) years after the adults in the room said it is okay to use it medically, it dropped by thirty percent (30%) to seventeen point two percent (17.2%) reported using. They had no reason to lie. It is anonymous. Then...

Council Chair Rapozo: Coco, I am sorry. You need to wrap it up because your six (6) minutes are up, but I will let you wrap it up really quick.

Ms. Iwamoto: I am sorry. I was not sure. Thank you. The other part was that once you legalize regulated dispensaries, it dropped another thirty percent (30%) between 2005 and 2021. Those are the data points. Those are the considerations I would like you to think about. Thank you.

Council Chair Rapozo: Thank you so much.

Ms. Fountain-Tanigawa: Carrie Ann Shirota.

CARRIE ANN SHIROTA: *Aloha* Chair Rapozo, Vice Chair Kualii, and Councilmembers. My name is Carrie Ann Shirota and I am the Policy Director for the American Civil Liberties Union (ACLU) of Hawai'i, a nonpartisan and nonprofit organization dedicated to protecting the civil rights and liberties enshrined in our Federal and State Constitutions. Today, I am submitting testimony in opposition to Resolution. While the ACLU has concerns about the bill, SB 3335, as drafted, we support sensible adult-use cannabis legalization. Before I get into the weeds about our position, I just want to highlight my background. First of all, I want to acknowledge that I am not raised and have not lived on Kaua'i, but I was born and raised on the island of Maui, in a very rural community with pastures and animals and grew up surrounded by family and *'ohana*. I went away to school. I graduated from public school, went away, came back home, and got my law degree, but Maui is still and always will be home, so I share this lens not only in my policy position, but I am also not a lobbyist for the position. I am not getting paid. I am not planning to make money off of it if this legalization bill goes through. Some other hats that I have worn that inform our position here is I have worked previously as an Enforcement Attorney for the Hawai'i Civil Rights Commission, I have worked as Investigator for the U.S. Housing and Urban Development (HUD), I worked for the University of Hawai'i (UH), Maui College, and I previously served as the Director of Maui Economic Opportunity's (MEO's) Reintegration Program, helping men and women who had been convicted of serious and violent felonies transition back into the community to become contributing members of our community, and I can attest that those who committed crimes that fell in that category—serious and violent felonies—none of them were caused by cannabis or marijuana usage. There was often alcohol, methamphetamine (meth), cocaine, other substances, but not cannabis, and also history and exposure to violence in their own homes. Right now, we want to focus on a couple of issues and sort of our position from ACLU, addressing constitutional issues. While we respect the opinion of the Attorney General, we also want to point out that if you look throughout history, there have been times that Attorney Generals and Supreme Courts at the Federal and State level have made decisions that we look back that are erroneous and we said, "How could we even think that?" If we just look to the past, again, slavery, women who are here on the Council could not even vote, a number of us because of the color of our skin would not have civil rights, so we cannot just only look to the AG's opinion, while that should be considered. The right to individual or bodily autonomy is protected by our Federal and State Constitutions in matters of religion, political opinion, reproductive decisions, and the right to consume, whether it is Tylenol, whether it is a cocktail, or in this case, cannabis. Cannabis prohibition law infringes upon the explicit right to privacy, which is enshrined in our Hawai'i Constitution. We provide broader protections than the Federal government. Cannabis prohibition has also led to a host of civil rights infringements, from searches and seizures to civil asset forfeitures of people's property,

and we need to look at the consequences, the collateral consequences of an arrest and conviction record. The Department of the Attorney General just produced data. There are over fifty thousand (50,000) people with cannabis offense arrests in Hawai'i alone, and over ten thousand (10,000) with convictions. What does this mean? This means lifetime barriers to jobs, housing, and other life opportunities. To highlight a story on Kaua'i, there is a law professor who teaches a cannabis class at our law school here and he went with someone on Kaua'i who is a teacher by training, but is not able to get a job because of the fact of his past conviction record. We also want to note that there are racial and ethnic disparities. This war on cannabis has disproportionately impacted Native Hawaiians, Pacific Islanders, Blacks, as well as Filipinos both at the youth and adult level. Criminalization is still occurring. If you look at data from the Attorney General as of 2020, there were five hundred twenty-three (523) persons still arrested for cannabis offenses, which leads to collateral consequences and a lifetime record. This is also a measure of workforce development. The Council for Native Hawaiian Advancement, Appleseed, Economic Justice, a whole host of other organizations that are not profiting off of the industry, but see that there are economic values and that we move away from criminalization. An illegal market means no tax revenue. A legalized market means we can use the tax for special funds to address public education, housing, healthcare, and stop incarcerating people. People who are still in parole or probation can still be reincarcerated for just using cannabis, and I want to point out that we spend ninety thousand dollars (\$90,000) a year to incarcerate one (1) individual, and we spend less than ten thousand dollars (\$10,000) to educate our *keiki*, all of whom are in the room, so we need to step back and look at where we put our investments. Let us invest in data-driven policies. Science has proven there is medicinal purpose for cannabis, and I also want to point out, historically, the Kingdom of Hawai'i did not make cannabis illegal. It was legal and it was mentioned in *'Ōlelo Hawai'i* newspapers in the 1840s. It was only upon American imposition that this became a crime, so we ask that we stop criminalizing, arresting people, and having the collateral consequences and that we invest in data-driven policies. I just want to add, finally, I am a mother to a twelve-year-old, and I know he is of that age where children start possibly, maybe they are tempted, maybe they want to experiment. I teach him and our household not to use alcohol, other drugs, tobacco, but I want to know as a mother that if my child at some point in time and his friends decided to experiment, I would prefer that it is bought from a store, that it is tested versus it being laced with fentanyl that could kill my child and his friends.

Council Chair Rapozo: Thank you. I need to stop you. Your six (6) minutes is up.

Ms. Shirota: I just humbly ask that you take all of these into consideration, including public safety. As a mother, as a Policy Director, thank you so much for the opportunity to testify.

Council Chair Rapozo: We have a question.

Councilmember Cowden: No, I have a point of procedure. I know what we have at least three (3) people who have to fly away and leave within fifteen (15) minutes. Are we able to take testimony of people who come from the beginning?

Council Chair Rapozo: Do we have any other testifiers on Zoom?

Ms. Fountain-Tanigawa: We have no further Zoom testifiers.

Council Chair Rapozo: Are there any registered speakers? Okay. Thank you very much, all of you on Zoom. Could we have the first registered speaker?

Ms. Fountain-Tanigawa: The first registered speaker is Dale Rosenfeld.

DALE ROSENFELD: I would like to give it over to Nico who has to fly out.

Council Chair Rapozo: Who is here that has to fly? Okay. Please state your name, for the record. Again, you will have three (3) minutes. We will deal with the outer island people first. We will let you have your six (6) minutes and then...

CASEY ROTHSTEIN: *Aloha.* Thank you for allowing me to speak to the Council here today. My name is Casey Rothstein. I am not an outer island person. I am a Kaua'i resident. I am the Operator of Kaua'i's medical marijuana dispensary, Green Aloha. I am also a parent of three (3) teenaged daughters—eighteen (18), sixteen (16), and fourteen (14). There is and has been for decades a flourishing recreational market here in Hawai'i and on Kaua'i. That market has been and currently is completely in the hands of the illicit market. These sales are unregulated, untested, and untaxed. The overwhelming majority of cannabis that is sold in the illicit market is not grown here in Hawai'i. It is shipped in from the West Coast. By creating a well-regulated adult-use industry, we can ensure product safety through testing, keep it out of the hands of *keiki* through strict ID requirements for sales as well as educational programs, both of which are in this bill, and create a legal industry for small farmers and legacy growers to build legal businesses on Kaua'i to ensure that the cannabis sold in Hawai'i is grown in Hawai'i. That is important. This industry will also create a much-needed tax revenue for the State of Hawai'i without raising taxes on the citizens of Hawai'i simply by collecting taxes off of sales that have been going on for ages, but are untaxed. Estimates show that a mature industry could generate upwards of one hundred million dollars (\$100,000,000) of taxes. Think about what that could do for the State, again, without raising taxes on residents. Cannabis has proven to be far safer than tobacco that kills nearly five hundred thousand (500,000) people per year in just the U.S. and alcohol that kills almost two hundred thousand (200,000) people per year. As a society, we have chosen to regulate those industries. The individual choice and freedom are part of the foundation of America and of Hawai'i. People should have the freedom to choose cannabis over these more dangerous substances. They should be able to obtain it via a safe and regulated market where they do not have to feel like criminals to purchase. Yes, as many of you have said, it is attainable, but it is stigmatized and you have to go to an illegal source to obtain it if you do not have a medical card. My parents are in their seventies. My father is a doctor. He is retired now, but he was a doctor for over forty (40) years. My mother is a professional. Both of them have smoked cannabis since the '60s, and they have both been great parents and very good professionals. They should not have to feel like criminals to purchase their cannabis. They should not have to go to the street to purchase their cannabis. I would also like to talk about jobs. Many people leave Kaua'i because there is no work here.

There is not enough work here. Many young people in their twenties and thirties want to be in this industry. They have left Hawai'i.

Council Chair Rapozo: Hold on really quick. Hang on. Did you say you are from Kaua'i?

Mr. Rothstein: I have been on Kaua'i for over twenty (20) years.

Council Chair Rapozo: Do you have a flight to catch?

Mr. Rothstein: I do, because the bill is being heard at 2:30 p.m. on O'ahu.

Council Chair Rapozo: Okay. Could you give him his second three (3) minutes?

Mr. Rothstein: Thank you. Many people have left Hawai'i to be in this industry. There are Hawaiians and former Hawai'i residents all over the country now in this industry because they had to leave to do it. Many of them would come back and many of our future workers would not leave if this industry was here. We currently employ over twenty (20) people. With adult-use and with the expansion that could come, we would employ over one hundred (100) people. Good jobs, health insurance, well-paying jobs. We have employees, residents from Kaua'i. Two (2) of our employees bought houses this year because they had good jobs that are on the records that are not an underground, cash-only business, because it is legal. This bill is not a handout to the industry. In fact, there are lots of things about it that we do not like, but it is time to end prohibition. This bill was written by law enforcement. Yes, the Attorney General said she is not in support, but she knows the people are. She knows that way more than fifty percent (50%) of the people of Hawai'i want this to be legalized. Polling has shown that it is close to eighty percent (80%) of people in Hawai'i who wants this legalized. She knows the will of the people will eventually be heard, and the Attorney General from law enforcement is saying that if it is going to be legalized, this bill is how they would like to see it done, because it is a careful, conservative approach to legalization. It opens up licenses for small growers, for legacy growers, and allows for Hawai'i to really build an industry to keep jobs here, to grow our cannabis here, and maybe even someday to export it around the country and even the world to really bring an industry back to Hawai'i. Since sugarcane left, we have not had a real agricultural industry. Cannabis may someday be that industry. Both nationwide and around the world attitudes have changed for this. Some countries have completely legalized it. Eventually, those trade barriers are going to drop and there is going to be an international market. Hawai'i is legendary for its cannabis, and the world is going to want it. We should start building the industry to get ready for it. I must say that when I was in high school, it was way easier for a high school student to get cannabis than it was to get alcohol. To get alcohol, you needed to know someone who was willing to break the law, put their ID out there, buy it, and then come and give it to you. It was way easier because alcohol was legal, regulated, and there were ID requirements. Being illegal is what makes it easily accessible to the youth, because drug dealers do not ID. This bill is not a perfect bill.

There are no perfect bills, but it is a good step in the right direction, and it is time to end this horrible prohibition that has ruined so many lives.

Council Chair Rapozo: I need to stop you there. Did you say when you were in high school, it was easier for the students to...what did you say?

Mr. Rothstein: Cannabis than alcohol. Absolutely. It was way easier, because alcohol was legal and regulated, and you needed to show an ID to buy alcohol, so it was way easier to get it. When you regulate it, make it legal, and make it so the stores have to ID...

Council Chair Rapozo: But you said that the children had to find someone to get an ID.

Mr. Rothstein: That is what I am saying. It was easier to get cannabis, because to get cannabis you did not have to find someone who was over twenty-one (21) to buy it for you. There were dealers happy to sell it to you.

Council Chair Rapozo: Thank you. I got it.

Mr. Rothstein: When it becomes legal and regulated, and as the person from the ACLU said...

Council Chair Rapozo: I need to stop you there.

Mr. Rothstein: ...use goes down. Thank you.

NIKO LEVERENZ: Aloha, Chair and Members. It is nice to be with you again. It was a pleasure to participate in Councilmember Cowden's radio program last week.

Council Chair Rapozo: Could you state your name, please?

Mr. Leverenz: I am Niko Leverenz. I was born and raised on O'ahu. I am with the Drug Policy Forum of Hawai'i where I serve as its board's president. I also work with Hawai'i Health and Harm Reduction Center, the State's oldest and largest acquired immunodeficiency syndrome (AIDS) services organization. I also served on the Dual Use of Cannabis Task Force which issued its final report in December 2022. Just briefly, with respect to higher levels of THC, higher levels of THC in flower and product are not necessarily indicative of increased incidence of use of cannabis use disorder. Also, tested and labeled cannabis products allow consumers to titrate their dosage. In the industry, now you see two point five (2.5) milligram, five (5) milligram, and ten (10) milligram portions. This is going to be especially important for our *kūpuna* who are looking for assistance with their pain management and with their sleep. I was going to talk about road safety a little bit, but because time is short and I do have an airplane to catch, I want to talk about our youth and the impact on youth. Those under the age of twenty-five (25) as well as pregnant women and those with serious mental illness should generally refrain from the use of cannabis, but this does not counsel a prohibition which has a significant negative impact on young people and

families. I have here a handout for the Council indicating the Kaua'i arrest data of juveniles from 2000 to 2020. The criminalization of children is harmful to them, their families, and our communities. Hawai'i already leads the nation in the arrests of school children per a UH analysis in 2021. One (1) in ten (10), mostly for status offenses. Maybe it is lower on Kaua'i. I am not sure. Uniform crime report data regarding youth cannabis possession arrests on Kaua'i indicate a disproportionate impact on Native Hawaiian and Filipino children, and this is in alignment with the overall data on criminal legal system operations including drug law enforcement. You look at the numbers here. The first column is the people who were actually arrested. The other columns are percentages of the total people arrested. Whether it is eighty-eight (88) or twenty-one (21), there is a story behind every child represented in those figures. Criminal legal system involvement disrupts and degrades the important relationships of trust between children and their parents and elders. Criminal legal system involvement supplants parental authority with state authority. If an arrest happens at school, criminal legal system involvement impacts the relationships with teachers and administrators and it lays the foundation for future criminal legal system involvement. A more appropriate response if a child is using cannabis would be a swift and certain therapeutic engagement, whether it be a school counselor or a family counselor. Are they just having fun or is there something else going on there? Continued misrepresentations about the risks associated with cannabis use also erodes young people's trust in authority. When we make overwrought claims, as has been done with the war on drugs, as has been done with the war on cannabis over decades, children do have a bullshit (BS) detector, and they are going to not trust what you have to say otherwise if you are on this. Again, let us present our young people with the skills necessary to make better choices pertaining to their health and wellbeing, and criminalization, including arrests, is not conducive to their health and wellbeing. I thank you for the opportunity to testify before you today.

Council Chair Rapozo: Hang on. I have a couple of questions.

Mr. Leverenz: Sure.

Council Chair Rapozo: Thank you for being here. I was on Councilmember Cowden's show with you and I really appreciate your...you are a cool-headed person.

Mr. Leverenz: Thank you.

Council Chair Rapozo: I have just a couple of questions. This chart that you provided just shows the number of arrests.

Mr. Leverenz: That is correct.

Council Chair Rapozo: In many of the arrests, the children are routed to treatment services.

Mr. Leverenz: Sure.

Council Chair Rapozo: None of the children went to jail.

Mr. Leverenz: Even if they are routed to treatment services, that is sort of a misallocation of resources, because not everyone who is arrested for cannabis possession necessarily needs treatment.

Council Chair Rapozo: That is right, but Hawai'i also decriminalized personal use marijuana, right?

Mr. Leverenz: That is correct.

Council Chair Rapozo: What year was that?

Mr. Leverenz: 2019. That is why we see a bit of a drop in the 2020 figure.

Council Chair Rapozo: Exactly. Where is the data from 2019 to 2024, because I think that is important? I keep hearing prohibition, prohibition, prohibition...

Mr. Leverenz: It is coming.

Council Chair Rapozo: ...but the decriminalization has really dropped the numbers. In fact, at the last meeting here, we heard the Chief of Police saying that they do not even actively go out looking anymore for marijuana personal use. There is no real law enforcement activity on that right now. I am only speaking for Kaua'i.

Mr. Leverenz: Yes.

Council Chair Rapozo: On Councilmember Cowden's show, you said...was it the Drug Policy of Hawai'i?

Mr. Leverenz: It is the Drug Policy Forum of Hawai'i.

Council Chair Rapozo: I think I asked the question, but did you say you could not formally support the bill?

Mr. Leverenz: That is right. Officially, we are offering comments on SB 3335.

Council Chair Rapozo: The Resolution today is opposing the bill, so you are...

Mr. Leverenz: No, it does not just oppose the bill, it opposes any adult-use legalization bill, so that is the basis for our opposition to this measure.

Council Chair Rapozo: The Resolution says, "The State Legislature to oppose SB 3335."

Mr. Leverenz: That and all other bills which promote the legalization of recreational marijuana, which we support.

Council Chair Rapozo: Can the Drug Policy Forum of Hawai'i not formally support the bill?

Mr. Leverenz: Not given its current context.

Council Chair Rapozo: Yes, and I have heard from several speakers that the bill is not perfect.

Mr. Leverenz: That is correct.

Council Chair Rapozo: I need to ask. Would you not rather...and that apparently is the position you folks have taken. "We are not going to formally support it because it is not to where it should be."

Mr. Leverenz: We will continue to advocate for those principles.

Council Chair Rapozo: To make it better.

Mr. Leverenz: Yes, to make it better, whether it passes or not. If it passes, there is going to be a lot of work to do.

Council Chair Rapozo: Okay. Thank you so much.

Mr. Leverenz: *Mahalo.*

Council Chair Rapozo: I appreciate your commentary. Is there anyone from the outer islands or neighboring islands who needs to catch a flight? If not, let us go back to the top of the list.

Ms. Fountain-Tanigawa: Dale Rosenfeld, followed by Alvin "Bino" Castello.

Ms. Rosenfeld: *Aloha.* I am Dale Rosenfeld. Many of you know me for many years. I have lived here for forty (40) years up in Wailua Homesteads. I am an educator. I have been an educator since I was twelve (12) years old and tutored children in elementary school. For the past twenty-five (25) years, I have been a cannabis educator. Why do I call it cannabis, and not marijuana? I hope that some of you have that educational knowledge to know that marijuana is a really derogatory label. It was based on Mexicans coming into America and calling them "*marihuanas.*" It was not a positive comment, so I am here to educate you about cannabis, not marijuana. Facts, statistics can all be subverted to the use of the individual presenting them. While I know that youth use has gone down everywhere that it has become legal...everywhere, up to thirty percent (30%), I am going to tell you a personal story. I had children, hundreds and hundreds of children, who came through my horseback riding program, who I talked to clearly about cannabis. I did not give it to them. I talked to them. I educated them. I wonder how many of you go home at the end of the day and pop a beer, pour or brew a cup of *ava*. Do you then give it to your children? No. It is an adult-use recreational beverage. I go home at the end of the day, and because I consume

edibles...I smoke some, but mostly I consume it as an edible, at seventy (70) years old, I walk three (3) to five (5) to seven (7) miles a day, because the cannabis helps me. I want to see us have what we had five thousand (5,000) years ago, which was cannabis use without regulations. I do not see the need for this County Council to oppose a bill that, first of all, it is just your opinion that you are opposing it. There is nothing legal that you can do at the State level...but to understand that legality is not something that is evil. Thank you.

Council Chair Rapozo: Thank you.

Ms. Rosenfeld: Are there any questions?

Council Chair Rapozo: No. Next speaker, please.

Ms. Fountain-Tanigawa: Alvin "Bino" Castello.

ALVIN "BINO" CASTELLO: *Aloha.* My name is Alvin Castello, but everyone calls me Bino. I was born and raised in Wailua, Kaua'i, my *'ohana* has been in Kilauea, Kaua'i for three (3) generations. I am a trainer and compliance officer for the Green Aloha Dispensary here on Kaua'i. Personally, I am one of the lucky few who currently could make a living in the medical cannabis industry on Kaua'i for the last five (5) years. I believe it is a human right to have access to clean and safe plant medicine from fungi, fruits, vegetables, and herbs, like cannabis flowers and cannabis-derived products, like tinctures, topicals, and edibles. Personally, I use medical cannabis for pain, anxiety, sleep disorder, and to also stimulate my appetite. I tried prescription drugs prescribed by my doctor and most of them had side effects from dizziness, nausea, headaches, upset stomach, rash, and constipation. By eating a healthy diet, exercise, access to clean plant medicine, and having a positive mental attitude, my health and mental health has never been better. I have seen many customers who did the same with debilitating medical conditions like cancer, post-traumatic stress disorder (PTSD), multiple sclerosis (MS), amyotrophic lateral sclerosis (ALS), and severe pain. By slowly trading out their prescription drugs, then transitioning to medical cannabis, a healthy diet, a positive attitude, and exercise, majority of the outcomes are the same—healthier and happy humans. I believe cannabis tax money can fund a variety of things, including healthcare, general State budget, substance abuse and drug education, funding salaries and needs for law enforcement, public schools, and local government. The State of Hawai'i budget needs more revenue and adult-use cannabis can help fund the State. For over two (2) decades, the State of Hawai'i has debated whether to legalize recreational cannabis. We are the last democratic State to legalize cannabis if we do. In my opinion, the longstanding war on drugs has been a failure. Data shows that the State of Hawai'i could possibly bring about three hundred million (300,000,000) in the first few years and could create thousands of jobs in the cannabis industry. People and personal friends are moving out of the State of Hawai'i because they are seeing opportunities in industries elsewhere where they can make a living and raise their *'ohana*.

Council Chair Rapozo: Thank you.

Mr. Castello: I am for access to clean cannabis for medicinal use.

Council Chair Rapozo: Thank you.

Mr. Castello: Thank you for your time. Thank you, Councilmembers.

Council Chair Rapozo: Thank you. Next speaker.

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify who is not registered? Come on up. Again, this Resolution does not oppose medical marijuana. It is just recreational marijuana. Are all three (3) of you coming up?

TAMARA LAWRENCE: Can we?

Council Chair Rapozo: Yes. Each of you has three (3) minutes.

Ms. Lawrence: I will keep this short. My name is Tamara Lawrence. I am a Project Coordinator for Ho'okele Coalition. I am here on behalf of our Coalition, and also as a mother, a community member, a therapist...anything under the sun, basically. Through my experiences in high school, the access to both alcohol and marijuana was there. We could get it at any time, any day, and any hour, basically. I was in a group of friends that would hang out at the Home Depot parking lot. Now, it is more restricted over there, so you probably will not see the children there. We would basically pass a joint around until someone passed out. I feel with this bill being passed, yes, people say that there can be things to happen on the island, like working for a coalition that helps prevention, education, harm reduction and things like that, there can be things done, just like how Tobacco-Free Hawai'i advocates for tobacco use and teaching the children the harms, but truly the youth does not really listen to that. I remember being in high school listening to that and being like, "We are going to do that anyway." I feel even though you can regulate having safe marijuana, regulated marijuana, and everything like that, but when it comes into the hands of the individual, what are they going to do with that? Are they going to resell it? Are they going to lace it? You do not know what each individual will do once it is in their hands. There are a lot of different perspectives on this and I have learned a lot here today, but just sort of looking at it in that perspective of youth-favorable attitudes toward it, our culture. I know when my children look at me doing something, they do the same thing. I ask, "Where did you learn that?" I realize that I was the one who did that. Making this accessible to our children, even if they are home alone like during COVID-19 when a lot of the parents had to work, the children were at home, they were able to find alcohol, able to find parents' vapes sitting around, and they would take it and use it. I hear this a lot from the treatment side of everything and working in the coalition, hearing what the youth have to say. Just thinking about it in that lens of increasing accessibility to the youth. Thank you.

Council Chair Rapozo: Thank you.

SARIAH MAKUAHI: Hello. I am Sariah Makuahi. I am from Wailua, I was born and raised in Kapa‘a, and I am in opposition of legalizing marijuana for a few reasons. I think the main thing is thinking about the example that we set for the children who we are working with. They are looking to us to be examples. Being in prevention and working with local youth, we see that it is a problem that people say marijuana is not addictive. It is. We see it. I have seen it. I have seen it in my family. I have seen it with the children that we work with. It has ruined lives. Even if you prevent just a few children from going down that path, do it. I do not know why you would not. I guess that is the main reason. We, you, or whoever is in a position to make a decision for children who cannot make a decision, yet. There are children sitting in the room. Even though I am sure they have opinions and they should share them, they are still looking at us to protect them, and I hope that you do that. Thank you.

LETICIA RUIZ: I am Letty Ruiz, and I am supporting the coalition. I am a mother of five (5) and a grandmother of three (3). It is important for us to listen, because we have a growing community and I really feel that I want to have my children grow up and stay here on Kaua‘i, and to be safe. Also, I have seen a lot of children who come to...because I am now with the Hale ‘Ōpio Kaua‘i Teen Court, I have seen a lot of offenses that are causing that. That is why I feel like we want to protect our youth here, I want to make them feel safe when they come to me, and redirect their direction right now. We want to have more recreation that can help the children instead of doing this kind...we want to encourage them to be active in things other than using this type of substance that will not be good in the long run. It comes and it starts within us, in the family, and I strongly believe that we should not legalize it just because we want to save the future and the children are our future here. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else who has not registered and would like to speak? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. There has been a lot said and one of the frustrations of participating is, as I have said, I cannot possibly address everything that I have heard, but I, in effect, am in agreement with the last three (3) testifiers. Having chosen to be a Christian minister, I know that there are a lot of children who look up to me. They watch how I live. They watch how I deal with stress, anxiety and anger, and they see me turn to Jesus in any stressful or angry situation. I want to say that the last time I testified I was in one of those and instead I took it out on Councilmember Bulosan, and I want to apologize. Since I did it publicly, I want to apologize publicly, and that is Jesus who encouraged me to do that. I am sorry, Councilmember Bulosan. One of the things I will address is that there seems to be an economic opportunity in legalizing marijuana. A lot of people have said that. I do not think that is justification. I think the social issue is more important. I think the cultural issue and the influence that legalization will have will make it more acceptable, therefore, more easily give in to the temptation for the youth. Let us think about farming. I can tell you that the backyard farmer, I suppose he will have somewhat of a market, but the idea that Hawai‘i is going to become the marijuana producing capitol of the world is, first off, not something that I desire for the State in which I live. I do not want that label. We have enough labels. The other thing is it simply is not true. Asia will produce marijuana or cannabis that is much stronger and much cheaper. I am limited by time so I will say, “Thank you, Council.”

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify who has not registered? Do any of the Waimea High School students? If you could, just state your name for the record.

KAYELEIGH MARTINEZ: Hello. My name is Kayeleigh Martinez, I am from Waimea High School, and I am actually going to be testifying to approve adult-use for marijuana. I do not smoke. I am not of age to smoke, but I do see that there are benefits to it. For example, someone mentioned fentanyl being laced in it. I would rather have people use it legally, not have it laced, and have safer use of it. I am a teenager. I go out. People are always going to try and peer pressure me to do things, but it is all about personal choice. I do think it is more on educating people and students on why they should or should not do something, and it is all about your choice on whether you do it safely or not. We talked to the Mayor earlier, and he talked about how he does not use alcohol because of his own personal choice, and I feel like it should be everyone's personal choice on whether they smoke or not. That is all.

Council Chair Rapozo: Thank you very much. I almost want to give you a hand. It takes a lot of courage to walk up here. There are millions of people watching this live, right now. Is there anyone else? Two (2) can come up, but only one (1) at a time can speak. We will start with you right here in this seat. If you could, state your name.

RALPH PUNZALAN: My name is Ralph Punzalan. I am a senior at Waimea High School and I am personally in favor for it. I am clean, I do not smoke, I do not do drugs and whatnot, but I understand that this bill is basically for people to not be considered a criminal for possessing and using marijuana. There are people who are willing to be responsible about it, but there is a possibility for those to take advantage of these rules and in having this thing be legalized, but then again, it is already integrated into our community however much regulations and rules we put in place. Prohibiting things can make it worse, like what happened in the 1920s and the Prohibition Era when people were led to making moonshine and working in speakeasies. I think the best way to keep up with the possible, inevitable decision of legalizing this thing is to educate younger folks and even adults, in general. From what I have heard, a lot of people are making points that it is better if it is regulated than not knowing where it comes from. If this bill passes, only time will tell whether the decision is for the better or will further damage our community. Thank you.

Council Chair Rapozo: Thank you very much.

Councilmember Cowden: Just for clarity, do you support the Resolution to oppose the bill that supports the freedom?

Council Chair Rapozo: No, I think he said he supports the legalization of marijuana.

Councilmember Cowden: Do you support the legalization?

Mr. Punzalan: Yes.

Councilmember Cowden: Okay, I missed that. I was not sure.

Mr. Punzalan: But it also depends on people's personal choice. Each one of us has the power to refuse it.

Councilmember Cowden: Okay, you support legalization.

Council Chair Rapozo Next.

NOBU YAMAUCHI: Hello. My name is Nobu Yamauchi and I do not support it. I do not think that people who use it are bad people. People use it and they are still good people, but I think that once you start using marijuana, then it can affect what you use later on. Some people call it a gateway drug, and that can be bad. Marijuana is not technically bad, and I think that one of the reasons why you see people, children, or teenagers not use it is because they like the rush. They like to feel that it is illegal and it makes them feel better than if it were not illegal. I think that if children use it, then it is going to make them develop this thinking that they can use it, keep on using it, and it will mess up their brains and things like that when they get to adulthood. Thank you.

Council Chair Rapozo: Do you have a question?

Councilmember Cowden: I am just lost on the words "oppose" and "support."

Mr. Yamauchi: I am opposed to it.

Council Chair Rapozo: He opposes the legalization of marijuana.

Councilmember Cowden: He opposed legalizing marijuana. When you folks speak, if you say, "I oppose legal marijuana," or, "I support legal marijuana," that will help me.

Council Chair Rapozo: Thank you.

Councilmember Kagawa: Good job.

Council Chair Rapozo: Is there anyone else? If not, we will have further discussion.

Ms. Rosenfeld: Can I get a second three (3)?

Council Chair Rapozo: I am sorry?

Ms. Rosenfeld: Can I get a second three (3)?

Council Chair Rapozo: Yes, you can.

Ms. Rosenfeld: Thank you. Dale Rosenfeld again. We have talked a lot about youth. I would also like to talk about *kupuna*. I am seventy (70) years old. For more than fifty (50) years, I have been consuming cannabis. I consume it medically. It keeps my inflammation down, so that I can raise my arms. It keeps my emotions at a level that I can talk to people and not fear that they are going to be angry with me every second as I grew up that way. The idea of being able to access cannabis without the stigma, without worrying that we cannot talk about it because a State agency is going to come down on us, because a Federal agency is going to come down on us, because your aunt, your *tūtū*, cannot get out of bed to go to the dispensary with her own medical card that she paid two hundred fifty dollars (\$250) to a doctor and then had to pay for the medical card to the State. She is the only one who can go into a dispensary with her medical card and obtain legal, clean cannabis. With adult-use recreational cannabis passed, it does not mean that children are suddenly going to use it. It is quite the opposite as we just heard. When it is something that is a gain to them, they are more likely, but for us *kupuna* who are using it, no medical marijuana is not on the table here, but allow people to obtain, to have access, to cannabis without having a medical card, to be able to go and say to a friend, "I need some. I need to be able to sleep. I have not slept in four (4) days because my body is cramping, because I am in so much pain." It is a wonderful thing to not have to have only that same person go to a medical dispensary. I hope that is a little bit of education as well as to why I am in favor of adult-use cannabis. Thank you.

Council Chair Rapozo: Thank you. I apologize for not calling you folks back up. It sounded like you had concluded your testimony. Is there anyone else who wants to speak for a second time?

Mr. Hart: Again, for the record, Bruce Hart. I think that there is some...I do not think it is confusion. This Resolution does not ask for an across-the-board stoppage of the use of marijuana. I, too, am for choice. What I am against is the legalization and the stigma that goes with that. First, I want to thank the Attorney General. I thought it was a very good letter. I have a question. If we make marijuana, if we take it as something that is a natural substance, which it is, and it grows, so you can grow it...I am serious about his question. I would like to know. I know maybe none of you can answer, but I am going to find out. Opium. The opium pod or flower. It is natural. It grows. You take it, you slice the seedpod, and the milk that comes out is what you dry and that is opium. If we base the legalization upon the fact that marijuana is natural, you grow it, can I grow opium then in my backyard? I want to know. I will remind you that everyone should educate themselves on what happened to Portland, Oregon and what they are dealing with right now when they legalized fentanyl. They actually did that. Where is this all going to lead? Are we going to live in a society where just anything is acceptable in regard to this subject if it is based upon the individual's choice? Should we have any regulation at all? If it is the individual's choice, let them do what they want. Thank you.

Council Chair Rapozo: Is there anyone else.

Mr. Castello: Thank you again for giving me this opportunity. My name is Alvin Castello, everyone calls me Bino. I just believe for me this plant has existed from the beginning of time, I believe, because it has genetically

been going back in time. We can trace that. For thousands of years, they have been using this plant. I just want to have access for everyone and have the freedom for that so they can heal themselves in many ways with cannabis. This is just one (1) plant from all the plants that we can utilize to help each other, to make things sustainable, to economics, to health, to mental health. It is all about education and how we can regulate the products that come to us. I believe that alcohol and tobacco are much worse than that, so I just want to have access for everyone to have that freedom to clean medicine, and that is my point. Thank you very much.

Council Chair Rapozo: Thank you. Tamara.

Ms. Lawrence: I am Tamara Lawrence, again. I just sort of wanted to close off by saying “stop being the problem before it starts” is usually the best prevention. With that being said, for those who favor legalization for this bill, are you ready to help coalitions, like ours, in prevention and education? Are you ready to make that commitment because we have been here, we are doing all this work, and it has been hard to get volunteers? It has been hard to get people involved in what we are doing and it sucks. Sometimes, we have three (3) people show up to our meetings. We are working really hard. I am shaking because this holds close to home. It is not just because it is my job, but because it is something we are so passionate about, too. If you are willing, search up our coalition. Be willing to help us and also understand our point of view. Thank you for listening today. I appreciate it.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: You impressed me and Council Chair Rapozo yesterday when we met with you and...

Ms. Lawrence: Sariah.

Councilmember DeCosta: Sariah. I was very impressed. You made a comment and I want you to elaborate on it for me. You said being a mother of three (3), you noticed that your own children learn more from your actions than what you say. I have been a teacher for twenty-three (23) years, and I have taught on the Westside for twenty (20) years. Ten (10) years at the high school, actually. I believe that it is more about what you do than what you say. Educate the people listening today on that comment you made. Why is that so important?

Ms. Lawrence: It goes in a sense of, say, I am eating chocolate at home. I can tell my child, “No, you cannot have chocolate. It is almost bedtime,” but I am eating it. In that sense, it is sort of like if I am smoking marijuana because I can just go and get it whenever I please, that it is going to be okay for my children to do it. Even if you have all of these regulations and restrictions, it might be clean, it might not be laced, or whatever that may be, the youth are still going to have access to it. Of course, it comes down to personal choice and it is what we can do as parents, but not all parents have the ability to say, “These are the effects. You cannot use this until you are twenty-one (21) or when it is legal for you to buy it,” and so forth, and then it comes down to the choice of the youth. I have noticed within my line of work that it is prevalent. These children will go and do it. I do not mean to speak for all of them, because we have

some here who see different views, and those are the children who are educated to know that, “I will not do it. I will not use it,” but at some point, there is some youth that is going to and then it goes to their peers, and youth like to hear from you. I look at in a sense of if there is more access to it, then more youth. We can work, get data, and ask our Kauaʻi youth what that would look like, too, so we are working on getting those numbers.

Councilmember DeCosta: Thank you.

Ms. Lawrence: Thank you.

Council Chair Rapozo: We have a Zoom testifier who only used her first three (3) minutes, so we will bring back Wendy for her second three (3) minutes.

Ms. Gibson-Viviani: Thank you very much. I am a cannabis nurse educator. I have been a member of the Cannabis Nurses Association for ten (10) years and am on their Education Committee. Just last year, the American Nursing Association granted cannabis nurses specialty recognition, so we are currently working on educational programs, mostly for other nurses, to get them certified as cannabis nurses, but it has been my mission for the last ten (10) years to education anyone who will sit still for an hour and wants to learn about how your body produces neurotransmitters that are like cannabidiol (CBD) and THC, and how the chemicals in the plant work on your body. I would be happy to be involved in any educational project that someone wants me to be involved in. I do not charge for my services.

Council Chair Rapozo: Thank you, Wendy. Everyone else had their six (6) minutes. Is there any further discussion? Councilmember Kagawa, I think you had your hand up.

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

Councilmember Kagawa: Thank you. I think the success today was we had three (3) students from Waimea who came up and provided testimony. I think that it is a huge accomplishment for the Council to have an item on when we have high schools attend. We had three (3) of them step up. I think Kauaʻi students generally are shy about coming up, so I applaud you. Thank you for bringing it today. We had one (1) in favor and two (2) against, and the great thing is that all your testimonies, whether they agree with my position or not, it is totally true. We all have different opinions, different upbringing, different experiences with cannabis, and seeing people go through it. Similar to Councilmember DeCosta, I taught for eighteen (18) years at Kapaʻa High School, two (2) years at Chiefess Kamakahahei Middle School, and two (2) years at Waimea High School. That is a long time to be a high school teacher, and I have seen some incidences of cannabis affecting some students with similar problems that the coalition is mentioning, but I think it all comes back down to parenting, support, and in those cases that I have seen, I think it is not rocket science to see why certain students are badly affected by it.

(Councilmember Kualii was noted as not present.)

Councilmember Kagawa: In a lot of cases, it was not just that as well. Like Nobu said, it can be a gateway drug. I think it does not help. Again, if you pick out one (1) incident and you make a decision, it is not a good decision because it is so complicated—our community, our lives. Twenty-four (24) states out of fifty (50) in the United States have approved recreational marijuana. That is huge. Ten (10) or fifteen (15) years ago, there were zero (0). In those years, you have almost half (½) of the United States that have legalized recreational marijuana. It is moving in the direction. Again, it is not our call on the County Council, but I appreciate it, especially the Waimea High School students and Julia who brought them here, because I really appreciate you folks taking an interest in government. We need that. For a better government, we are going to need that in more years to come. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Okay. This heated topic for most people is unusual for me because I feel so neutral towards it.

(Councilmember Kualii was noted as present.)

Councilmember Cowden: My body chemistry does not allow me to engage in any inebriants and I never have, so I speak from inexperience as a personal user. When I arrived at the North Shore of Kaua'i at twenty-one (21) in the early '80s the cannabis or marijuana...you can call it marijuana. I do not see it as a negative word, but the cannabis industry was dominant in our thriving economy. It was really clear in the jobs I worked in and the business I had. After Green Harvest, which was called "Roundup," they rounded up and ended the high prevalence of cannabis...the prevalence of heroin first, and cocaine was sort of in there anyway, but cocaine came much harder, crack for a while, and then methamphetamines, and definitely prescription anti-depressants or people using these prescription drugs that came later off the internet, called Zolly or whatever, when you buy those on the black market. Those took over and it was super evident as a businessperson. We had to basically start locking the bathrooms and we would have needles in the bathroom. People would be overdosing in the parking lot and people were broke because they were not working well and spending all kinds of money. They probably were not broke before because they were making money on the industry. Theft, overdose, dangerous behavior, and community distress became more evident. I used to joke and say I could write a master's thesis on it. Our legal North Shore economy also shifted to real estate sales and vacation rentals right when marijuana, or cannabis, was shut down, so housing displacement started to become really prominent. I am bringing up the North Shore because I did not hang in the rest of the island so much, but it seemed like at least there it was more prevalent. I doubt it was as strong in other areas. Like Councilmember Kagawa, it is uncomfortable, really uncomfortable for me to be forced into a choice of what I consider two (2) unacceptable opportunities. One is SB 3335. It has concerning provisions that may have unintended consequences. Kim Coco's testimony about the local farmers is an example. Criminalizing people between eighteen (18) and twenty-one (21) is another thing that is a little uncomfortable for me. Not a little. It is a lot uncomfortable for me. I do not know why we are going to hurt that particular area. Our current cannabis policies have layers of collateral damage with unwanted consequences. It was said this is the most divisive thing. No, it does not seem like it to me. We have had a deeply

divisive State policy driving fear of testifying. We recently went through three (3) years of a far more contentious difference of opinion on a medical substance, and the experts were inaccurate. I was in that twenty percent (20%) minority, so I continue and I still continue that censorship...you cannot even speak to make a mistake. My temperament is to be a law-abiding citizen. I am ridiculously straight and I struggle to sleep soundly. If cannabis gummies were openly legal, I would consider giving it a try, so I could sleep the night with modest expectations. I do not respond to almost any type of drug, at least not positively, but I would give it a try. As an elected official, I have never even considered the risk of the stigmatization of a medical card. With this type of hair—Italian wild hair—everyone would think I had a problem. They think it even when it is not true. All throughout high school they thought it. Just look at my hair. Most people can drink alcohol or use cannabis responsibly. I want to acknowledge that there is...I definitely watch unhealthy behavior, unhealthy consequences of overuse or wrong use for either party, so I am just acknowledging that is a problem. I do not want to be voting on this, but I have to. It is important. I wish the bill was better.

Council Chair Rapozo:

Is there anyone else? Councilmember DeCosta.

Councilmember DeCosta: I would like to thank all the Councilmembers who are coming out and stating their opinion, because it is huge on them, because really, we did not have to. The Chair took a stance on this and I believe he did it because he cares about the youth, and I believe all seven (7) of us care about the youth. Whether we are for it or against it, I think the youth are at our forefront. I have been hearing a few things from our community, and I want to thank Waimea High School's youth for coming out. You folks are going to be adults soon. I was hoping that all of you would have given a statement. We did not hear it, but it seems like the majority of the room does not support the Resolution. I think there was one (1) who supports it. I think if I asked all of you individually what would you say, I would like to see what your answer was. I do know I am sort of a public figure. I have been a Councilmember. I see my two (2) students out there who I like to think look up to Uncle Bill. Waimea High School students, when I went out there with you folks, what did we do? I did a video on Instagram with that Waimea Runs The Gulch. I remember that you folks wanted to do it with Uncle Bill, because you folks associate me with my idea. I will tell you folks why I believe in this so much. This is a personal story. I am just going to relate with what you said. I have done a few of my videos smoking a cigar while talking about political issues. There are so many children now, even my own sons, who like to smoke cigars because Uncle Bill smokes cigars. That is an example of role modeling. I am not telling you that if the bill passes that having mentors on the side of the street either smoking a joint or taking a Gummi Bear are going to influence our youth, but I do believe that some of that will transpire through this, so as an educator and as a mentor, I am not going to support legalizing marijuana. I am not saying that I do not support the medical card that people have. I do not think that the government does a good job on regulation. I think the government promises a whole bunch of money that they are going to get in taxes, but it never trickles down to what they say they are going to do with the money. I spoke to councilmembers from Colorado and Oregon when we went to Washington, D.C., and asked them what their opinion is. They told me that they honestly wish they did not legalize it. Some of the areas of Portland and some of the areas of Colorado are sort of a circus when you go down to those shops. There are a bunch of stoners hanging around and getting their gummies or joints. It is just not some

place you walk your children to get a bagel or a cup of coffee. I think Kaua'i has a motif of us being an old-school community where we raise our children in a wholesome environment, we go to O'ahu to play a little bit, but we always come back to our little island. I would hate to see our little island change. I am sorry if I offended anyone here today, but I am not going to be supporting the legalization of marijuana, and I will support the Resolution. Thank you.

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

Councilmember Kualii: Primarily, I want to say *mahalo nui loa* to everyone for participating with us and testifying, especially the three (3) Waimea High School students. We heard very compelling and some even emotional testimony from both sides, and this is not an easy issue to vote on. Like I said, basically, there is the personal freedom side and also the public safety side. For me, still, based especially on the testimony from our Chief of Police, I will lean more towards the public safety side. I have just a couple of other points from his testimony, because we heard one (1) testifier say there are different studies that will say different things. She said that the highway safety was better, but from the study provided by the Chief of Police from the University of Illinois, Chicago, on average, recreational marijuana on markets across seven (7) states were associated with a ten-percent increase of motor vehicle accidents, and four (4) of those seven (7) states saw significant increases—Colorado, sixteen percent (16%); Oregon, twenty-two percent (22%); Alaska, twenty percent (20%); and California, fourteen percent (14%)—and that study was from March 28, 2023, University of Illinois in Chicago. The Chief of Police spoke specifically about their issues. He said the increase in gun violence and the expansion of our gun laws in Hawai'i have given many residents grave concerns. In the states that have legalized marijuana, lawsuits and laws have granted daily marijuana users the right to carry firearms in conflict with the Federal law. In New Jersey, one (1) police union is suing a Police Chief for terminating officers who were found to be using marijuana in violation of Federal law and department policy. At least two (2) of the terminated officers have been reinstated. Police officers are tasked with making critical life and death decisions, often with very little time. Allowing police officers, first responders, and our *keiki's* school bus drivers, as an example, to use marijuana daily before coming to work is not a risk that we should take. The last point he said, too, was commercializing cannabis is about creating Big Tobacco 2.0 that will forever change the culture of our community and result in the proliferation and expansion of marijuana use in our public spaces, in our homes, and most importantly, increased marijuana use by our *keiki*. Supporting the commercialization of marijuana is telling our children that smoking marijuana is just a part of growing up.

Council Chair Rapozo: Thank you. Councilmember Carvalho.

Councilmember Carvalho: Yes. I just wanted to thank the students who came up and spoke and *mahalo* for just your presence. It is very important. I just wanted to emphasize that this is not about medical...I know there was the *kūpuna* side that was brought up and the youth side, but the medical marijuana and the hemp is not. This is recreational marijuana. That is the specific part right there. For me, it is about our youth and I have said it before. I appreciate all the discussion. It went back and forth, but just making that statement alone, for me. There are numerous

stories, issues, and concerns that address the youth part of it on a personal note, but at the same time, as a Councilmember, I feel strongly that the recreational marijuana part is hard for me. I appreciate all the discussion and bringing it to the table, and we have gone through numerous outreach opportunities with our Police Department and everyone else, but for me, it is really hard. I think we have to move forward, keep our youth safe, and not offer another option, if you will...that is how I look at it...and then go from there. I appreciate the discussion and thank you folks, again, for being here. *Mahalo*.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I truly appreciate this discussion. It is one of those things where it is super uncomfortable being in support of legalizing something that is illegal. It is just a weird thing, mainly because for about one hundred (100) years we have told that story to the community when thousands of years before it was not that story. You see this often in a lot of communities, especially in indigenous communities where a practice was once a practice, and now becomes an illegal act. One of the things I most appreciate about this, even though it is a Resolution and it is not going to change much, is that we can sit in a room and disagree, and model the behavior of having these discussions. I think that is probably the biggest take away of mine in this discussion. It is that we can sit in a room, not agree on a perspective, and have a civil discussion. I think modeling that to our youth on a topic that can severely affect you folks negatively and positively shows that you can model good behavior, and behavior is part of being shown what is the right thing and what is the wrong thing to do, but most importantly, to have the communication in the process. I think this is one fine example of that. I like to use the example of sugar. Sugar is highly legal. You can get sugar at any age. You can get it right when you are born. You can get it before you are born. We are experiencing this right now, and my wife might not appreciate me sharing this because it is personal information, but we are going through gestational diabetes. My wife is pregnant. It is not because she has a substance abuse of sugar. Sugar is available, but in order for us to understand the ramifications, have these discussions, and make the decisions, we need access to information, we need access to healthcare, and we need access to people who are willing to talk openly about it and have good discussions about it. Unfortunately, we cannot do that safely without being reprimanded socially and legally around cannabis, because it is not legal. That is why I am for Federally legalizing the use of adult-use cannabis, for descheduling it, for allowing us to do the necessary research, like all substances that we had before, to truly understand the ramifications of it and also to make good decisions and model good behavior. Ultimately, that is the conversation that I am loving right now. I love to see the conversation from youth and all the way to *kūpuna* of how we can address these issues without the stigmatization that has been ongoing, especially in the United States and across our communities. If we can have these discussions on all the other categories and difficulties we have, imagine how much better our community would be. Just to have high school students in here to have that type of conversation around something that feels so inappropriate from a lot of people is really important, and we could not have it if we did not have an opposing perspective and that this Resolution was brought up, so I truly appreciate our Chair for bringing this Resolution up, because I never thought I would ever be having this conversation as a Councilmember on this floor, and actually really

love it, because one (1), it pushed me to really understand what the research is out there and understand why I feel the way I feel and change. I changed positions. One thing that I truly understand and that I have not fully understood is how much care we have for our children and why this should be carefully done. That is why I am in support of looking at it in that perspective. Ultimately, my decision is in opposition to this Resolution in hopes that, in the long run, we can change our perspective on this specific substance so that we can manage it properly.

Council Chair Rapozo: Thank you. Is there anyone else? If not, I will wrap it up. Let me give you my background. From nineteen (19) years old, I was a cop. I worked as a police officer from the age of nineteen (19), which is very young to be a cop, and I did that for thirteen (13) years. I cannot tell you how many times I had to deal with issues involving children who had substance abuse issues. From there, I became a private investigator and I cannot tell you how many times that I had to work with parents of children who may have been arrested or gotten into trouble because of drugs. Then I went to work for the Office of the Prosecuting Attorney as an investigator there, and all throughout that entire time I was very active with youth sports and I cannot tell you how many times my ear was there to listen to parents talking about their children. Do you know what the common response was? I am sorry, because there are not enough beds, there are not enough treatment programs. It is sad. I will tell you this, and I do not care what any study...because you can find a study to justify your position, so I will not get into the debate about what was said today. I have my source of information and I rely on that, which I consider valid information, and that is how I make by decision. I will tell you this though, there is no doubt that there is a mental health crisis in our State. No one can dispute that. There are not enough services in this State for our children and for adults who have mental health problems. Honestly, for Kaua'i and the other neighboring islands, it is non-existent. We also know that thirty percent (30%) of people who use marijuana will develop substance abuse disorder, which is addiction. We know that, and I will challenge anyone to show me that data that is not true. I know one (1) of the speakers...I think it was Coco Iwamoto who said the Governor is a physician and he supports it. Our Governor was a physician when he was working in the emergency room (E.R.). He is a politician now. He does not answer to the patients. He answers to the constituents, because Scott Miscovich, M.D., who is a medical doctor and is not an elected office, he is a very good friend of Governor Green, and is also a prescriber of medical marijuana, stands in very opposition to recreational marijuana. He is in the field. He has boots on the ground. He is not a politician. I know she said, "I would rather trust a physician versus the Attorney General." Then listen to a real doctor who is practicing in the field, like Dr. Miscovich, who says strongly and boldly. I suggest you folks watch him and listen to his testimony. I heard a lot today again from the industry about the financial benefit, but, especially for the children, when you get into a position of leadership and decision-making, you need to think beyond money. What is the social impact? What is the cost of social impact? I can show you a study that says for every dollar we receive in marijuana tax revenue, we pay four dollars and fifty cents (\$4.50) in social impact costs. Some would dispute that study, but it is a study that was done. Again, marijuana is decriminalized. Remember, we talked about the data and this chart that Niko provided. I respect him and he is very intelligent, but he cannot formally support the bill, so in essence, he sort of supports the Resolution. He used the data from before

we decriminalized marijuana, so when you look at this you are like, “Oh my God,” but in reality, when we decriminalized marijuana, the number of arrests dropped tremendously. I can sway your opinion right now if I show you this chart, but it is not the...it ends in 2020. It is 2024, and it has been almost five (5) years since marijuana has been decriminalized. In other words, you will not get arrested for personal-use marijuana, but that does not tell that story, so I caution, especially young ones, when you listen to all the data and studies, do your own research. In fact, there was a new study that just came out that said daily users of marijuana have a twenty-five percent (25%) higher chance of getting a hard attack, and I believe it was forty percent (40%) more chance of getting a stroke than people who do not do marijuana. It is not Mel Rapozo’s data. Let us put all the data on the table, not just the one that benefits your position. Again, chasing the money and using the fact that all these other states have done it so we should do it, too, is dangerous. Forty-eight (48) states have legalized gambling. Should we do it? I see Councilmember Kagawa shaking his head. Should we? Are we ready for the social impacts of gambling in Hawai‘i? Do we have the infrastructure in place to address addiction? Forty-eight (48) other states have it. It will generate revenue, but we will generate revenue so we can teach children that gambling is bad. We need to legalize it first, so we can generate revenue. That is backwards. What about prostitution? Now, Councilmember Kagawa says no. What is the difference? It is personal choice. Let the adults do it. We will generate revenue. What would the discussion be today if it was prostitution? Why would that be illegal? You will make sure it is safe. You have medical cards. Girls, you do your thing, and then the guys can come in and do their thing, and we will tax the crap out of them so we can teach the children how bad prostitution is. If we are chasing money, there are a lot of things that we can do. Why not just legalize methamphetamines, right? If money is what we are targeting, we need to consider the social impacts. For our children, if you have not been to Oregon, if you have not walked the streets of Portland, if you have not walked the streets of Denver, Colorado, if you have not walked the streets of Seattle, Washington, go do it, because I can tell you right now, what is difficult for me to accept is that on this beautiful island of Kaua‘i, you walk down Rice Street and you see there is a nectar marijuana store. It is all nice and clean, with a jewelry showcase inside with all the different variations of marijuana. It is perfectly legal for anyone, except the children, of course. Do you think the children will not say, “Uncle, I will give you twenty dollars (\$20). Can you go buy me some weed?” Why are we making it more accessible? Councilmember Cowden made the statement that really sums up my argument. What did she say? She said, “If it was legal, I would give it a try.”

Councilmember Cowden: A Gummi Bear to sleep.

Council Chair Rapozo: I am just saying that regardless of whether it is a Gummi Bear or a joint, my point is this: If we make it legal, it will create more users. For the reason “because it is legal now,” the message that we send to our children, the message that we send to our community...and again, I appreciate the medical marijuana industry. This has nothing to do with medical marijuana. Sir, I know you are looking at me like, “Shut your mouth,” but the bottom line is the medical marijuana is something that...

(Note: From the gallery, the following discussion occurred:

Mr. Castello: I do not feel anything. I am just listening to you. If you are bringing it across like that, I am here. It is *pono*.

Council Chair Rapozo: I appreciate your...

Mr. Castello: I am not picking on anyone.

Council Chair Rapozo: Okay, good. The medical marijuana program is something that this Council...

Mr. Castello: I do not appreciate it.)

Council Chair Rapozo: I apologize for that, but I am just saying this does not talk about or reference medical marijuana at all, so for the *kūpuna* who need the medication, they can get it. For anyone in the public that needs the medical marijuana, this does not impact that. It simply impacts the recreational marijuana. With that, my time is up. Is there any further discussion? Roll call.

The motion for adoption of Resolution No. 2024-12, Draft 1, was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, DeCosta, Kualii, Rapozo	TOTAL – 4,
AGAINST ADOPTION:	Bulosan, Cowden, Kagawa	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: The motion passes.

Council Chair Rapozo: The motion is carried. We need to take a break for lunch, we need to take a caption break. We do have the Waimea High School students here. Councilmember Bulosan, at this time I want to turn it over to you. How are we on the captioner? Can she hang on for about ten (10) minutes? Is anyone in communication with her? We will recess, but will continue filming, because the Waimea High School students have a presentation for us. Go ahead, Councilmember Bulosan.

Councilmember Bulosan: Thank you so much, Chair and Councilmembers. In the interest of time, we are actually going to skip the presentation because their bus is leaving, but I did want to acknowledge Yvette and that they are Kaua'i Community College early college student, so not only are they Waimea High School students, but they are also attending Kaua'i Community College.

Council Chair Rapozo: Do you want to bring someone up? What time is the bus?

There being no objections, the rules were suspended:

YVETTE S. AMSHOFF, Constituent Relations Coordinator: Their bus is leaving at 1:00 p.m., and they want to eat lunch.

Council Chair Rapozo: Before they board the bus?

Ms. Amshoff: We can have them come back for the presentation another time.

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

Council Chair Rapozo: I will tell you what we will do. We will actually make it an agenda item with an update on the school lunch program. Is that okay? Thank you, folks. I am sorry. With that we will break for lunch and we will be back at 1:45 p.m.

There being no objections, the meeting recessed at 12:48 p.m.

The meeting reconvened at 1:45 p.m., and proceeded as follows:

(Councilmember Cowden and Councilmember Kagawa were noted as not present.)

Council Chair Rapozo: Can we have the next item, please?

COMMUNICATIONS:

C 2024-33 Communication (02/01/2024) from the County Engineer, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value.

Councilmember Kualii moved to approve C 2024-33, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion? I think we heard from the Administration last week. Is there any discussion on some of these items?

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

The motion to approve C 2024-33 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Cowden and Councilmember Kagawa were noted as silent (not present), but shall be recorded as an affirmative for the motion).*

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

C 2024-54 Communication (02/18/2024) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$62,830.00, to support funding for the

continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor, and to indemnify the Hawai'i Tourism Authority, from March through December 2024.

(Councilmember Cowden was noted as present.)

Councilmember Kualii moved to approve C 2024-54, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony? Is the Office of Economic Development (OED) here?

Councilmember Bulosan: They were here.

Councilmember Carvalho: She was here.

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

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

The motion to approve C 2024-54 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

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

C 2024-55 Communication (02/20/2024) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$236,881.00, and to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 22-V2-03 (Victim/Witness program) for the period July 1, 2024 through June 30, 2025.

Councilmember Kualii moved to approve C 2024-55, seconded by Councilmember DeCosta.

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

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

Mr. Hart: For the record, Bruce Hart. I just take the opportunity every time this comes up. I have personal experience with the Victim/Witness Program and I am just in support. It is essential. If you become a victim of crime and you have never had that happen before, you need this because it is a very traumatic experience. My Victim/Witness Counselor has always been Marla Torres Lam, and she has become a friend, so I am just in support of this program.

Council Chair Rapozo: Thank you. Is there anyone else in the audience wishing to testify? If not, is there any further discussion on the Office of the Prosecuting Attorney's (OPA's) grant request? This is a reoccurring grant and I also wanted to note that this grant includes the funding for the Young Women's Christian Association (YWCA) Sexual Assault Treatment Program as well as the shelter, which is very critical for our County.

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

The motion to approve C 2024-55 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

C 2024-56 Communication (02/21/2024) from the Chief of Police and Paul N. Applegate, Acting Assistant Chief, requesting Council approval of the indemnification and standard of care provisions contained in the Thales DIS USA, Inc.'s Professional Services Agreement, to be used to access the Hawai'i Law Enforcement Information Retrieval System (HLEIRS) which provides law enforcement with information that helps their investigations.

Councilmember Kualii moved to approve C 2024-56, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony? Is the Kaua'i Police Department (KPD) here?

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

Councilmember Bulosan: They were here.

Council Chair Rapozo: This is just the indemnification agreement. If I am not mistaken, we approved the grant.

Councilmember Cowden: Chair, point of order. I am sorry. I walked up stairs as soon as the door knocked. Did we complete C 2024-33, the records piece that was a big issue last time?

Council Chair Rapozo: We did.

Councilmember Cowden: Did we get an amended list?

Council Chair Rapozo: It was approved as submitted.

Councilmember Cowden: After all that we discussed about it? We had no conversation, I walked up the stairs, and it was a done deal?

Council Chair Rapozo: We requested for public testimony or discussion and there was none.

Councilmember Cowden: Is it finished? Will they throw all those records away?

Council Chair Rapozo: Yes, they have the authority. They do.

Councilmember Cowden: Did you change your position?

Council Chair Rapozo: It was not that I changed my position, but it was very clear that this Council was supportive of the move. We had extensive discussion at the Committee level as well as the Council level.

Councilmember Cowden: I thought we decided “no”?

Council Chair Rapozo: The motion was to defer, and then it was approved last week to get it to the Council. Are they not here? Does anyone need KPD here for this item?

Councilmember DeCosta: No.

Councilmember Carvalho: No.

Council Chair Rapozo: Okay.

The motion to approve C 2024-56 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

C 2024-58 Communication (02/22/2024) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$101,000.00, from the Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant (JAG), to support a 0.50 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kauaʻi Police Department Vice Investigators and focus fifty percent (50%) of their time on methamphetamine and opioid focused prosecution, as well as fringe benefits and office supplies for this position for the anticipated period of July 1, 2024 to June 30, 2025.

Councilmember Kualii moved to approve C 2024-58, seconded by Councilmember DeCosta.

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

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

Mr. Hart: For the record, Bruce Hart. Councilmembers, please bear with me while I try to get this across. Back at the Special Council Meeting

that we just had, I read to you something and it was from the prior year for this grant request. This year, this is the current request from the OPA and it reads, "The Office of the Prosecuting Attorney for the County of Kaua'i estimates that illegal drug use is the driving force behind at least 80% of all crimes committed on Kaua'i. These crimes include drug possession and distribution, theft, traffic crashes, forgery, murder, domestic violence, and other assaults." I think you remember that is what I read last time. My concern is that it seems to stay the same year after year. I want to clarify as I have before, this is not to pick on the OPA or the current Administration. I feel, as I expressed myself at the Special Council Meeting, that I have a deep concern for the current situation with drugs. Considering that we just discussed the resolution by Chair and all the testimony that was given and I am asking with all due respect that someone, some Councilmember, take a look at this and work with the Prosecuting Attorney (PA) and also with KPD. I would like to see some statistics and have an open discussion, like Councilmember Bulosan said about what we just had with the resolution, so that we could come to some kind of understanding of what the problem is or that it appears that we are not making any progress. I have gotten that out. Again, this is not a "got you," or that we are on a witch hunt or anything. An open discussion among all of us so that we can identify the problems, because it does not appear that what we are doing is working. Thank you very much.

Council Chair Rapozo: Thank you. Is there anyone else in the audience wishing to testify? Could Jamie, the Grants Coordinator, come up?

JAMIE SHANKS, Grant Coordinator: Good afternoon. Jamie Shanks, Grant Coordinator for the Office of the Prosecuting Attorney.

Council Chair Rapozo: Thank you for being here. Just for the public's information, Prosecuting Attorney Rebecca Like is ill today. She is ill and could not make it today. She did email me late last night telling me that she was not going to be here. On the "Performance Indicators And Reporting" is that something you must obviously maintain and send back to the granting authorities?

Ms. Shanks: Yes.

Council Chair Rapozo: Do you have that information from last year's grant? It does not need to be available today.

Ms. Shanks: That is something that we report. We do six-month report reviews or progress reports to the AG's office that we can provide to you.

Council Chair Rapozo: Okay. Let us do that. Thank you. Are there any other questions for Jamie? If not, thank you.

Councilmember DeCosta: Thank you for stepping in.

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

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

The motion to approve C 2024-58 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

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

C 2024-59 Communication (02/23/2024) from the Deputy Director of Planning, requesting Council approval to receive and expend funds from the Federal Highway Administration (FHWA) and the Hawai'i State Department of Transportation (HDOT) in the amount of \$544,448.00, and to indemnify the State of Hawai'i, to establish a County Safe Routes to School Program and an Administrator. Funding will also be used for benefits, materials, supplies, and necessary travel expenses for a three-and-a-half-year period, with no local match needed.

Councilmember Carvalho moved to approve C 2024-59, seconded by Councilmember Kualii.

Council Chair Rapozo: Jodi, could you come up? I have a question.

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director: Good afternoon. Jodi Higuchi Sayegusa, Deputy Director of the Planning Director. Here with me is Marie Williams, our long-range division head.

Council Chair Rapozo: Thank you. I have a question, because this is basically a three-and-a-half-year grant. It will fund three and a half (3½) years of the program. Will this be creating a new position at the County, the Administrator?

Ms. Higuchi Sayegusa: That is correct. It is a new position. It will be premised on being temporary. It is a three-and-a-half-year program.

Council Chair Rapozo: Okay, that was my question. Obviously, if the funding stops from the State, the County is not on the hook to continue funding that position.

Ms. Higuchi Sayegusa: Right.

Council Chair Rapozo: Is that one hundred percent (100%) funding of the position?

Ms. Higuchi Sayegusa: It is. Marie is probably the best person to ask on the opportunity, but it is my understanding that it is.

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

Councilmember Cowden: Will that position be in the Planning Department?

MARIE L. WILLIAMS, Planning Program Manager: Yes, the position will be housed in the Planning Department, and it will also be working closely with Michael Moule of the Department of Public Works and his office.

Councilmember Cowden: That person's desk might actually be over there in the Roads Division? That happens sometimes.

Ms. Williams: Yes. We were thinking of doing an arrangement where this person would be directly supervised by someone in the Planning Department, but their office space would be in the Department of Public Works so that they could interact with the engineers and staff of the Department of Public Works.

Councilmember Cowden: Thank you for the breakfast we had the other day, when we were all looking at this process. Do we have a number of schools that are planning to do this?

Ms. Williams: That would be part of the job of the staff person—reaching out to our fifteen (15) public schools and I believe we also have eight (8) to ten (10) private or charter schools, and seeing who is willing and would want to develop a Safe Routes to School (SRTS) Program.

Councilmember Cowden: The reason why I am asking is it sounds like, at some level, we are in the position that person will be prospecting, but I know a lot of these schools sort of already have some ideas. I know at Kapa'a Elementary School, people on the Parent Teacher Student Association (PTSA) have at least spoken about where they think and some roads. The reason I am asking is if we had five (5) waiting in the wings, then in three and a half (3½) years we would maybe have those addressed, and then a few more started. If we are just prospecting, three and a half (3½) years might not be enough time, right, if all of a sudden there are fifteen (15) schools that want it. I was just trying to get a framework to see if we are likely...I am trying to use a sports metaphor...how likely we are going to "get a homerun" when we try and do this. Are we going to complete some projects, because it is not a short process?

Ms. Williams: Yes, that is completely true and I think it might be unrealistic to expect a robust Safe Routes to School Program at all of our schools, but they absolutely would have to prioritize and probably work with those schools that have the greatest need, the most safety concerns, and the parents and teachers who want to be involved.

Councilmember Cowden: My instinct is we would be doing good if we got five (5) schools in three (3) years. Do we have an expectation or any sort of goals?

Ms. Williams: That is part of the requirement of receiving this funding. Once this position is filled, they would have to develop a work plan and submit a progress report every year.

Councilmember Cowden: Did we not set out goals in the application for the grant?

Ms. Williams: Not specific goals. We did indicate that the ultimate goal was to address the safety concerns identified by the schools, and have more students who can safely walk and bike to school.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Is this a grant that you applied for previously?

Ms. Williams: It was not a grant. This is a pot of funding that HDOT had. The money was about to lapse, so they actually reached out to us and said the money could be used specifically for Safe Routes to School.

Councilmember Kualii: Are there grants that could serve the same purpose?

Ms. Williams: Yes.

Councilmember Kualii: Because it says, "Toward the end of the funding period, the County will assess and evaluate the program and if deemed necessary, the County will seek additional SRTS grant funding to continue the program."

Ms. Williams: Yes.

Councilmember Kualii: You already know that there are funds available after three and a half (3½) years that you could be going after if you want to continue the program?

Ms. Williams: I think the assumption is that those funds would continue to be there. I know the other counties have a Safe Routes to School staff person. I think at least two (2) of those positions are funded through grants, and they have been filled for quite a while. I think it is at least five (5) years.

Councilmember Kualii: It is rather important.

Ms. Williams: Yes.

Councilmember Kualii: Thank you. Thank you, Chair.

Council Chair Rapozo: Prior to this funding, has our Safe Routes to School Program, which has been pretty impressive, been done in-house with County funding with internal staff or have we used these types of funds in the past?

Ms. Williams: The County has successfully applied and implemented some Safe Routes to School projects through the Department of Public Works and the assistance of Get Fit Kaua'i's Bev Brody. She helps move along Safe Routes to School Programs, such as the Walk to School Days. This would just enhance our capacity to do Safe Routes to School projects and do all of the legwork needed to do a successful project, such as the outreach to the neighborhood, families, teachers, and the school administration.

Council Chair Rapozo: Has it pretty much been project-based?

Ms. Williams: Yes.

Council Chair Rapozo: Would we decide on a project and then request grant funds for the project versus having a program in place with an administrator?

Ms. Williams: Yes.

Council Chair Rapozo: Will this allow us to have a full-time administrator to explore opportunities across the island?

Ms. Williams: Yes.

Council Chair Rapozo: I understand. Thank you. 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 Cowden.

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

Councilmember Cowden: I just want to thank them for raising their hand for this funding. Kīlauea Elementary School, which is near my house, has a Safe Routes to School. Kōloa Elementary School is another example. If people are listening and they feel like there are dangerous areas...I know Hanamā'ulu has really wanted something for some time. I think they have had some improvements. I think this is a really important way to prioritize some funding and some efforts, so I support what you are doing and I am saying, "Thank you."

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

The motion to approve C 2024-59 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

CLAIMS:

C 2024-60 Communication (02/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by the Estate of Debra Judy McLeod Figuerres and Donald Lindsey by its Personal Representative Stacey Palomar, for loss of life and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-61 Communication (02/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by the Estate of Paul S. Carvalho by its Personal Representative Germaine Solano, for personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2024-60 and C 2024-61 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember DeCosta.

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

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

The motion to refer C 2024-60 and C 2024-61 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2024-03) submitted by the Public Works & Veterans Services Committee, recommending that the following be Approved:

“C 2024-33 – Communication (02/01/2024) from the County Engineer, requesting Council approval to dispose of various records, pursuant to Hawai‘i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value. (*List of various records to be disposed of on file in the Office of the County Clerk.*)”

A report (No. CR-PWVS 2024-04) submitted by the Public Works & Veterans Services Committee, recommending that the following be Received for the Record:

“PWVS 2024-03 – Communication (02/01/2024) from Council Chair Rapozo, requesting the presence of the County Engineer and Kali Watson, Chairman, Department of Hawaiian Home Lands, Hawaiian Homes Commission, to provide an update on the status of the improvements to the Wailua Wastewater Treatment Plant (WWTP) and the Administration’s future plans to relocate the WWTP,”

Councilmember Kualīi moved for approval of the reports, seconded by Councilmember Carvalho.

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

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

The motion for approval of the reports was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua‘i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

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

PLANNING COMMITTEE:

A report (No. CR-PL 2024-01) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2024-01 – Communication (01/31/2024) from Councilmember Cowden, requesting the presence of Leimana K. DaMate, Executive Director, and Leialoha “Rocky” Kaluhiwa, State Chair, Hawai‘i State Aha Moku, to provide a briefing relating to the Ka Pa‘akai Analysis,”

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

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

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

The motion for approval of the report was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: The motion is carried. That concludes today's agenda. If there are no objections, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:05 p.m.

Respectfully submitted,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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